

SCHEDULE 23

Amendment of the Electrical Equipment (Safety) Regulations 2016

Insertion of regulation 34A

19. After regulation 34 insert—

“Obligations which are met by complying with obligations in the Directive

34A.—(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(14); and
- (c) “harmonised standard” has the meaning given to it in Article 2(9).

(2) Paragraph (3) applies where, before placing electrical equipment on the market, the manufacturer—

- (a) ensures that the electrical equipment has been designed and manufactured in accordance with the principal elements of the safety objectives set out in Annex I;
- (b) ensures that the conformity assessment procedure that applies to that equipment in accordance with Annex III has been carried out;
- (c) draws up the technical documentation referred to in Annex III;
- (d) ensures that the technical documentation and other records and correspondence relating to the conformity assessment procedures are prepared or translated into English;
- (e) affixes a CE marking, in accordance with Articles 16 and 17(1) and (2);
- (f) draws up an EU declaration of conformity, in accordance with Article 15; 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 4, 5, 6(1) and (3) are to be treated as being satisfied;
- (b) regulations 2(2)(a), 6(2), 7, 10(2), 14(2), and 34 apply subject to the modifications in paragraph (8);
- (c) Part 3 does not apply; and
- (d) regulation 48(1) does not apply.

(4) Paragraph (5) applies where, before placing electrical equipment on the market, the importer ensures that—

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

(5) Where this paragraph applies—

- (a) the requirements of regulation 16(a) to (c) are to be treated as being satisfied; and

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- (b) regulations 2(2)(a), 17(1), 20 and 21 apply subject to the modifications in paragraph (8).
- (6) Paragraph (7) applies where, before making electrical equipment available on the market, a distributor ensures that the equipment bears the CE marking.
- (7) Where this paragraph applies—
 - (a) regulation 26(1)(a)(i) is to be treated as being satisfied; and
 - (b) regulations 27(1) and 28 apply subject to the modifications in paragraph (10).
- (8) The modifications referred to in sub-paragraphs (3)(b), (5)(b) and (7)(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 “principal elements of the safety objectives” is to be read as a reference to the principal elements of the safety objectives referred to in Annex I;
 - (d) any reference to “designated standard” is to be read as a reference to a harmonised standard within the meaning of Article 2(9);
 - (e) any reference to “conformity assessment procedure” is to be read as a reference to the conformity assessment procedure that applies to the equipment in accordance with Annex III; and
 - (f) any reference to “technical documentation” is a reference to the technical documentation referred to in Annex III.

[^{F1}Expiry of regulation 34A

34B.—(1) Subject to paragraph (2), regulation 34A ceases to have effect at the end of the period of 12 months beginning with IP completion day.

- (2) Notwithstanding the expiry of regulation 34A—
 - (a) any electrical equipment which was placed on the market pursuant to regulation 34A may continue to be made available on the market on or after the expiry of regulation 34A;
 - (b) any obligation to which a person was subject under regulation 34A in respect of electrical equipment placed on the market pursuant to regulation 34A continues to have effect after the expiry of regulation 34A, in respect of that electrical equipment.

Qualifying Northern Ireland Goods

34C.—(1) Where paragraph (2) applies electrical equipment is to be treated as being in conformity with Part 2.

- (2) This paragraph applies where—
 - (a) electrical 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 electrical equipment on the market, the importer—
 - (a) complies with regulation 18;

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- (b) ensures that—
 - (i) the relevant conformity assessment procedure has been carried out in relation to the electrical equipment, in accordance with Part 3, as that Part applies in Northern Ireland;
 - (ii) the manufacturer has drawn up the technical documentation; and
 - (iii) the electrical equipment 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;
 - “technical documentation” has the meaning given to it in regulation 2(1), as it applies in Northern Ireland.”].

F1 Words in Sch. 23 para. 19 inserted (31.12.2020 immediately before IP completion day) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(UK\(NI\) Indication\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1460\)](#), reg. 1(4), [Sch. 3 para. 15\(3\)](#)

Commencement Information

I1 Sch. 23 para. 19 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019, Paragraph 19.