



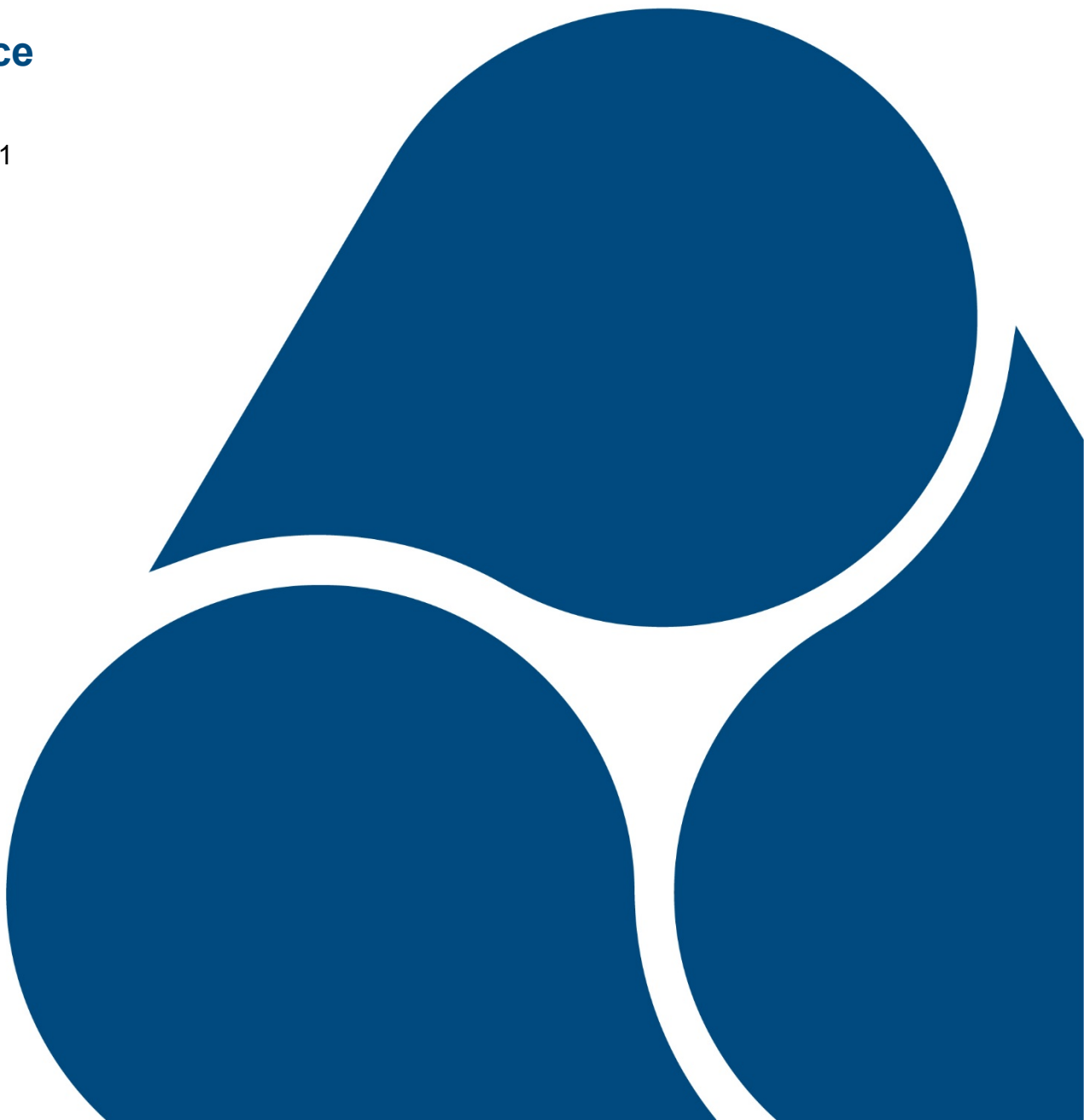
Office for Product
Safety & Standards

Electrical Equipment (Safety) Regulations 2016

As they apply to equipment being supplied in or into Great
Britain from 1 January 2021

Guidance

January 2021



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Guidance

1. Introduction

This Guide is for businesses placing electrical equipment products on the market in Great Britain from 1 January 2021¹. If you are placing electrical equipment products on the market in Northern Ireland, you should read separate guidance:

<https://www.gov.uk/government/publications/electrical-equipment-safety-regulations-2016>

This Guide is designed to help you comply with The Electrical Equipment (Safety) Regulations 2016, as amended by the Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (referred to in this document as the “2016 Regulations”). The 2016 Regulations set out the requirements that must be met before electrical equipment products can be placed on the GB market. The purpose of the legislation is to ensure safe products are placed on the GB market by requiring manufacturers to show how their products meet the principal elements of the safety objectives.

