



Department for  
Business, Energy  
& Industrial Strategy

Regulatory Delivery

# ELECTRICAL EQUIPMENT (SAFETY) REGULATIONS 2016

Guidance



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## 1. Introduction

On 23 June 2016, the EU referendum took place and the people of the United Kingdom voted to leave the European Union. The government respected the result and triggered Article 50 of the Treaty on European Union on 29 March 2017 to begin the process of exit. Until exit negotiations are concluded, the UK remains a full member of the European Union and all the rights and obligations of EU membership remain in force. During this period the Government will also continue to negotiate, implement and apply EU legislation.

The EU Directive 2014/35/EU on the electrical equipment designed for use within certain voltage limits (commonly called the Low Voltage Directive) was adopted by the European Parliament and Council of Ministers on 26 February 2014.

The Electrical Equipment (Safety) Regulations 2016 implement the Directive into UK law. All new electrical equipment that is intended for supply in the UK from 8 December 2016 must comply with the requirements of the Regulations.

This Guide relates, primarily, to the position in respect of the UK Regulations. The European Commission has produced detailed guidance on the provisions of the Directive and its requirements, which should be referred to for further guidance. The European Commission's guidance can be found at:

[http://ec.europa.eu/growth/sectors/electrical-engineering/lvd-directive\\_en](http://ec.europa.eu/growth/sectors/electrical-engineering/lvd-directive_en)

The main changes relate to alignment of the New Legislative Framework (NLF) principles. The NLF is a set of legislative acts (including the Regulation (EC) No 765/2008 and the Decision No 768/2008/EC) which aim to create a more coherent and consistent legal framework for the marketing of products in the European Union across all sectors. The new content of the 2016 Regulations, amongst others, relate to definitions and detailed obligations of economic operators (manufacturers, authorised representatives, importers or distributors); definitions of “placing on the market” and “making available on the market”; market surveillance procedures including the Union safeguard procedures and enforcement penalties applicable in the UK against offences committed.

## 2. 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.

**Components:** The Low Voltage Directive and the Regulations apply to electrical equipment. In general components as such are not covered by the requirements of the Regulations but components which are in themselves ‘electrical equipment’ need to satisfy the requirements of the Regulations and in particular bear CE marking.

The Regulations do not apply to electrical equipment placed on the market before 8 December 2016.

### 3. Obligations of manufacturers

The obligations of manufacturers of electrical equipment include:

1. Before placing electrical equipment on the market, a manufacturer must ensure that it 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, a manufacturer must draw up a declaration of conformity, and affix the CE marking to the product.
3. Manufacturers must keep technical documentation and the declaration of conformity for 10 years after the equipment has been placed on the market.
4. Manufacturers must also label their products with their name, registered trade name or registered trade mark and address; the type batch or serial number (or other identification) and ensure that they are accompanied by instructions easily understood by the end user. If the end user is in the UK, the language must be English.
5. They must, when appropriate with regard to any risk posed to consumers, carry out sample testing of equipment and must investigate any complaints that the electrical equipment is not in conformity and keep records of these complaints.
6. They must take action where they have reason to believe that the electrical equipment they have placed on the market is not in conformity with the Regulations.
7. They must also cooperate with and provide information to enforcing authorities following any requests.

### 4. Obligations of authorised representatives

Manufacturers are able to appoint authorised representatives to perform certain tasks on their behalves. The obligations of authorised representatives include:

1. An authorised representative must comply with all the duties imposed on the manufacturer under the Regulations that they are appointed by mandate by the manufacturer to perform including manufacturer's obligation under regulation 7 (retention of technical file) and regulation 13 (provision of information and co-operation). A manufacturer remains responsible for the proper performance of any obligations the authorised representative performs on their behalf.
2. As far as those duties are concerned as well as penalties for failure to comply with those duties any references in the Regulations to the manufacturer are to be taken as a reference to the authorised representative.

## 5. Obligations of importers

The obligations of importers include:

1. Before placing electrical equipment on the market an importer must ensure that it is in conformity with the principal elements of the safety objectives and that the obligations in the Regulations are 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 technical documentation; has affixed CE marking to the equipment and has drawn up Declaration of Conformity.
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 market.
4. The importer must provide their name trade, registered trade name and a postal address at which they can be contacted on the electrical equipment and ensure that it is accompanied by instructions easily understood by the end user. If the end user is in the UK, the language must be English.
5. The importer must ensure that the electrical equipment under their responsibility is safely stored and transported.
6. The importer must, when appropriate with regard to any risk posed to consumers, carry out sample testing of equipment and investigate complaints about electrical equipment that is not in conformity with the Regulations and keep a register of those complaints.
7. The importer must take action where they have reason to believe that the electrical equipment they have placed on the market is not in conformity with the Regulations.
8. They must also cooperate with and provide information to enforcing authorities following any requests.

