
STATUTORY INSTRUMENTS

2016 No. 1105

The Pressure Equipment (Safety) Regulations 2016

PART 5

Market surveillance and enforcement

EU safeguard procedure

72.—(1) Where another member State has initiated the procedure under Article 40 of the Directive (as amended from time to time), each enforcing authority (other than the Secretary of State) must, without delay, inform the Secretary of State of—

- (a) any measures taken by the enforcing authority in respect of the pressure equipment or assembly which is the subject of the procedure;
- (b) any additional information which the enforcing authority has at its disposal relating to the lack of conformity of the pressure equipment or assembly.

(2) Where another member State has initiated the procedure under Article 40 of the Directive (as amended from time to time), the Secretary of State must, without delay, inform the European Commission and the other member States of—

- (a) any measures taken by an enforcing authority in respect of the pressure equipment or assembly which is the subject of the procedure;
- (b) any additional information which an enforcing authority has at its disposal relating to the lack of conformity of the pressure equipment or assembly; and
- (c) any objections that the Secretary of State may have to the measure taken by the member State initiating the procedure.

(3) Where a measure taken by another member State in respect of pressure equipment or an assembly is considered justified by the European Commission under Article 40(7) of the Directive (as amended from time to time), the market surveillance authority must ensure that appropriate measures, such as withdrawal, are taken in respect of the pressure equipment or assembly without delay.

(4) Where a measure taken by another member State in respect of pressure equipment or an assembly is considered justified by the European Commission under Article 41(1) of the Directive (as amended from time to time), the market surveillance authority must take the necessary measures to ensure that the pressure equipment or assembly is withdrawn from the United Kingdom market.

(5) Where the market surveillance authority has taken action under paragraph (3) or (4), it must notify the Secretary of State.

(6) Where the Secretary of State receives a notice under paragraph (5), the Secretary of State must inform the European Commission of the action taken.

(7) If a measure taken by an enforcing authority pursuant to regulation 71 is considered unjustified by the European Commission under Article 41(1) of the Directive (as amended from time to time), the enforcing authority must withdraw that measure.