

STATUTORY INSTRUMENTS

2017 No. 1206

The Radio Equipment Regulations 2017

PART 2

Obligations of economic operators

CHAPTER 1

General

Essential requirements **E+W+S**

- 6.—(1) Radio equipment must be constructed so as to ensure—
- (a) the protection of health and safety of persons and of domestic animals and the protection of property, including the objectives with respect to safety requirements set out in [^{F1}the Electrical Equipment (Safety) Regulations 2016]^{F2}....,
 - (b) an adequate level of electromagnetic compatibility as set out in [^{F3}the Electromagnetic Compatibility Regulations 2016]^{F4}....
- (2) Radio equipment must be constructed so that it both effectively uses and supports the efficient use of radio spectrum in order to avoid harmful interference.

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** Words in [reg. 6\(1\)\(a\)](#) inserted (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. 5\(a\)](#) (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. 6\(1\)\(a\)](#) 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. 5\(a\)](#) (with [Sch. 29 para. 44](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in [reg. 6\(1\)\(b\)](#) inserted (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. 5\(b\)](#) (with [Sch. 29 para. 44](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in [reg. 6\(1\)\(b\)](#) 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. 5\(b\)](#) (with [Sch. 29 para. 44](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Essential requirements **N.I.**

- 6.—(1) Radio equipment must be constructed so as to ensure—
- (a) the protection of health and safety of persons and of domestic animals and the protection of property, including the objectives with respect to safety requirements set out in Directive

2014/35/EU of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to the making available on the market of electrical equipment designed for use within certain voltage limits (but as if there were no voltage limit),

- (b) an adequate level of electromagnetic compatibility as set out in Directive 2014/30/EU of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to electromagnetic compatibility.

(2) Radio equipment must be constructed so that it both effectively uses and supports the efficient use of radio spectrum in order to avoid harmful interference.

[^{F66}(3) Where paragraph (4) applies, radio equipment must be constructed so that it complies with the requirements of Article 1 of Commission Delegated Regulation (EU) 2019/320 supplementing [Directive 2014/53/EU](#) of the European Parliament and of the Council with regard to the application of the essential requirements referred to in Article 3(3)(g) of that Directive in order to ensure caller location in emergency communications from mobile devices.

(4) This paragraph applies to radio equipment in the form of hand-held mobile telephones with features similar to those of a computer in terms of capability to treat and store data.]

Extent Information

E22 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

F66 [Reg. 6\(3\)\(4\)](#) inserted (N.I.) (3.4.2023) by [The Radio Equipment \(Amendment\) \(Northern Ireland\) Regulations 2023 \(S.I. 2023/328\)](#), regs. 1(1), 2(2)

[^{F5}Power to specify additional essential requirements

6A.—(1) The Secretary of State may by regulations—

- (a) amend regulation 6 to add any of the matters listed in paragraph (2) as additional essential requirements; and
- (b) specify that only certain categories or classes of radio equipment are required to meet any additional essential requirements.

(2) The matters that may be added as additional essential requirements are that the—

- (a) radio equipment interworks with accessories, in particular with common chargers;
- (b) radio equipment interworks via networks with other radio equipment;
- (c) radio equipment can be connected to interfaces of the appropriate type throughout the United Kingdom;
- (d) radio equipment does not harm the network or its functioning nor misuse network resources, thereby causing an unacceptable degradation of service;
- (e) radio equipment incorporates safeguards to ensure that the personal data and privacy of the user and of the subscriber are protected;
- (f) radio equipment supports certain features ensuring protection from fraud;
- (g) radio equipment supports certain features ensuring access to emergency services;
- (h) radio equipment supports certain features in order to facilitate its use by users with a disability;
- (i) radio equipment supports certain features in order to ensure that software can only be loaded into the radio equipment where the compliance of the combination of the radio equipment and software has been demonstrated.

(3) Regulations made under paragraph (1)—

- (a) may make such supplemental, consequential and transitional provisions as the Secretary of State considers appropriate; and
- (b) are to be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.]

F5 Reg. 6A inserted (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. 6 (with Sch. 29 para. 44) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

CHAPTER 2

Manufacturers

Design and manufacture in accordance with essential requirements

7. Before placing radio equipment on the market, a manufacturer must ensure that it has been designed and manufactured in accordance with the essential requirements.

Construction must allow operation [^{F6}without infringement of requirements] **E+W+S**

8. Before placing radio equipment on the market, a manufacturer must ensure it has been constructed so that the radio equipment can be operated ^{F7}... without causing an infringement of the applicable requirements on the use of the radio spectrum ^{F7}....

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
- F6** Words in reg. 8 heading 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. 7(2) (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. 8 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. 7(3) (with Sch. 29 para. 44) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Construction must allow operation in at least one [^{F67}relevant] State **N.I.**

8. Before placing radio equipment on the market, a manufacturer must ensure it has been constructed so that the radio equipment can be operated in at least one [^{F68}relevant state] without causing an infringement of the applicable requirements on the use of the radio spectrum in the relevant [^{F68}relevant state] or [^{F69}relevant states].

Extent Information

- E23** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only
- F67** Word in reg. 8 heading 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(2)(a)

- F68** Words in [reg. 8](#) 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\(2\)\(b\)](#)
- F69** Words in [reg. 8](#) 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\(2\)\(c\)](#)

Technical documentation and conformity assessment

9. Before placing radio equipment on the market, a manufacturer must—
- draw up the relevant technical documentation in accordance with regulation 45 (technical documentation), and
 - ensure the relevant conformity assessment procedure is carried out.

