
STATUTORY INSTRUMENTS

2012 No. 3032

**The Restriction of the Use of Certain Hazardous Substances
in Electrical and Electronic Equipment Regulations 2012**

PART 2

Prohibitions and Obligations on Economic Operators

All economic operators

Identification of economic operators to the market surveillance authority

33.—(1) The market surveillance authority may, for ten years following the placing on the market of the EEE, request an economic operator to identify to the authority, within such period as the authority may specify—

- (a) any economic operator who has supplied it with EEE; and
 - (b) any economic operator to whom it has supplied EEE.
- (2) The economic operator must comply with the request.

Protection of [F¹UK] marking E+W+S

34.—(1) A person must not affix a [F²UK] marking in relation to EEE unless—

- (a) the person is—
 - (i) the manufacturer; or
 - (ii) an authorised representative of the manufacturer who has been appointed by the manufacturer in accordance with regulation 22(1) to affix the [F²UK] marking on the manufacturer's behalf; and
 - (b) it has been demonstrated by performance of the conformity assessment procedure referred to in regulation 12 (conformity assessment procedure and drawing up of technical documentation) that the EEE complies with the requirements of regulation 3.
- (2) A person must not affix any marking in relation to EEE which—
- (a) is not a [F²UK] marking; but
 - (b) purports to attest that the EEE satisfies the requirements of regulation 3.
- (3) A person must not affix in relation to EEE any marking, sign or inscription which is likely to mislead any other person as to the meaning or form of the [F²UK] marking affixed in relation to the EEE.
- (4) Any other marking may be affixed in relation to EEE provided that the visibility, legibility and meaning of the [F²UK] marking is not thereby impaired.

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are currently no known outstanding effects for the The Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012, Cross Heading: All economic operators. (See end of Document for details)

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

Textual Amendments

- F1** Word in reg. 34 heading substituted (E.W.S.) (31.12.2020) by [The Waste \(Miscellaneous Amendments\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/188\)](#), regs. 1(2)(b), **18(22)** (as amended by S.I. 2020/1540, regs. 1(2), **11(2)**); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Word in reg. 34 substituted (E.W.S.) (31.12.2020) by [The Waste \(Miscellaneous Amendments\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/188\)](#), regs. 1(2)(b), **18(22)** (as amended by S.I. 2020/1540, regs. 1(2), **11(2)**); 2020 c. 1, Sch. 5 para. 1(1)

Protection of CE marking **N.I.**

- 34.—**(1) A person must not affix a CE marking in relation to EEE unless—
- (a) the person is—
 - (i) the manufacturer; or
 - (ii) an authorised representative of the manufacturer who has been appointed by the manufacturer in accordance with regulation [22\(1\)](#) to affix the CE marking on the manufacturer’s behalf; and
 - (b) it has been demonstrated by performance of the conformity assessment procedure referred to in regulation [12](#) (conformity assessment procedure and drawing up of technical documentation) that the EEE complies with the requirements of regulation [3](#).
- (2) A person must not affix any marking in relation to EEE which—
- (a) is not a CE marking; but
 - (b) purports to attest that the EEE satisfies the requirements of regulation [3](#).
- (3) A person must not affix in relation to EEE any marking, sign or inscription which is likely to mislead any other person as to the meaning or form of the CE marking affixed in relation to the EEE.
- (4) Any other marking may be affixed in relation to EEE provided that the visibility, legibility and meaning of the CE marking is not thereby impaired.

Extent Information

- E2** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

^{F3}Obligations which are met by complying with obligations in the Directive

- 34A.—**(1) This regulation makes provision for obligations on manufacturers, importers and distributors in these Regulations for placing, or making available, EEE on the market to be met by complying with obligations in the Directive for placing, or making available, EEE on the market.
- (2) 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 [3\(15\)](#);
 - (c) “harmonised standard” has the meaning given to it in Article [3\(13\)](#).