## 6. Obligations of distributors

The obligations of distributors include:

1. Before making electrical equipment available on the market a 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 Regulations are met. Before making equipment available on the market they must verify that the equipment bears the CE marking, is accompanied by the required documents and instructions and that the manufacturer and importer have complied with their duties in relation to labelling and identifying themselves.

2. Where the 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 market until it has been brought into conformity.
3. The distributor must take action where they have reason to believe that the electrical equipment that they have made available on the market is not in conformity with the Regulations. They must also cooperate and provide information to enforcement authorities if requested.

## 7. Transitional arrangements

The European Directive 2014/35/EU (the Low Voltage Directive) from which these Regulations are transposed came fully into force on 20 April 2016 and as such from that date only products that are fully compliant with the European Directive 2014/35/EU may be placed on the European market and enjoy free movement. The UK implemented the Directive on 8 December 2016 and so products compliant with the Electrical Equipment (Safety) Regulations 1994 implementing the Directive 2006/95/EC (the Low Voltage Directive) could be placed on the UK market until 8 December 2016, the date these new Regulations came into force but they cannot be placed on the market in other member States. Products complying with the legislation of all member States implementing 2006/95/EC could be placed on the EU market until 19 April 2016.

## 8. Enforcement and penalties

In Great Britain, local authority trading standards departments and in, Northern Ireland, district councils are responsible for enforcing the Regulations in relation to consumer goods.

For products intended for workplace use, the Health and Safety Executive (HSE) <http://www.hse.gov.uk/> is responsible for the enforcement of the Regulations in Great Britain. In Northern Ireland enforcement is the responsibility of the Health and Safety Executive for Northern Ireland (HSENI) <https://www.hseni.gov.uk/>

The Office of Nuclear Regulation is responsible for enforcing the regulations in respect of the equipment in nuclear sites. <http://www.onr.org.uk/>

The Regulations also provide powers to the Secretary of State or a person appointed to act on their behalf to enforce the Regulations and RAMS (Regulation (EC 765/2008 which sets out requirements for market surveillance of products).

The Regulations provides powers to market surveillance authorities to take action against economic operators for products that are not in conformity with the Regulations as set out in regulation 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.

## Safeguard procedure

The UK is required under the Regulations to take all appropriate measures to withdraw from the market or to prohibit, and restrict the supply of products bearing CE Marking which may endanger the health and safety of persons, property or the environment. Under the Safeguard Procedure, the UK must inform the European Commission and other EU Member States immediately of any enforcement action taken including the reason justifying that action. This will enable Member States to take action against similar products placed on the market on their territories. Similarly, if another Member State initiates the procedure with respect to action taken on their territories, certain action are required of UK market surveillance authorities and the Secretary of State (Regulation 46).

Regulation 46(2) provides Secretary of State to raise an objection against the measures taken under the safeguard procedure initiated by another Member State. The European Commission will determine whether the action taken is justified; if so, the UK enforcement authority must take necessary measures to ensure electrical equipment is withdrawn from the market. Where the European Commission finds the action taken by the Member State initiating the safeguard procedure, is not justified, that Member State must withdraw that measure.

## Regulators' Code

Market Surveillance Authorities must 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 his regulatory functions.

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

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/300126/14-705-regulators-code.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/300126/14-705-regulators-code.pdf)

## Penalties

A person committing an offence under the Regulations will be 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 matter for the enforcement authority to decide whether prosecution is appropriate in each case, should a prosecution take place, it is at discretion of the court to decide the penalties imposed on the offender.

## 9. European Commission Guidance

The European Commission have a dedicated webpage on their website where further guidance can be obtained see:

[http://ec.europa.eu/growth/sectors/electrical-engineering/lvd-directive\\_en](http://ec.europa.eu/growth/sectors/electrical-engineering/lvd-directive_en)

The European Commission has produced guidance called the Blue Guide intended to contribute to a better understanding of EU product safety rules and to their more uniform and coherent application across different sectors and throughout the single market. A copy can be found at this link:

Blue Guide <http://ec.europa.eu/DocsRoom/documents/18027/>





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