

## 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

**Status:** This is the original version (as it was originally made).

- (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.”.