- (3) Paragraph (4) applies where, before placing EEE on the market, the manufacturer—
- (a) ensures the EEE has been designed and manufactured in accordance with the requirements set out in Articles 4 and 7;
 - (b) ensures that the conformity assessment procedure that applies to the EEE in accordance with Article 7(b) has been carried out;
 - (c) affixes a CE marking, in accordance with Article 7(c), 15(1) and (2);
 - (d) draws up an EU declaration of conformity, in accordance with Article 13; and
 - (e) ensures that the EU declaration of conformity is prepared in or translated into English.
- (4) Where this paragraph applies—
- (a) the requirements of regulations 12(1), 13 and 14(1), (2), (5) and (6) are satisfied in respect of that EEE;
 - (b) regulations 12(1), 13, 14(1), (2), (5) and (6) apply to that EEE subject to the modifications in paragraph (9).
- (5) Paragraph (6) applies where, before placing EEE on the market, the importer ensures that—
- (a) the conformity assessment procedure that applies to that EEE in accordance with Article 7(b) has been carried out;
 - (b) the manufacturer has drawn up the technical documentation referred to in Article 7(b); and
 - (c) the EEE bears the CE marking and inscriptions referred to in Article 13.
- (6) Where this paragraph applies—
- (a) the requirements of regulation 23(b) are satisfied in respect of that EEE;
 - (b) regulation 23(b) applies to that EEE subject to the modifications in paragraph (9).
- (7) Paragraph (8) applies where, before making EEE available on the market, a distributor ensures that the EEE bears the CE marking and inscriptions referred to Article 13.
- (8) Where this paragraph applies—
- (a) the requirements of regulation 29(1)(a) are satisfied in respect of that EEE;
 - (b) regulation 29(1)(a) applies to that EEE subject to the modifications in paragraph (9).
- (9) The modifications referred to in paragraphs (4)(b), (6)(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 “designated standard” is to be read as a reference to a harmonised standard;
 - (d) any reference to an “internal control procedure” is to be read as a reference to Module A of Annex 2 to Decision [768/2008/EC](#) of the European Parliament and of the Council on a common framework for the marketing of products as it has effect in EU law, as amended from time to time;
 - (e) any reference to “technical documentation” is a reference to the technical documentation referred to in Article 7(b).]

Textual Amendments

- F3** Reg. 34A inserted (E.W.S.) (31.12.2020) by [The Waste \(Miscellaneous Amendments\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/188\)](#), regs. 1(2)(b), **18(23)** (as amended by S.I. 2020/1540, regs. 1(2), **11(2)**); 2020 c. 1, Sch. 5 para. 1(1)

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[^{F4}Expiry of regulation 34A

34B.—(1) Subject to paragraphs (2) and (3), 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 EEE 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 in respect of EEE placed on the market pursuant to regulation 34A continues to have effect after the expiry of regulation 34A, in respect of that EEE.

(3) Regulation 34A continues to apply to EEE that—

- (a) was available on the market in the EU prior to IP completion day; and
- (b) is placed on the market on or after IP completion day.

(4) Where EEE is placed on the market pursuant to paragraph (3), regulation 24(1) does not apply where—

- (a) the importer has imported the EEE from the EU; and
- (b) before placing the product on the market, the importer sets out the information referred to in regulation 24(1) in a document accompanying the EEE.

Textual Amendments

F4 Regs. 34B, 34C inserted (E.W.S.) (31.12.2020) by [The Hazardous Substances and Packaging \(Legislative Functions and Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1647\)](#), regs. 1(3), 12(7)

Qualifying Northern Ireland goods

34C.—(1) Where paragraph (2) applies, EEE is to be treated as being in conformity with these Regulations.

(2) This paragraph applies where—

- (a) the goods which are EEE—
 - (i) are in conformity with these Regulations as they apply in Northern Ireland; and
 - (ii) are 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 EEE on the market, the importer—

- (a) complies with regulation 21; and
- (b) ensures that the manufacturer has done all of the following in relation to the EEE, in accordance with these Regulations as they apply in Northern Ireland—
 - (i) carried out the conformity assessment procedure in accordance with regulation 12(1);
 - (ii) drawn up the technical documentation; and
 - (iii) affixed the CE marking.

(4) For the purposes of this regulation—

- (a) “in conformity with these Regulations” means, in relation to EEE, that—

- (i) the EEE is not prohibited by regulation 3 from being placed on the market; and
- (ii) each person who has obligations under this Part in respect of the EEE has complied, or is complying, with those obligations;
- (b) “CE marking” and “technical documentation” have the meanings given in regulation 2 of these Regulations as they apply in Northern Ireland;
- (c) “qualifying Northern Ireland goods” has the meaning given to it from time to time in regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018.]

Textual Amendments

- F4** Regs. 34B, 34C inserted (E.W.S.) (31.12.2020) by [The Hazardous Substances and Packaging \(Legislative Functions and Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1647\)](#), regs. 1(3), 12(7)

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