[^{F8}Declaration] of conformity and [^{F9}UK] marking **E+W+S**

10.—(1) Where the compliance of radio equipment with the essential requirements has been demonstrated by a relevant conformity assessment procedure, the manufacturer must, before placing the radio equipment on the market—

- draw up [^{F10}a] declaration of conformity in accordance with regulation 42 [^{F11}(declaration of conformity)], and
 - affix the [^{F12}UK] marking in accordance with regulation 44 [^{F13}(UK marking)].
- (2) The manufacturer must keep the ^{F14}... declaration of conformity up to date.

[^{F15}(3) Where radio equipment is subject to more than one enactment requiring the drawing up of a declaration of conformity, the manufacturer must draw up a single declaration of conformity which identifies each enactment by its title.]

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
- F8** Word in [reg. 10](#) heading 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. 8\(a\)\(i\)](#) (with [Sch. 29 para. 44](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))
- F9** Word in [reg. 10](#) heading 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. 8\(a\)\(ii\)](#) (with [Sch. 29 para. 44](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))
- F10** Word in [reg. 10\(1\)\(a\)](#) 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. 8\(b\)\(i\)](#) (with [Sch. 29 para. 44](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))
- F11** Words in [reg. 10\(1\)\(a\)](#) 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. 8\(b\)\(ii\)](#) (with [Sch. 29 para. 44](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))
- F12** Word in [reg. 10\(1\)\(b\)](#) 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. 8\(c\)\(i\)](#) (with [Sch. 29 para. 44](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))
- F13** Words in [reg. 10\(1\)\(b\)](#) 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. 8\(c\)\(ii\)](#) (with [Sch. 29 para. 44](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))

- F14** Word in [reg. 10\(2\)](#) 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. 8\(d\)](#) (with [Sch. 29 para. 44](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F15** [Reg. 10\(3\)](#) 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. 8\(e\)](#) (with [Sch. 29 para. 44](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

EU declaration of conformity and CE marking **N.I.**

10.—(1) Where the compliance of radio equipment with the essential requirements has been demonstrated by a relevant conformity assessment procedure, the manufacturer must, before placing the radio equipment on the market—

- (a) draw up an EU declaration of conformity in accordance with regulation 42 (EU declaration of conformity), and
 - (b) affix the CE marking in accordance with regulation 44 (CE marking).
- (2) The manufacturer must keep the EU declaration of conformity up to date.
- (3) Where radio equipment is subject to more than one [^{F70}NI Protocol obligation] requiring an EU declaration of conformity to be drawn up, the manufacturer must draw up a single EU declaration of conformity which—
- (a) meets the requirements of all of the EU instruments concerned,
 - (b) identifies the EU instruments, and
 - (c) includes references to the publication of those EU instruments in the Official Journal.

Extent Information

- E24** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only
- F70** Words in [reg. 10](#) 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\(3\)](#)

Retention of technical documentation and ^{F16}... declaration of conformity **E+W+S**

11. A manufacturer must, for a period of 10 years beginning on the day on which the radio equipment is placed on the market, keep and, upon request, make available to an enforcing authority the following in relation to radio equipment—

- (a) a copy of the ^{F17}... declaration of conformity, and
- (b) the technical documentation.

Extent Information

- E4** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only
- F16** Word in [reg. 11](#) heading 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. 9](#) (with [Sch. 29 para. 44](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

- F17** Word in [reg. 11\(a\)](#) 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. 9](#) (with [Sch. 29 para. 44](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Retention of technical documentation and EU declaration of conformity **N.I.**

11. A manufacturer must, for a period of 10 years beginning on the day on which the radio equipment is placed on the market, keep and, 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.

Extent Information

- E25** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Identification of the radio equipment and manufacturer **E+W+S**

12.—(1) Before placing radio equipment on the market, a manufacturer must ensure that the radio equipment bears—

- (a) a type, batch or serial number, or
- (b) another element which allows the radio equipment to be identified.

(2) Before placing radio equipment on the market, a manufacturer must indicate on the radio equipment—

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

(3) The information specified in paragraph (2) must be in a language which can be easily understood by end-users and the ^{F18}enforcing authority].

(4) Where the size or nature of the radio equipment prohibits a manufacturer from complying with the requirement in paragraph (1) or paragraph (2), the manufacturer must provide the required information either on the radio equipment's packaging or in a document which accompanies the radio equipment.

(5) The manufacturer's postal address must indicate a single point at which the manufacturer can be contacted.

Extent Information

- E5** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only
- F18** Words in [reg. 12\(3\)](#) 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. 10](#) (with [Sch. 29 para. 44](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Identification of the radio equipment and manufacturer **N.I.**

12.—(1) Before placing radio equipment on the market, a manufacturer must ensure that the radio equipment bears—

- (a) a type, batch or serial number, or
 - (b) another element which allows the radio equipment to be identified.
- (2) Before placing radio equipment on the market, a manufacturer must indicate on the radio equipment—
- (a) the name, registered trade name or registered trade mark of the manufacturer,
 - (b) a postal address at which the manufacturer can be contacted.
- (3) The information specified in paragraph (2) must be in a language which can be easily understood by end-users and the competent national authority in the [^{F71}relevant state] in which it is to be made available to such end-users.
- (4) Where the size or nature of the radio equipment prohibits a manufacturer from complying with the requirement in paragraph (1) or paragraph (2), the manufacturer must provide the required information either on the radio equipment's packaging or in a document which accompanies the radio equipment.
- (5) The manufacturer's postal address must indicate a single point at which the manufacturer can be contacted.