2. Legislative Background

The Electrical Equipment (Safety) Regulations 2016 implemented EU Directive (2014/35/EU) on electrical equipment designed for use within certain voltage limits (commonly called the Low Voltage Directive). The EU Withdrawal Act 2018 preserves the Regulations and enables them to be amended so as to continue to function effectively now that the UK has left the EU. Accordingly, the Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019² fix any deficiencies that arose from the UK leaving the EU (such as references to EU institutions) and make specific provision for the GB market.

There is therefore one set of UK 2016 Regulations, but some of the provisions apply differently in NI for as long as the Northern Ireland Protocol is in force. References to the 2016 Regulations in this guide are references to those Regulations as they apply in Great Britain. For guidance on placing on the Northern Ireland market, please see:

<https://www.gov.uk/government/publications/electrical-equipment-safety-regulations-2016>

¹ The Implementation or Transition Period officially ends at 11pm on 31 December 2020; therefore, references to 1 January 2021 should be read as meaning 11pm on 31 December 2020.

² The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 were amended by the Product Safety and Metrology etc. (Amendment to Extent and Meaning of Market) (EU Exit) Regulations 2020 to apply to Great Britain only, and not to Northern Ireland, in support of implementing The Protocol of Ireland and Northern Ireland (“The Northern Ireland Protocol”). The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 were further amended by the Product Safety and Metrology etc. (Amendment etc.) (UK(NI) Indication) (EU Exit) Regulations 2020 to provide for a 24 month transition period for importer labelling (for goods from the EEA) and the UKCA marking, to amend the definition of “authorised representative” as well as introducing an end (in 12 months from the end of the Transition Period) to the recognition of goods meeting EU requirements, as well as introducing provisions for qualifying Northern Ireland goods.

3. Scope

The Regulations apply to all electrical equipment that is designed or adapted for use between 50 and 1,000 volts (in the case of alternating current) and 75 and 1,500 volts (in the case of direct current). The Regulations cover domestic electrical equipment and equipment that is intended for use in the workplace.

The Regulations do not apply to electrical equipment listed in Regulation 3 (2) of the Regulations.

4. Obligations of manufacturers

A manufacturer is a person who manufactures electrical equipment, or has electrical equipment designed or manufactured, and markets that equipment under their name or trademark.

The obligations of manufacturers of electrical equipment include:

1. Before placing electrical equipment on the GB market, the manufacturer must ensure that the equipment has been designed and manufactured in accordance with the principal elements of the safety objectives. These are set out in Schedule 1 to the Regulations. Manufacturers must also have a relevant conformity assessment procedure carried out and technical documentation drawn up.
2. Once this has been done, the manufacturer must draw up a declaration of conformity³, and affix the UKCA marking⁴ visibly, legibly and indelibly to the equipment. Where this is not possible or warranted because of the nature of the equipment, the UKCA marking must be affixed on the packaging and accompanying documents. In any event, until 31 December 2022, the UKCA marking may be affixed to a label or a document accompanying the equipment.
3. Qualifying Northern Ireland goods can be placed on the GB market with the CE and CE UKNI conformity markings, see further detail in Section 10 on Qualifying Northern Ireland Goods
4. Manufacturers must keep technical documentation and the declaration of conformity for 10 years after the equipment has been placed on the GB market and make them available for inspection to the market surveillance authority.
5. Manufacturers must also label the equipment with their name, registered trade name or registered trade mark and address; the type batch or serial number (or other identification); and ensure that it is accompanied by instructions which are clear, legible and in easily understandable English.
6. Manufacturers must ensure that procedures are in place for series production to remain in conformity with Part 2 of the 2016 Regulations. In doing so, they must take account of any changes in electrical equipment design or characteristics, and any change in a harmonised standard or in another technical specification by reference to which the EU Declaration of Conformity was drawn up.

