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STATUTORY INSTRUMENTS

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**2016 No. 1105**

**The Pressure Equipment (Safety) Regulations 2016**

**PART 2**

Obligations of economic operators

Distributors

**Duty to act with due care**

**30.** When making pressure equipment or an assembly available on the market, a distributor must act with due care to ensure that it is in conformity with Part 2.

**Requirements which must be satisfied before a distributor makes pressure equipment or assemblies available on the market)**

**31.—(1)** Before making pressure equipment or an assembly referred to in regulation 6 or 7 available on the market, the distributor must verify that—

- (a) the pressure equipment or assembly—
  - (i) bears the CE marking;
  - (ii) is accompanied by the required documents;
  - (iii) the instructions and safety information are in a language which can be easily understood by consumers and other users in the member State in which the pressure equipment or assembly is to be made available on the market;
- (b) the manufacturer has complied with the requirements of regulation 13 (labelling of pressure equipment and assemblies); and
- (c) the importer has complied with the requirements of regulation 23 (information identifying importer).

(2) In paragraph (1)(a)(ii), “required documents” means the documents that the manufacturer or importer is required to provide with pressure equipment or assemblies pursuant to—

- (a) regulation 13 (labelling of pressure equipment and assemblies);
- (b) regulation 23 (information identifying importer);
- (c) regulation 14 or 24 (instructions and safety information); and
- (d) regulation 49 (CE marking).

(3) Where the pressure equipment or assembly is made available on the market in the United Kingdom, the language referred to in paragraph (1)(a)(iii) must be English.

**Storage and transport**

**32.** Where a distributor has responsibility for pressure equipment or an assembly referred to in Regulation 6 or 7, the distributor must ensure that the conditions under which the pressure

equipment or assembly is stored or transported do not jeopardise its conformity with the essential safety requirements.

**Prohibition on making available on the market where pressure equipment or assemblies are not considered to be in conformity with essential safety requirements**

**33.**—(1) Where a distributor considers, or has reason to believe, that pressure equipment or an assembly referred to in Regulation 6 or 7 is not in conformity with the essential safety requirements, the distributor must not make the pressure equipment or assembly available on the market until it has been brought into conformity.

(2) Where the pressure equipment or assembly presents a risk, the distributor must inform the following persons of the risk—

- (a) the manufacturer or the importer; and
- (b) the market surveillance authority.

**Duty to take action in respect of pressure equipment made available on the market which are not in conformity**

**34.**—(1) A distributor who considers, or has reason to believe, that pressure equipment or assemblies which the distributor has made available on the market is not in conformity with Part 2 must make sure that the necessary corrective measures are taken to—

- (a) bring that pressure equipment or assembly into conformity;
- (b) withdraw the pressure equipment or assembly; or
- (c) recall the pressure equipment or assembly.

(2) Where the pressure equipment or assembly presents a risk, the distributor must immediately inform the market surveillance authority, and the competent national authorities of the member States in which the distributor has made the pressure equipment or assembly available on the market, of that risk, giving details of—

- (a) the respect in which pressure equipment is considered not to be in conformity with Part 2; and
- (b) any corrective measures taken.

**Provision of information and cooperation**

**35.**—(1) Following a request from an enforcing authority, and within such period as the authority may specify, a distributor must provide the authority with all the information and documentation necessary to demonstrate that pressure equipment or an assembly is in conformity with Part 2.

(2) The information referred to in paragraph (1)—

- (a) may be provided electronically; and
- (b) must be in a language which can be easily understood by the enforcing authority.

(3) A distributor must, at the request of the enforcing authority, cooperate with that authority on any action taken to—

- (a) evaluate pressure equipment in accordance with regulation 70 (evaluation of pressure equipment or assemblies presenting a risk); or
- (b) eliminate the risks posed by pressure equipment or assemblies which the distributor has made available on the market.