Extent Information

- E26** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only
- F71** Words in [reg. 12](#) 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\(4\)](#)

Instructions and information to be included with the radio equipment **E+W+S**

13.—(1) When placing radio equipment on the market, a manufacturer must ensure that radio equipment is accompanied with instructions and safety information which—

- [^{F19}(a) are clear, legible and in easily understandable English,]
- (b) include information required to use the radio equipment in accordance with its intended use, [^{F20}and]
- (c) include a description of accessories and components, including software, which allow the radio equipment to operate as intended [^{F21}.]
- ^{F22}(d)

(2) In the case of radio equipment which can intentionally emit radio waves, the manufacturer must also include information about—

- (a) the frequency band or bands in which the radio equipment can operate, and
- (b) the maximum radio-frequency power transmitted in the frequency band or bands in which the radio equipment operates.

(3) When placing radio equipment on the market, a manufacturer must ensure that each item of radio equipment is accompanied by either a copy of the ^{F23}... declaration of conformity or a simplified ^{F23}... declaration of conformity drawn up in accordance with regulation 43 (simplified ^{F23}... declaration of conformity).

- ^{F24}(4)

Extent Information

- E6** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only
- F19** Reg. 13(1)(a) 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. 11(a)(i)** (with Sch. 29 para. 44) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F20** Word in reg. 13(1)(b) inserted (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. 11(a)(ii)** (with Sch. 29 para. 44) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F21** Full stop in reg. 13(1)(c) substituted for word (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. 11(a)(iii)** (with Sch. 29 para. 44) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F22** Reg. 13(1)(d) 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. 11(a)(iv)** (with Sch. 29 para. 44) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F23** Word in reg. 13(3) 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. 11(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)
- F24** Reg. 13(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. 11(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)

Instructions and information to be included with the radio equipment **N.I.**

13.—(1) When placing radio equipment on the market, a manufacturer must ensure that radio equipment is accompanied with instructions and safety information which—

- (a) are in a language which can be easily understood by consumers and other end-users in the ^[F72]relevant state] in which the radio equipment is to be made available to such consumers and other end-users,
- (b) include information required to use the radio equipment in accordance with its intended use,
- (c) include a description of accessories and components, including software, which allow the radio equipment to operate as intended, and
- (d) are clear and understandable.

(2) In the case of radio equipment which can intentionally emit radio waves, the manufacturer must also include information about—

- (a) the frequency band or bands in which the radio equipment can operate, and
- (b) the maximum radio-frequency power transmitted in the frequency band or bands in which the radio equipment operates.

(3) When placing radio equipment on the market, a manufacturer must ensure that each item of radio equipment is accompanied by either a copy of the EU declaration of conformity or a simplified EU declaration of conformity drawn up in accordance with regulation 43 (simplified EU declaration of conformity).

(4) Where the radio equipment is to be made available to consumers and other end-users in ^[F73]Northern Ireland], the language which can be easily understood is English.

Extent Information

- E27** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only
- F72** Words in [reg. 13](#) 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\(5\)\(a\)](#)
- F73** Words in [reg. 13](#) 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\(5\)\(b\)](#)

Information to be included where there are restrictions on putting into service or requirements for authorisation of use **E+W+S**

14.—^{F25}(1) Where there are restrictions on putting into service or requirements for authorisation of use in the United Kingdom in respect of the radio equipment, a manufacturer must present information which identifies the types of restrictions on putting into service or requirements for authorisation of use that apply.]

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

- (a) be completed in the instructions required by regulation 13,
- (b) ^{F26}... be presented in the manner and form specified in [^{F27}the] Implementing Regulation ^{F28}....

^{F29}(3)

Extent Information

- E7** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only
- F25** [Reg. 14\(1\)](#) substituted (E.W.S.) (9.12.2021) by [The Product Safety and Metrology etc. \(Amendment\) Regulations 2021 \(S.I. 2021/1273\)](#), regs. 1, [13\(1\)\(a\)](#)
- F26** Words in [reg. 14\(2\)\(b\)](#) omitted (E.W.S.) (9.12.2021) by virtue of [The Product Safety and Metrology etc. \(Amendment\) Regulations 2021 \(S.I. 2021/1273\)](#), regs. 1, [13\(1\)\(b\)](#)
- F27** Word in [reg. 14\(2\)\(b\)](#) 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. 12\(b\)\(i\)](#) (with [Sch. 29 para. 44](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))
- F28** Words in [reg. 14\(2\)\(b\)](#) 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. 12\(b\)\(ii\)](#) (with [Sch. 29 para. 44](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))
- F29** [Reg. 14\(3\)](#) omitted (E.W.S.) (9.12.2021) by virtue of [The Product Safety and Metrology etc. \(Amendment\) Regulations 2021 \(S.I. 2021/1273\)](#), regs. 1, [13\(1\)\(c\)](#)

Information to be included where there are restrictions on putting into service or requirements for authorisation of use **N.I.**

14.—(1) Where there are restrictions on putting into service or requirements for authorisation of use, a manufacturer must include information on the packaging of the radio equipment which identifies the [^{F74}relevant states] and the geographical area within a [^{F75}relevant state] where the restrictions on putting into service or the requirements for authorisation of use exist.

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

- (a) be completed in the instructions required by regulation 13,
- (b) subject to paragraph [^{F76}(2A) or] (3), be presented in the manner and form specified in Commission Implementing Regulation specifying how to present the information provided for in Article 10(10) of Directive 2014/53/EU of the European Parliament and the Council (EU) 2017/1354 ^{F77}.

[^{F78}(2A) The identification of the United Kingdom in respect of Northern Ireland must be indicated by the abbreviation “UK(NI)”.]

