

STATUTORY INSTRUMENTS

**2017 No. 1206**

**The Radio Equipment Regulations 2017**

**PART 2**

Obligations of economic operators

CHAPTER 4

Distributors

**Duty to act with due care**

**30.** When making radio equipment 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 radio equipment available on the market** **E+W+S**

**31.**—(1) Before making radio equipment available on the market, the distributor must verify that—

- (a) the radio equipment—
  - (i) bears the [<sup>F1</sup>UK] marking,
  - (ii) is accompanied by the required documents,
  - (iii) is accompanied by instructions and safety information [<sup>F2</sup>which are clear, legible and in easily understandable English],
- (b) the manufacturer has complied with the requirements set out in—
  - (i) regulation 8 (construction must allow operation [<sup>F3</sup>without infringement of requirements]),
  - (ii) regulation 12 (identification of the radio equipment and manufacturer),
  - (iii) regulation 13 (instructions and information to be included with the radio equipment),
  - (iv) regulation 14 (information to be included where there are restrictions on putting into service or requirements for authorisation of use), and
- (c) the importer has complied with the requirements set out in regulation 23 (information identifying importer).

<sup>F4</sup>(2) .....

(3) In paragraph (1)(a)(ii), “required documents” means any documents that are required to be provided pursuant to regulations 12(4), 14 and 23(3).

#### Extent Information

- E1** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only
- F1** Word in reg. 31(1)(a)(i) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 29 para. 24(a)** (with Sch. 29 para. 44) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in reg. 31(1)(a)(iii) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 29 para. 24(b)** (with Sch. 29 para. 44) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in reg. 31(1)(b)(i) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 29 para. 24(c)** (with Sch. 29 para. 44) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F4** Reg. 31(2) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 29 para. 24(d)** (with Sch. 29 para. 44) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

#### Requirements which must be satisfied before a distributor makes radio equipment available on the market **N.I.**

**31.—**(1) Before making radio equipment available on the market, the distributor must verify that—

- (a) the radio equipment—
- (i) bears the CE marking,
  - (ii) is accompanied by the required documents,
  - (iii) is accompanied by instructions and safety information in a language which can be easily understood by consumers and other end-users in the [<sup>F9</sup>relevant state] in which the radio equipment is to be made available on the market,
- (b) the manufacturer has complied with the requirements set out in—
- (i) regulation 8 (construction must allow operation in at least one [<sup>F9</sup>relevant state]),
  - (ii) regulation 12 (identification of the radio equipment and manufacturer),
  - (iii) regulation 13 (instructions and information to be included with the radio equipment),
  - (iv) regulation 14 (information to be included where there are restrictions on putting into service or requirements for authorisation of use), and
- (c) the importer has complied with the requirements set out in regulation 23 (information identifying importer).

(2) Where the radio equipment is to be made available to consumers and other end-users in [<sup>F10</sup>Northern Ireland], the language which can easily be understood is English.

(3) In paragraph (1)(a)(ii), “required documents” means any documents that are required to be provided pursuant to regulations 12(4), 14 and 23(3).

#### Extent Information

- E4** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

- F9** Words in reg. 31 substituted (N.I.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112), reg. 1(b), **Sch. 16 para. 3(11)(a)**
- F10** Words in reg. 31 substituted (N.I.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112), reg. 1(b), **Sch. 16 para. 3(11)(b)**

### **Prohibition on making available on the market where radio equipment not considered to be in conformity with the essential requirements**

**32.**—(1) Where a distributor considers, or has reason to believe, that radio equipment is not in conformity with the essential requirements, the distributor must not make the radio equipment available on the market.

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

- (a) the manufacturer or, where appropriate, the importer, and
- (b) the market surveillance authority.

### **Storage and transport**

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

### **Duty to take action in respect of radio equipment made available on the market which is not in conformity E+W+S**

**34.**—(1) A distributor who considers, or has reason to believe, that radio equipment 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 radio equipment into conformity,
- (b) withdraw the radio equipment, or
- (c) recall the radio equipment.

(2) Where the radio equipment presents a risk, the distributor must immediately inform the market surveillance authority <sup>F5</sup>... of that 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.

#### **Extent Information**

- E2** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only
- F5** Words in reg. 34(2) omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 29 para. 25** (with Sch. 29 para. 44) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

### **Duty to take action in respect of radio equipment made available on the market which is not in conformity** **N.I.**

**34.**—(1) A distributor who considers, or has reason to believe, that radio equipment 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 radio equipment into conformity,
- (b) withdraw the radio equipment, or
- (c) recall the radio equipment.

(2) Where the radio equipment presents a risk, the distributor must immediately inform the market surveillance authority, and the competent national authorities of the other [<sup>F11</sup>relevant states] in which the distributor has made the radio equipment available on the market, of that 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.

#### **Extent Information**

- E5** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only
- F11** Words in [reg. 34\(2\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 16 para. 3\(12\)](#)

### **Provision of information and cooperation** **E+W+S**

**35.**—(1) Further to a reasoned request from an enforcing authority <sup>F6</sup>..., a distributor, 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 on which the radio equipment was made available 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 [<sup>F7</sup>enforcing authority].

(4) A distributor must, at the request of the enforcing authority or <sup>F8</sup>..., 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), and
- (b) eliminate the risks posed by radio equipment which the distributor has made available on the market.

#### **Extent Information**

- E3** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

- F6** Words in reg. 35(1) omitted (E.W.S.) (31.12.2020) by virtue of *The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019* (S.I. 2019/696), reg. 1, **Sch. 29 para. 26(a)** (with Sch. 29 para. 44) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in reg. 35(3)(b) substituted (E.W.S.) (31.12.2020) by *The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019* (S.I. 2019/696), reg. 1, **Sch. 29 para. 26(b)** (with Sch. 29 para. 44) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F8** Words in reg. 35(4) omitted (E.W.S.) (31.12.2020) by virtue of *The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019* (S.I. 2019/696), reg. 1, **Sch. 29 para. 26(c)** (with Sch. 29 para. 44) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

### Provision of information and cooperation **N.I.**

**35.—(1)** Further to a reasoned request from an enforcing authority or a competent national authority of another [<sup>F12</sup>relevant state], a distributor, 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 on which the radio equipment was made available 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) A distributor must, at the request of the enforcing authority or a competent national authority of another [<sup>F12</sup>relevant state], 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), and
- (b) eliminate the risks posed by radio equipment which the distributor has made available on the market.

#### Extent Information

- E6** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only
- F12** Words in reg. 35 substituted (N.I.) (31.12.2020) by *The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020* (S.I. 2020/1112), reg. 1(b), **Sch. 16 para. 3(13)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Radio Equipment Regulations 2017, CHAPTER 4.