³ A Declaration of Conformity is a document that declares that the product is in conformity with the relevant statutory requirements applicable to the specific product.

⁴ Until 31 December 2021, equipment conforming to EU rules, including the CE marking, may be placed on the market of Great Britain.

7. Manufacturers must, when appropriate with regard to any risk posed to consumers, carry out sample testing of equipment they have placed on the GB market and must investigate any complaints that the electrical equipment is not in conformity with the legal requirements of the 2016 Regulations and keep records of these complaints.
8. Manufacturers must take action where they have reason to believe that the electrical equipment they have placed on the GB market is not in conformity with the legal requirements of the 2016 Regulations; where the equipment presents a risk, the manufacturer must immediately inform the market surveillance authority.
9. Manufacturers must also cooperate with and provide information to enforcing authorities, such as local trading standards authorities, following any reasoned requests within 10 years of placing the equipment on the market.

Manufacturers based in Northern Ireland can follow the legislation as it applies to Northern Ireland and place qualifying Northern Ireland goods on the GB market without any additional approvals. See further detail in Section 10 on Qualifying Northern Ireland Goods.

5. Obligations of authorised representatives

Manufacturers are able by written mandate to appoint authorised representatives to perform certain tasks on their behalf.

Mandated authorised representatives for the GB market can be based in GB or Northern Ireland but after 1 January 2021 cannot be based outside the UK. A manufacturer can only mandate an authorised representative established in the UK under the Regulations as they apply in GB.

No GB-based authorised representatives are recognised under EU law to carry out tasks on the manufacturer's behalf for equipment being placed on the EU market. This means that GB based authorised representatives cannot carry out tasks on the manufacturer's behalf for products being placed on the Northern Ireland or EEA markets. Therefore, a GB manufacturer selling equipment to the EEA or into Northern Ireland, who wishes to appoint an authorised representative to carry out tasks for them in respect of that equipment, must appoint an authorised representative based in Northern Ireland or the EEA.

An authorised representative must comply with the duties imposed on the manufacturer, in particular, regulation 7 (retention of technical documentation) and regulation 13 (provision of information and cooperation), as well as perform other tasks which the mandate appoints them to perform.

The manufacturer remains responsible for the proper performance of any duties the authorised representative performs on their behalf.

Any references in the 2016 Regulations to the manufacturer are to be taken to include a reference to the authorised representative including in relation to penalties for failure to comply with those duties.

6. Obligations of importers

An importer is a person or business based in the UK who places equipment on the GB market from a country outside the UK. This means that UK businesses which used to act as a 'distributor' before the end of the transition period legally become an 'importer' if they place products from an EEA country on the GB market.

This includes electrical equipment that is supplied to NI businesses from the EEA and then placed on the GB market. In this instance the NI business will take on importer obligations for EEA-supplied goods that are placed on the GB market (see also Section 10 on Qualifying Northern Ireland Goods).

Importers have additional legal obligations which go beyond those of distributors, such as checking that manufacturers have carried out the right conformity assessment procedures and including their (the importer's) name, registered trade name or mark and a postal address on the equipment or, where this is not possible, on its packaging or in accompanying documentation.

To assist with the transition, the UK is applying a transitional period ending on 31 December 2022 to allow UK distributors of goods from the EEA or Switzerland who become importers into the GB market to provide their details on the packaging or in accompanying documentation as an alternative to placing them on the equipment itself (even if it is otherwise possible to affix it to the electrical equipment itself). This applies to goods that are not qualifying Northern Ireland goods. For further detail on qualifying Northern Ireland goods, please see Section 10 on Qualifying Northern Ireland Goods.

Can you be contacted easily if there is a problem?

A key principle underpinning product safety, for the benefit of consumers and regulators, is traceability of a product back to its source.

In recognition that under the new regulatory regime you may have the new status of an importer when placing goods from an EEA state on the GB market for the first time, you may provide your contact details by a document that accompanies the product. This will be allowed until 31 December 2022.

We understand that there may be a period of adjustment to the new arrangements for importer documentation for the GB market, and it may be difficult to provide your details on documentation accompanying each and every individual product.