(3) Paragraph (2)(b) of this Regulation applies to radio equipment placed on the market or after 8th August 2018.

Extent Information

- E28** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only
- F74** Words in [reg. 14\(1\)](#) 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\(6\)\(a\)](#)
- F75** Words in [reg. 14\(1\)](#) 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\(6\)\(b\)](#)
- F76** Words in [reg. 14\(2\)\(b\)](#) inserted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(UK\(NI\) Indication\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1460), [reg. 1\(2\)](#), [Sch. 2 para. 14\(3\)\(a\)](#)
- F77** OJ L190/7 21.7.2017.
- F78** [Reg. 14\(2A\)](#) inserted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(UK\(NI\) Indication\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1460), [reg. 1\(2\)](#), [Sch. 2 para. 14\(3\)\(b\)](#)

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

15.—(1) A manufacturer who considers, or has reason to believe, that radio equipment which they have placed on the market is not in conformity with Part 2, if appropriate, 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 manufacturer must immediately inform the market surveillance authority ^{F30}... 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 and the results of those measures.

Extent Information

- E8** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

F30 Words in [reg. 15\(2\)](#) 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. 13](#) (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 placed on the market which is considered not to be in conformity **N.I.**

15.—(1) A manufacturer who considers, or has reason to believe, that radio equipment which they have placed on the market is not in conformity with Part 2, if appropriate, 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 manufacturer must immediately inform the market surveillance authority, and the competent national authorities of any other [^{F79}relevant state] in which the manufacturer 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 and the results of those measures.

Extent Information

E29 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

F79 Words in [reg. 15\(2\)](#) 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\(7\)](#)

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

16.—[^{F31}(1) Following a request from the enforcing authority, the manufacturer must, within such reasonable period as the authority may specify, provide the authority concerned 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) is one that was made during the period of 10 years beginning on the day that the manufacturer 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) A manufacturer must, at the request of the authority concerned, cooperate with that 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 manufacturer has placed on the market.

Extent Information

- E9** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only
- F31** [Reg. 16\(1\)](#) 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. 14](#) (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.**

16.—(1) Further to a request from—

- (a) an enforcing authority, where radio equipment has been placed by a manufacturer on the market in the United Kingdom, or
- (b) a competent national authority, where the radio equipment has been placed by a manufacturer on the market in another [^{F80}relevant state],

the manufacturer must, within such reasonable period as the authority may specify, provide the authority concerned 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) is one that was made during the period of 10 years beginning on the day that the manufacturer 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) A manufacturer must, at the request of the authority concerned, cooperate with that 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 manufacturer has placed on the market.

Extent Information

- E30** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only
- F80** Words in [reg. 16\(1\)\(b\)](#) 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\(7\)](#)

Compliance procedures for series production **E+W+S**

17.—(1) A manufacturer must ensure, before placing radio equipment on the market, that procedures are in place to ensure that series production remains in conformity with Part 2.

- (2) In doing so, the manufacturer must take adequate account of—
- (a) any change in radio equipment design or characteristics, and
 - (b) any change in a [^{F32}designated] standard or in another technical specification by reference to which the ^{F33}... declaration of conformity was drawn up.

Extent Information

- E10** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only
- F32** Word in [reg. 17\(2\)\(b\)](#) 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. 15\(a\)](#) (with [Sch. 29 para. 44](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F33** Word in [reg. 17\(2\)\(b\)](#) 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. 15\(b\)](#) (with [Sch. 29 para. 44](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Compliance procedures for series production **N.I.**

17.—(1) A manufacturer must ensure, before placing radio equipment on the market, that procedures are in place to ensure that series production remains in conformity with Part 2.

- (2) In doing so, the manufacturer must take adequate account of—
- (a) any change in radio equipment design or characteristics, and
 - (b) any change in a harmonised standard or in another technical specification by reference to which the EU declaration of conformity was drawn up.

Extent Information

- E31** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Monitoring

18.—(1) When appropriate, with regard to the risks to the health and safety of end-users presented by radio equipment, a manufacturer must—

- (a) carry out sample testing of radio equipment manufactured by it which has been made available on the market,
- (b) investigate complaints that radio equipment manufactured by it 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) A manufacturer 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.

[^{F34}Provision of information on compliance of combinations of radio equipment and software

18A.—(1) In this regulation “product” means a combination of radio equipment and software allowing such radio equipment to be used as intended.

(2) The Secretary of State may by regulations make provision requiring a manufacturer of a product to provide the Secretary of State with information on the compliance of the product with the essential requirements.

(3) Regulations under paragraph (2) may—

- (a) specify categories or classes of product for which a manufacturer must provide information on compliance;
- (b) include requirements as to—
 - (i) the identification of the radio equipment and software intended to be used in combination;
 - (ii) the results of conformity assessment carried out in accordance with regulation 41(conformity assessment procedures);
 - (iii) the form the information must take;
- (c) make provision for the information on compliance to be made available to the enforcing authorities; and
- (d) make such supplemental, consequential and transitional provisions as the Secretary of State considers appropriate.

(4) Regulations made under paragraph (2) are to be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.]

F34 Regs. 18A-18C inserted (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. 16** (with Sch. 29 para. 44) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

[^{F34}Power to amend R14(2)(b) and specify how information is to be presented

18B.—(1) In this regulation “product” means radio equipment types that fall within categories of radio equipment affected by a low level of compliance with the essential requirements.

