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STATUTORY INSTRUMENTS

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**2017 No. 1206**

**The Radio Equipment Regulations 2017**

**PART 2**

Obligations of economic operators

CHAPTER 3

Importers

**Prohibition on placing on the market radio equipment which is not in conformity**

**20.** An importer must not place radio equipment on the market unless it is in conformity with the essential requirements.

**Requirements which must be satisfied before an importer places radio equipment on the market**

- 21.** Before placing radio equipment on the market, an importer must ensure that—
- (a) a relevant conformity assessment has been carried out by the manufacturer,
  - (b) that the radio equipment has been constructed so that it can be operated in at least one Member State without causing an infringement of the applicable requirements on the use of the radio spectrum in the relevant Member State or Member States,
  - (c) the manufacturer has drawn up the technical documentation,
  - (d) the radio equipment—
    - (i) bears the CE marking, and
    - (ii) is accompanied by the information and documents referred to in regulations 13 (instructions and information to be included with the radio equipment) and 14 (information to be included where there are restrictions on putting into service or requirements for authorisation of use),
  - (e) the manufacturer has complied with the requirements set out in regulation 12 (identification of the radio equipment and manufacturer).

**Prohibition on placing on the market radio equipment considered not to be in conformity with the essential requirements**

**22.—(1)** Where an importer considers, or has reason to believe, that radio equipment is not in conformity with the essential requirements, the importer must not place the radio equipment on the market.

(2) Where the radio equipment presents a risk, the importer must inform the manufacturer and the market surveillance authority of that risk.

### **Information identifying importer**

**23.**—(1) Before placing radio equipment on the market, an importer must indicate on the radio equipment—

- (a) the name, registered trade name or registered trade mark of the importer, and
- (b) a postal address at which the importer can be contacted.

(2) The information specified in paragraph (1) must be in a language which can be easily understood by end-users and the competent national authority in the Member State in which it is to be made available to such end-users.

(3) Where it is not possible to indicate the information specified in paragraph (1) on the radio equipment, the importer must indicate that information—

- (a) on the packaging, or
- (b) in a document accompanying the radio equipment.

### **Instructions and safety information**

**24.**—(1) When placing radio equipment on the market, an importer must ensure that it is accompanied by instructions and safety information in a language which can be easily understood by consumers and other end-users in the Member State in which the radio equipment is to be made available to such consumers and other end-users.

(2) Where the radio equipment is being made available to consumers and other end-users in the United Kingdom, the language which can be easily understood by consumers and other end-users is English.

### **Storage and transport**

**25.** Where an importer has responsibility for radio equipment, the importer must ensure that the conditions under which the radio equipment is stored or transported do not jeopardise the radio equipment's conformity with the essential requirements.

### **Monitoring**

**26.**—(1) When appropriate, with regard to the risks to the health and safety of end-users presented by radio equipment, an importer must—

- (a) carry out sample testing of radio equipment made available by the importer on the market,
- (b) investigate complaints that radio equipment made available on the market by the importer is not in conformity with Part 2,
- (c) keep a register of—
  - (i) complaints that radio equipment is not in conformity with Part 2,
  - (ii) radio equipment which is not in conformity with Part 2, and
  - (iii) radio equipment recalls, and
- (d) keep distributors informed of any monitoring carried out under this regulation.

(2) An importer must keep an entry made in the register for a period of at least 10 years beginning on the day on which the obligation to make the entry arose.

### **Duty to take action in respect of radio equipment placed on the market which is considered not to be in conformity**

27.—(1) An importer who considers, or has reason to believe, that radio equipment which they have placed on the market is not in conformity with Part 2 must immediately take the corrective measures necessary to—

- (a) bring the radio equipment into conformity,
- (b) withdraw the radio equipment, or
- (c) recall the radio equipment.

(2) Where the radio equipment presents a risk, the importer must immediately inform the market surveillance authority, and the competent national authorities of any other Member State in which the importer made the radio equipment available on the market, of the risk, giving details of—

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

### **Retention of technical documentation and EU declaration of conformity**

28. An importer must, for a period of 10 years beginning on the day on which the radio equipment is placed on the market, upon request, make available to an enforcing authority the following in relation to radio equipment—

- (a) a copy of the EU declaration of conformity, and
- (b) the technical documentation.

### **Provision of information and cooperation**

29.—(1) Further to a reasoned request from an enforcing authority or a competent national authority of another Member State, an importer, within such period as the authority may specify, must provide the authority with all the information and documentation necessary to demonstrate that the radio equipment is in conformity with Part 2.

(2) A request referred to in paragraph (1)—

- (a) may only be made during the period of 10 years beginning on the day that the importer places the radio equipment on the market, and
- (b) must be accompanied by the reasons for making the request.

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

- (a) may be provided in electronic form, and
- (b) must be in a language which can be easily understood by the authority concerned.

(4) An importer must, at the request of the enforcing authority or the competent national authority, cooperate with the authority on any action taken to—

- (a) evaluate radio equipment in accordance with regulation 59 (evaluation of radio equipment presenting a risk),
- (b) eliminate the risks posed by radio equipment which the importer has placed on the market.

**Status:**

Point in time view as at 26/12/2017.

**Changes to legislation:**

There are currently no known outstanding effects for the The Radio Equipment Regulations 2017, CHAPTER 3.