You may therefore use an alternative method where, for example, your contact information is on a document accompanying a batch of products. This document would then follow each batch of products through the distribution chain. Your contact details must follow each product through the distribution chain, but not necessarily by one document per product. Ultimately, the end user, each distributor (and a regulator) must be able to access the information.

Methods which enable traceability of the product after the initial batch has been broken up could include:

- The importer address is present in shipping documents.
- The importer address is present on the invoice to the GB customer.
- The importer address is present on the label that is on the outer packaging ("shipper") in which a number of finished goods is packed (normally customers will receive shippers unless the order is very small so that the shipper has to be opened and split).
- The importer address is included on the EU Declaration of Conformity and/or UK Declaration of Conformity (whichever is relevant for the product in question).

You should work with your distributors to ensure physical documentation does accompany batches of product as far as possible, and in all cases that there are measures in place to ensure end users are able to identify the UK importer.

Alongside that, but not as an alternative, you can use your company website to provide more information, access to product details and contact points for retailers, consumers and enforcement bodies.

These options are for a time limited period only and may not be used after 31 December 2022. You are encouraged to put in place measures to ensure that individual items do carry the importer's address where required ahead of this date.

The EU does not have any such transitional provision. In the absence of this, equipment being sold from GB to NI or the EU must be labelled with the NI or EU-based importer's address. For further detail about placing on the NI market please see:

<https://www.gov.uk/government/publications/electrical-equipment-safety-regulations-2016>

The obligations of importers in the UK include:

1. Before placing electrical equipment on the GB market, the importer must ensure that it is in conformity with the principal elements of the safety objectives and that the obligations in the 2016 Regulations have been met. If the electrical equipment presents a risk, the importer must inform the manufacturer and the market surveillance authority of that risk.
2. The importer must ensure that the relevant conformity assessment has been carried out by the manufacturer; the manufacturer has drawn up the technical documentation; the manufacturer has affixed the UKCA marking⁵, to the equipment and has drawn up the declaration of conformity. Until 31 December 2022, the UKCA marking may be affixed to a label affixed to, or a document accompanying, the equipment; this applies even where it would otherwise be possible to affix the UKCA marking to the equipment.
3. The importer must keep a copy of the declaration of conformity and technical documentation for a period of 10 years after the equipment has been placed on the GB market.
4. The importer must provide their name, registered trade name and a postal address at which they can be contacted on the electrical equipment or on its packaging or in an accompanying document.
5. The importer must ensure that equipment is accompanied by instructions which are in easily understandable English.
6. The importer must, when appropriate with regard to any risk posed to consumers, carry out sample testing of equipment they have placed on the GB market and investigate complaints about electrical equipment that is not in conformity with the legal requirements of the 2016 Regulations and keep a register of those complaints.

⁵ Until 31 December 2021, equipment conforming to EU rules, including the CE marking, may be placed on the market of Great Britain – see below; qualifying Northern Ireland goods complying with NI rules, including the CE marking, may also be placed on the GB market – see below.

7. The importer must take action where they have reason to believe that the electrical equipment they have placed on the GB market is not in conformity with the legal requirements of the 2016 Regulations.
8. The importer must ensure that while electrical equipment is under their responsibility, its storage and transport conditions do not jeopardise its conformity with the essential health and safety requirements.
9. The importer must also cooperate with and provide information to enforcing authorities following any requests.

Qualifying Northern Ireland goods complying with the legislation as it applies in Northern Ireland, including affixing the CE marking, may also be placed on the GB market. See further detail in Section 10 on Qualifying Northern Ireland Goods.

7. Obligations of distributors

UK businesses that were distributors of electrical equipment within the EU single market should now consider whether they are importers from the EU single market and therefore what additional responsibilities they may have – see section 6 above. The same applies to distributors of goods from the EEA and Switzerland.

A distributor is any person, other than the manufacturer or importer, who makes electrical equipment available on the GB market.