(2) The Secretary of State may by regulations make provision requiring a manufacturer, before placing a product on the market, to—

- (a) register information on compliance with the essential requirements; and
 - (b) affix to the product a registration number allocated by the Secretary of State.
- (3) Regulations made under paragraph (2) may specify—
- (a) the categories or classes of product in respect of which the manufacturer must register information;
 - (b) that some or, where the Secretary of State considers necessary, all of the technical documentation listed in Schedule 5 must be registered;
 - (c) that when setting out a registration process the Secretary of State must take the following matters into account—
 - (i) whether the process includes a central system of registration by manufacturers;
 - (ii) whether the process ensures appropriate control of access to information of a confidential nature; and

- (iii) whether the process allocates a registration number to each registered radio equipment type.
- (4) Regulations made under paragraph (2)—
 - (a) may make such supplemental, consequential and transitional provisions as the Secretary of State considers appropriate; and
 - (b) are to be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.]

F34 Regs. 18A-18C inserted (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. 16** (with Sch. 29 para. 44) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

[^{F34}Power to require registration of radio equipment

- 18C.**—(1) The Secretary of State may by regulations—
- (a) amend regulation 14(2)(b);
 - (b) amend the Implementing Regulation;
 - (c) make provision specifying the manner and form in which information concerning any restrictions or putting into service or requirements for authorisation of use must be presented.
- (2) Regulations made under paragraph (1)—
- (a) may make such supplemental, consequential and transitional provisions as the Secretary of State considers appropriate; and
 - (b) are to be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.]

F34 Regs. 18A-18C inserted (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. 16** (with Sch. 29 para. 44) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Authorised representatives **E+W+S**

- 19.**—(1) A manufacturer may, by written mandate, appoint a person established [^{F35}in the United Kingdom] as their authorised representative to perform specified tasks on that manufacturer's behalf.
- (2) The authorised representative must perform the tasks specified in the mandate.
 - (3) The mandate must allow the authorised representative to do at least the following—
 - (a) perform the manufacturer's obligations under regulation 11 (retention of technical documentation and ^{F36}... declaration of conformity),
 - (b) perform the manufacturer's obligations under regulation 16 (provision of information and cooperation).
 - (4) The mandate must not include the obligations contained in—
 - (a) regulation 7 (design and manufacture in accordance with essential requirements),
 - (b) regulation 9 (technical documentation and conformity assessment), or
 - (c) regulation 10 (^{F37}... declaration of conformity and [^{F38}UK] marking).

(5) An authorised representative must comply with all the obligations imposed on the manufacturer by these Regulations which relate to the tasks that the authorised representative is appointed by the manufacturer to perform and, accordingly—

- (a) as far as those obligations are concerned, references in these Regulations to the manufacturer are to be taken as including a reference to the authorised representative, and
- (b) if the authorised representative contravenes or fails to comply with any of those obligations, the authorised representative may be proceeded against as though the authorised representative was the manufacturer.

(6) A manufacturer who has appointed an authorised representative to perform, on the manufacturer's behalf, an obligation under these Regulations remains responsible for the proper performance of that obligation.

Extent Information

- E11** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only
- F35** Words in [reg. 19\(1\)](#) 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. 17\(a\)](#) (with [Sch. 29 para. 44](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F36** Word in [reg. 19\(3\)\(a\)](#) 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. 17\(b\)](#) (with [Sch. 29 para. 44](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F37** Word in [reg. 19\(4\)\(c\)](#) 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. 17\(b\)](#) (with [Sch. 29 para. 44](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F38** Word in [reg. 19\(4\)\(c\)](#) 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. 17\(c\)](#) (with [Sch. 29 para. 44](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Authorised representatives **N.I.**

19.—(1) A manufacturer may, by written mandate, appoint a person established within the [^{F81}relevant market] as their authorised representative to perform specified tasks on that manufacturer's behalf.

- (2) The authorised representative must perform the tasks specified in the mandate.
- (3) The mandate must allow the authorised representative to do at least the following—
 - (a) perform the manufacturer's obligations under regulation 11 (retention of technical documentation and EU declaration of conformity),
 - (b) perform the manufacturer's obligations under regulation 16 (provision of information and cooperation).
- (4) The mandate must not include the obligations contained in—
 - (a) regulation 7 (design and manufacture in accordance with essential requirements),
 - (b) regulation 9 (technical documentation and conformity assessment), or
 - ^{F82}(c)

(5) An authorised representative must comply with all the obligations imposed on the manufacturer by these Regulations which relate to the tasks that the authorised representative is appointed by the manufacturer to perform and, accordingly—

- (a) as far as those obligations are concerned, references in these Regulations to the manufacturer are to be taken as including a reference to the authorised representative, and
 - (b) if the authorised representative contravenes or fails to comply with any of those obligations, the authorised representative may be proceeded against as though the authorised representative was the manufacturer.
- (6) A manufacturer who has appointed an authorised representative to perform, on the manufacturer's behalf, an obligation under these Regulations remains responsible for the proper performance of that obligation.

Extent Information

- E32** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only
- F81** Words in [reg. 19\(1\)](#) 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\(8\)](#)
- F82** [Reg. 19\(4\)\(c\)](#) omitted (N.I.) (9.12.2021) by virtue of [The Product Safety and Metrology etc. \(Amendment\) Regulations 2021 \(S.I. 2021/1273\)](#), [regs. 1, 16](#)

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 **E+W+S**

- 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 ^{F39}... without causing an infringement of the applicable requirements on the use of the radio spectrum ^{F39}...,
 - (c) the manufacturer has drawn up the technical documentation,
 - (d) the radio equipment—
 - (i) bears the [^{F40}UK] 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).

Extent Information

- E12** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only
- F39** Words in [reg. 21\(b\)](#) 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. 18\(a\)](#) (with [Sch. 29 para. 44](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F40** Word in [reg. 21\(d\)\(i\)](#) 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. 18\(b\)](#) (with [Sch. 29 para. 44](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

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

- 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 [^{F83}relevant state] without causing an infringement of the applicable requirements on the use of the radio spectrum in the relevant [^{F83}relevant state] or [^{F84}relevant 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).

Extent Information

- E33** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only
- F83** Words in [reg. 21\(b\)](#) 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\(9\)\(a\)](#)
- F84** Words in [reg. 21\(b\)](#) 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\(9\)\(b\)](#)

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 **E+W+S**

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 ^[F41]enforcement authority].

^[F42](3) Paragraph (1) does not apply where—

- (a) either—
 - (i) it is not possible to set out the information referred to in paragraph (1) on the radio equipment, or
 - (ii) the importer has imported the radio equipment from an EEA state or Switzerland and places it on the market within the period of ^[F43]seven years] beginning with IP completion day, and
- (b) before placing the radio equipment on the market, the importer sets out the information referred to in paragraph (1)-
 - (i) on the packaging; or
 - (ii) in a document accompanying the radio equipment.]

Extent Information

E13 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

F41 Words in [reg. 23\(2\)](#) 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. 19(a)** (with [Sch. 29 para. 44](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

F42 [Reg. 23\(3\)](#) 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. 19(b)** (with [Sch. 29 para. 44](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); [S.I. 2019/1246](#), [regs. 1\(3\), 5, 7\(2\)](#); [S.I. 2020/1460](#), [reg. 1\(4\)](#), [Sch. 3 para. 2\(1\)\(m\)](#) and [S.I. 2020/852](#), [regs. 2\(2\), 4\(2\)](#), [Sch. 1 para. 1\(r\)\(iii\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

F43 Words in [reg. 23\(3\)\(a\)\(ii\)](#) substituted (E.W.S) (31.12.2022) by [The Product Safety and Metrology \(Amendment and Transitional Provisions\) Regulations 2022](#) (S.I. 2022/1393), [regs. 1\(1\), 4](#), **Sch. 3 para. (p)**

Modifications etc. (not altering text)

C1 [Reg. 23](#) modified (temp.) by [S.I. 2019/392](#), [reg. 6](#) (as inserted (10.9.2019) by [The Product Safety, Metrology and Mutual Recognition Agreement \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/1246), [reg. 1\(2\)\(4\)](#), **2(3)** (with [reg. 18](#)))

Information identifying importer **N.I.**

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 [^{F85}relevant 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.

Extent Information

- E34** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only
- F85** Words in [reg. 23\(2\)](#) 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\(7\)](#)

Modifications etc. (not altering text)

- C2** [Reg. 23](#) modified (temp.) by S.I. 2019/392, [reg. 6](#) (as inserted (10.9.2019) by [The Product Safety, Metrology and Mutual Recognition Agreement \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/1246), [reg. 1\(2\)\(4\)](#), [2\(3\)](#) (with [reg. 18](#)))

Instructions and safety information **E+W+S**

24.—(1) When placing radio equipment on the market, an importer must ensure that it is accompanied by instructions and safety information [^{F44}that are clear, legible and in easily understandable English].

^{F45}(2)

Extent Information

- E14** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only
- F44** Words in [reg. 24\(1\)](#) 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. 20\(a\)](#) (with [Sch. 29 para. 44](#)) (as amended by S.I. 2020/676, [regs. 1\(1\)](#), [2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F45** [Reg. 24\(2\)](#) 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. 20\(b\)](#) (with [Sch. 29 para. 44](#)) (as amended by S.I. 2020/676, [regs. 1\(1\)](#), [2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Instructions and safety information **N.I.**

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 [^{F86}relevant 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 [^{F87}Northern Ireland], the language which can be easily understood by consumers and other end-users is English.

Extent Information

- E35** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only
- F86** Words in [reg. 24](#) 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\(10\)\(a\)](#)
- F87** Words in [reg. 24](#) 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\(10\)\(b\)](#)

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 **E+W+S**

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 ^{F46}... 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.

Extent Information

- E15** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only
- F46** Words in [reg. 27\(2\)](#) 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. 21](#) (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 placed on the market which is considered not to be in conformity **N.I.**

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 [^{F88}relevant 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.

Extent Information

- E36** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only
- F88** Words in [reg. 27\(2\)](#) 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\(7\)](#)

Retention of technical documentation and ^{F47}... declaration of conformity **E+W+S**

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 ^{F48}... declaration of conformity, and
- (b) the technical documentation.

Extent Information

- E16** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only
- F47** Word in [reg. 28](#) heading 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. 22](#) (with [Sch. 29 para. 44](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))

- F48** Word in [reg. 28\(a\)](#) 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. 22](#) (with [Sch. 29 para. 44](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Retention of technical documentation and EU declaration of conformity **N.I.**

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.

Extent Information

- E37** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

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

29.—(1) Further to a reasoned request from an enforcing authority ^{F49}..., 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 [^{F50}enforcing authority].

(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.

Extent Information

- E17** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

- F49** Words in [reg. 29\(1\)](#) 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. 23\(a\)](#) (with [Sch. 29 para. 44](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

- F50** Words in [reg. 29\(3\)\(b\)](#) 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. 23\(b\)](#) (with [Sch. 29 para. 44](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

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

29.—(1) Further to a reasoned request from an enforcing authority or a competent national authority of another [^{F89}relevant 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.