The obligations of distributors include:

1. When making electrical equipment available on the GB market, the distributor must act with due care to ensure that it is in conformity with the principal elements of the safety objectives and that the obligations in the 2016 Regulations have been met.
2. Where a distributor considers that the equipment is not in conformity with the principal elements of the safety objectives, they must not make the equipment available on the GB market until it has been brought into conformity.
3. Before making equipment available on the GB market, the distributor must verify that the equipment bears the UKCA marking⁶; is accompanied by the required instructions and safety information; and that the importer and manufacturer have complied with their obligations as to required labelling. The distributor must take action where they have reason to believe that the electrical equipment that they have made available on the GB market is not in conformity with the 2016 Regulations. Until 31 December 2022, the UKCA marking may be affixed to a label affixed to, or a document accompanying, the equipment.
4. The distributor must also cooperate with and provide information to enforcing authorities following any requests.

⁶ Until 31 December 2021, equipment conforming to EU rules, including the CE marking, may be placed on the market of Great Britain – see below; qualifying Northern Ireland goods complying with NI rules, including the CE marking, may also be placed on the GB market – see below.

8. Transitional arrangements

Products placed on the market before 1 January 2021

If you have already placed an individual fully manufactured product on the EEA or the UK market (either in Northern Ireland or Great Britain) before 1 January 2021, you do not need to do anything new. These individual goods can continue to circulate on either market until they reach their end user and do not need to comply with the changes that take effect from 1 January 2021.

A fully manufactured good is 'placed on the market' when there is a written or verbal agreement (or offer of an agreement) to transfer ownership or possession or other rights in the product. This does not require physical transfer of the good.

You can usually provide proof of placing on the market on the basis of any relevant document ordinarily used in business transactions, including:

- contracts of sale concerning goods which have already been manufactured and meet the legal requirements;
- invoices; and
- documents concerning the shipping of goods for distribution.

The relevant economic operator (whether manufacturer, importer or distributor) bears the burden of proof for demonstrating that the good was placed on the market before 1 January 2021.

9. UKCA Marking

Self-declaration

The UKCA marking will replace the CE marking for electrical equipment placed on the GB market. Manufacturers selling equipment on the GB market can affix the new UKCA marking before placing a product on the GB market.

CE marking based on self-declaration of conformity by the manufacturer is still possible until 31 December 2021 for the GB market. Qualifying Northern Ireland goods complying with the legislation as it applies in Northern Ireland, including affixing the CE marking, may also be placed on the GB market. See further detail in Section 10 on Qualifying Northern Ireland Goods.

Rules around physically affixing the new UKCA marking mirror those which currently apply for the application of the CE marking although until 31 December 2022, the UKCA marking may be affixed to a label affixed to the electrical equipment or a document accompanying the equipment, rather than being affixed to the equipment itself (even where it is otherwise possible to affix it to the equipment itself).

It will be possible to affix both the UKCA marking and the CE marking to the same equipment on the basis of self-declaration, as long as the EU and GB requirements remain the same. When selling to the EU, the CE marking remains mandatory.

Further guidance on UKCA marking can be found here:

<https://www.gov.uk/guidance/using-the-ukca-marking>

10. Qualifying Northern Ireland Goods

The government has committed to providing unfettered access for qualifying Northern Ireland goods to the rest of the UK market after 1 January 2021. Products that can be placed on the market in Northern Ireland in accordance with the legislation, as it applies to Northern Ireland, can be sold in the rest of the UK without any additional approvals.

This means that electrical equipment that is a qualifying Northern Ireland good can be sold in the rest of the UK if the CE marking is currently applied to the good on the basis of self-declaration.

This will be the case even if there are changes between the EU rules that the Northern Ireland Protocol applies to NI and the GB rules.

You can find more information about the UKNI marking here:

<https://www.gov.uk/guidance/using-the-ukni-marking>

NI businesses that are importing products from the EEA and placing them on the GB market must ensure that the relevant conformity assessment procedure has been carried out, that the technical documentation has been drawn up and that the equipment bears the CE marking. They will also have to comply with the importer labelling duties (see Section 6 on obligations of importers).

You can find out more about qualifying Northern Ireland goods here

<https://www.gov.uk/guidance/moving-qualifying-goods-from-northern-ireland-to-the-rest-of-the-uk>

11. Enforcement and penalties

In Great Britain, local trading standards authorities have a duty to enforce the 2016 Regulations in relation to consumer goods.

For electrical equipment intended for workplace use, the [Health and Safety Executive](#) (HSE) has a duty to enforce the Regulations in Great Britain.