Extent Information

E38 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

F89 Words in [reg. 29\(1\)](#) 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\(7\)](#)

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 [^{F51}UK] marking,
 - (ii) is accompanied by the required documents,
 - (iii) is accompanied by instructions and safety information [^{F52}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 [^{F53}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).

^{F54}(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

- E18** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only
- F51** 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\(1\)](#)
- F52** 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\(1\)](#)
- F53** 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\(1\)](#)
- F54** [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 [^{F90}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 [^{F90}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 [^{F91}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

- E39** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only
- F90** 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\(11\)\(a\)](#)
- F91** 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 ^{F55}... 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

- E19** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only
- F55** 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 [^{F92}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

- E40** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only
- F92** 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 ^{F56}..., 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 [^{F57}enforcing authority].

(4) A distributor must, at the request of the enforcing authority or ^{F58}..., 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

- E20** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only
- F56** 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)
- F57** 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)
- F58** 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 [^{F93}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 [^{F93}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

- E41** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only
- F93** 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\(13\)](#)

CHAPTER 5

Importers and distributors

Cases in which obligations of manufacturers apply to importers and distributors

36. An economic operator (“A”) who would, but for this regulation, be considered an importer or distributor, is to be considered a manufacturer for the purposes of these Regulations and is subject to the obligations of a manufacturer under Part 2, where A—

- (a) places radio equipment on the market under A's own name or trademark, or
- (b) modifies radio equipment already placed on the market in such a way that it may affect whether the radio equipment is in conformity with Part 2.

[^{F59}Obligations which are met by complying with obligations in the Directive

36A.—(1) In this regulation—

- (a) any reference to an Article or an Annex is a reference to an Article or an Annex of the Directive;
- (b) “CE marking” has the meaning given to it in Article 2(26);
- (c) “harmonised standard” has the meaning given to it in Article 2(18).

(2) Subject to paragraphs (6) and (7), paragraph (3) applies where, before placing radio equipment on the market, the manufacturer—

- (a) ensures that the radio equipment has been designed and manufactured in accordance with the essential safety requirements set out in Article 3;
- (b) ensures that the conformity assessment procedure that applies to that radio equipment in accordance with Article 17 of the Directive has been carried out;
- (c) affixes a CE marking and where the conformity assessment procedure set out in Annex IV is applied, the notified body identification number, in accordance with Articles 19 and 20(1) to (3);
- (d) draws up the technical documentation in accordance with Article 21;
- (e) ensures that the technical documentation and other records and correspondence relating to the conformity assessment procedures are prepared in or translated into English;
- (f) draws up an EU declaration of conformity, in accordance with Article 18; and
- (g) ensures that the EU declaration of conformity is prepared in or translated into English.

(3) Where this paragraph applies—

- (a) the requirements of regulations 7, 9, 10(1) and (3) are to be treated as being satisfied;
- (b) regulations 2(2)(a), 10(2), 11, 19(3) and 39 apply subject to the modifications in paragraph (8);
- (c) Part 3 does not apply; and
- (d) regulation 63 does not apply.

(4) Subject to paragraphs (6) and (7) paragraph (5) applies where, before placing radio equipment on the market, the importer ensures that—

- (a) the conformity assessment procedure that applies to that radio equipment in accordance with Article 17 has been carried out;
- (b) the manufacturer has drawn up the technical documentation referred to in Annex V; and
- (c) the radio equipment bears the CE marking referred to Article 19.

- (5) Where this paragraph applies—
- (a) the requirements of regulation 21(a) to (d) are to be treated as being satisfied; and
 - (b) regulations 2(2)(a), 22(1), 25 and 28 apply subject to the modifications in paragraph (10).
- (6) This paragraph applies where there is no designated standard or part of a designated standard which corresponds exactly to a harmonised standard or part of a harmonised standard as referred to in Article 16.
- (7) Where paragraph (6) applies paragraphs (2)(b) and (4)(a) are to be treated as requiring the manufacturer to have carried out—
- (a) one of the conformity assessment procedures in Article 17(1) with respect to the essential requirements set out in Article 3(1); and
 - (b) the conformity assessment procedure in Article 17(4) with respect to the essential requirements set out in Article 3(2) and (3).
- (8) Paragraph (9) applies where, before making radio equipment available on the market, a distributor ensures that the radio equipment bears the CE marking referred to in Article 19.
- (9) Where this paragraph applies—
- (a) regulation 31(a)(i) is satisfied; and
 - (b) regulations 32(1) and 33 apply subject to the modifications in paragraph (10).
- (10) The modifications referred to in sub-paragraphs (3)(b), (5)(b) and (8)(b) are that—
- (a) any reference to “declaration of conformity” is to be read as a reference to the EU declaration of conformity;
 - (b) any reference to “UK marking” is to be read as a reference to the CE marking;
 - (c) any reference to “essential safety requirements” is to be read as a reference to the essential safety requirements set out in Article 3;
 - (d) any reference to “designated standard” is to be read as a reference to a harmonised standard within the meaning of Article 2(18);
 - (e) any reference to “relevant conformity assessment procedure” is to be read as a reference to the conformity assessment procedure that applies to the radio equipment in accordance with Article 17;
 - (f) any reference to “technical documentation” is a reference to the technical documentation referred to in Annex V.]

F59 Regs. 36A-36C inserted (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. 27** (with Sch. 29 para. 44) (as amended by S.I. 2020/676, regs. 1(1), 2 and S.I. 2020/1460, regs. 1(4), **Sch. 3 para. 21(3)**); 2020 c. 1, **Sch. 5 para. 1(1)**

[^{F59}Expiry of regulation 36A

36B.—(1) Subject to paragraph (2), regulation 36A ceases to have effect at the end of the period of [^{F60}four years] beginning with IP completion day.

(2) Notwithstanding the expiry of regulation 36A—

- (a) any radio equipment which was placed on the market pursuant to regulation 36A may continue to be made available on the market on or after the expiry of regulation 36A;

- (b) any obligation to which a person was subject under regulation 36A in respect of any radio equipment placed on the market pursuant to regulation 36A continues to have effect after the expiry of regulation 36A, in respect of that equipment.]

- F59** Regs. 36A-36C inserted (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. 27** (with Sch. 29 para. 44) (as amended by S.I. 2020/676, regs. 1(1), 2 and S.I. 2020/1460, regs. 1(4), **Sch. 3 para. 21(3)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F60** Words in [reg. 36B\(1\)](#) substituted (E.W.S.)(31.12.2022) by [The Product Safety and Metrology \(Amendment and Transitional Provisions\) Regulations 2022](#) (S.I. 2022/1393), regs. 1(1), 2, **Sch. 1 para. (s)**

[^{F59}Qualifying Northern Ireland Goods

36C.—(1) Where paragraph (2) applies radio equipment is to be treated as being in conformity with Part 2.

(2) This paragraph applies where—

(a) radio equipment—

- (i) is in conformity with Part 2, as that Part applies in Northern Ireland; and
- (ii) is qualifying Northern Ireland goods; and

(b) an importer has complied with the obligations set out in paragraph (3).

(3) The obligations referred to in paragraph (2)(b) are that, before placing the product on the market, the importer—

(a) complies with regulation 23;

(b) ensures that—

- (i) the relevant conformity assessment procedure has been carried out in relation to the product;
- (ii) the manufacturer has drawn up the technical documentation; and
- (iii) the product bears the CE marking;

(4) In this regulation—

“CE marking” has the meaning given to it in regulation 2(1), as it applies in Northern Ireland;

“qualifying Northern Ireland goods” has the meaning given to it in regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018;

“relevant conformity assessment procedure” has the meaning given to it in regulation 2(1), as it applies in Northern Ireland;

“technical documentation” has the meaning given to it in regulation 2(1), as it applies in Northern Ireland.]

- F59** Regs. 36A-36C inserted (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. 27** (with Sch. 29 para. 44) (as amended by S.I. 2020/676, regs. 1(1), 2 and S.I. 2020/1460, regs. 1(4), **Sch. 3 para. 21(3)**); 2020 c. 1, **Sch. 5 para. 1(1)**

CHAPTER 6

All economic operators

Translation of declaration of conformity

[^{F61}37.—(1) Before placing radio equipment on the market or making radio equipment available on the market, an economic operator must ensure that the EU declaration of conformity and, where appropriate, the simplified EU declaration of conformity is prepared in, or translated into, the language required by the [^{F62}relevant state] in which it is to be placed on the market or made available on the market.

(2) Where the radio equipment is to be placed on the market or made available on the market in [^{F63}Northern Ireland], the language required is English.]

- F61** Reg. 37 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. 28** (with Sch. 29 para. 44) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F62** Words in reg. 37 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(14)(a)**
- F63** Words in reg. 37 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(14)(b)**

Identification of economic operators

38.—(1) An economic operator (“E”), who receives a request from the market surveillance authority before the end of the relevant period, must, within such period as the authority may specify, identify to the authority—

- (a) any economic operator who has supplied E with radio equipment, and
 - (b) any economic operator to whom E has supplied radio equipment.
- (2) The relevant period is—
- (a) for information under paragraph (1)(a), 10 years beginning on the day on which E was supplied with the radio equipment,
 - (b) for information under paragraph (1)(b), 10 years beginning on the day on which E supplied the radio equipment.

Prohibition on improper use of [^{F64}UK] marking **E+W+S**

39.—(1) An economic operator must not affix the [^{F65}UK] marking to radio equipment unless—

- (a) that economic operator is the manufacturer, and
- (b) the conformity of the radio equipment with the essential requirements has been demonstrated by a relevant conformity assessment procedure.

(2) An economic operator must not affix to radio equipment a marking other than the [^{F65}UK] marking which purports to attest that the radio equipment is in conformity with the essential requirements.

(3) An economic operator must not affix to radio equipment a marking, sign or inscription which is likely to mislead any other person as to the meaning or form of the [^{F65}UK] marking.

(4) An economic operator must not affix to radio equipment any other marking if the visibility, legibility and meaning of the ^{F65}UK marking would be impaired as a result.

Extent Information

- E21** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only
- F64** Word in [reg. 39](#) heading 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. 29** (with [Sch. 29 para. 44](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F65** Word in [reg. 39](#) 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. 29** (with [Sch. 29 para. 44](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Prohibition on improper use of CE marking **N.I.**

- 39.—**(1) An economic operator must not affix the CE marking to radio equipment unless—
- that economic operator is the manufacturer, and
 - the conformity of the radio equipment with the essential requirements has been demonstrated by a relevant conformity assessment procedure.
- (2) An economic operator must not affix to radio equipment a marking other than the CE marking which purports to attest that the radio equipment is in conformity with the essential requirements.
- (3) An economic operator must not affix to radio equipment a marking, sign or inscription which is likely to mislead any other person as to the meaning or form of the CE marking.
- (4) An economic operator must not affix to radio equipment any other marking if the visibility, legibility and meaning of the CE marking would be impaired as a result.

Extent Information

- E42** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Changes to legislation:

There are currently no known outstanding effects for the The Radio Equipment Regulations 2017, PART 2.