The [Office of Nuclear Regulation](#) is responsible for enforcing the regulations in respect of the equipment in nuclear sites.

In addition, the Secretary of State, or a person appointed to act on their behalf, has power to enforce the Regulations and RAMS (Regulation (EC 765/2008) which sets out requirements for market surveillance of products) as amended by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019.

The Regulations provide powers to market surveillance authorities to take action against economic operators for products that present a risk or are not in conformity with the Regulations, as set out in regulations 44 to 49. Economic operators are also required to co-operate with the enforcement authority and on request, must provide information and take action as appropriate.

The GB market surveillance authority (HSE, local trading standards authorities, ONR) will take all appropriate measures to withdraw from the market or to prohibit or restrict the supply of products which may endanger the health and safety of persons, property or the environment.

Regulators' Code

Local authorities, the HSE and ORR must continue to have regard to the Regulators' Code when developing the policies and operational procedures that guide their regulatory activities in this area. They should carry out their activities in a way that supports those they regulate to comply and grow, including choosing proportionate approaches that reflect risk.

In responding to non-compliance that they identify, regulators should clearly explain what the non-compliant item or activity is, the advice being given, actions required, or decisions taken, and the reasons for these. Unless immediate action is needed to prevent a serious breach, regulators should provide an opportunity for dialogue in relation to the advice, requirements or decisions, with a view to ensuring that they are acting in a way that is proportionate and consistent. The Secretary of State takes account of the provisions of both the Regulators' Code and the Growth Duty in exercising their regulatory functions.

A link to the Regulator's Code can be found here:

<https://www.gov.uk/government/publications/regulators-code>

Penalties

A person committing an offence under the 2016 Regulations is liable to a penalty.

Penalties can include:

- a fine or prison sentence of up to three months or to both on summary conviction; or
- a fine or prison sentence of up to two years or both on conviction on indictment.

While it is a matter for the enforcement authority to decide whether prosecution is appropriate in each case, should a prosecution take place, it is at the discretion of the court to decide the penalties imposed on the offender.

12. Glossary

- **Authorised Representative** – A person appointed in writing by a manufacturer to perform specific tasks for the manufacturer. From 1 January 2021, authorised representatives for the GB market must be based in the UK. Manufacturers remain ultimately responsible for ensuring these tasks are carried out properly.
- **Declaration of conformity** – A document prepared by the manufacturer which must detail the following:
 - The specific electrical equipment to which the declaration is referring
 - The name and address of the manufacturer and, where applicable, their authorised representative

This must be kept by the manufacturer for a period of ten years from the date on which the electrical equipment was placed on the GB market. This declaration must be made available to the enforcing authority upon request.

- **Distributor** – Any person in the GB supply chain, other than the manufacturer or the importer, who makes electrical equipment available on the GB market.
- **Enforcing Authority** – In Great Britain, for equipment in the use in the workplace, this is the Health and Safety Executive. For products for consumer use this is local trading standards authorities. For nuclear sites in Great Britain, the Office for Nuclear Regulation is the enforcing authority.

- **Importer** – A person established in the UK who places electrical equipment from a country outside of the UK on the GB market. This includes a person based in NI who has been supplied with the product from an EEA country, who would, under NI law, be a distributor. A person, who before 1 January 2021 (under EU Rules) distributed electrical equipment within the EU (including the UK, and including Switzerland), is now an importer if they are bringing such equipment into GB from another country (including EU Member States, the EEA or Switzerland).
- **Manufacturer** – A person who manufactures electrical equipment, or has electrical equipment designed or manufactured, and markets that equipment under their name or trademark.
- **UKCA Marking** – The UKCA (UK Conformity Assessed) marking is the new UK conformity marking used for certain goods (including electrical equipment) being placed on the GB market, in place of the CE marking which is the conformity marking used in Northern Ireland and the European Union.
- **UKNI Marking** (also known as the UK(NI) indication) – The UKNI marking is a new marking applied in addition to the CE marking, where a good requiring mandatory third-party conformity assessment has been tested against EU requirements by a UK body. The UKNI marking applies when placing such products on the Northern Ireland market. Under the Government's unfettered access commitments, products lawfully marked with the UKNI marking can also be placed on the GB market if they are also qualifying Northern Ireland goods.

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