

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

Importers

Prohibition on placing EEE on the market **E+W+S**

- 23.** An importer must not place EEE on the market unless—
- (a) the EEE complies with the requirements of regulation 3;
 - (b) the importer has ensured that the manufacturer has done all of the following in relation to the EEE—
 - (i) carried out the conformity assessment procedure and drawn up the technical documentation in accordance with paragraph (1) of regulation 12 (conformity assessment procedure and drawing up of technical documentation);
 - (ii) affixed the ^{F1}UK marking in accordance with regulation 16 (EEE to bear ^{F1}UK marking);
 - ^{F2}(iii) complied with regulation 18 (information identifying EEE and manufacturer).]
 - ^{F3}(iv)
 - (c) the EEE is accompanied by the required documents; and
 - (d) the importer has complied with regulation 24 (information identifying importers).

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. 23(b)(ii) 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(16)** (as amended by S.I. 2020/1540, regs. 1(2), **11(2)**); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Reg. 23(b)(iii) substituted (25.7.2014) by [The Waste Electrical and Electronic Equipment and Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment \(Amendment\) Regulations 2014 \(S.I. 2014/1771\)](#), regs. 1(b), **4(2)**

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: Importers. (See end of Document for details)

F3 Reg. 23(b)(iv) repealed (25.7.2014) by [The Waste Electrical and Electronic Equipment and Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment \(Amendment\) Regulations 2014 \(S.I. 2014/1771\)](#), regs. 1(b), **4(3)**

Prohibition on placing EEE on the market **N.I.**

- 23.** An importer must not place EEE on the market unless—
 - (a) the EEE complies with the requirements of regulation 3;
 - (b) the importer has ensured that the manufacturer has done all of the following in relation to the EEE—
 - (i) carried out the conformity assessment procedure and drawn up the technical documentation in accordance with paragraph (1) of regulation 12 (conformity assessment procedure and drawing up of technical documentation);
 - (ii) affixed the CE marking in accordance with regulation 16 (EEE to bear CE marking);
 - [^{F9}(iii) complied with regulation 18 (information identifying EEE and manufacturer).]
 - (iv)
 - (c) the EEE is accompanied by the required documents; and
 - (d) the importer has complied with regulation 24 (information identifying importers).

Extent Information

E4 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

F9 Reg. 23(b)(iii) substituted (25.7.2014) by [The Waste Electrical and Electronic Equipment and Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment \(Amendment\) Regulations 2014 \(S.I. 2014/1771\)](#), regs. 1(b), **4(2)**

Information identifying importers **E+W+S**

- 24.—(1)** An importer must ensure that the following information is marked on the EEE—
 - (a) the importer’s name, registered trade name or registered trade mark; and
 - (b) an address at which the importer can be contacted.
- [^{F4}(2) Paragraph (1) does not apply where—
 - (a) either—
 - (i) it is not possible to set out the information referred to in paragraph (1) on the EEE; or
 - (ii) the importer has imported the EEE from the EU and places it on the market within the period of [^{F5}seven years] beginning with IP completion day; and
 - (b) before placing the EEE on the market, the importer sets out the information referred to in paragraph (1) on the packaging of the EEE or in a document accompanying the EEE.]
- (3) Where the importer complies with other applicable [^{F6}retained EU law], containing provisions for the affixing of the importer’s name and address which are at least as stringent as those set out in this regulation, it is sufficient to satisfy this regulation.

Extent Information

- E2** 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

- F4** Reg. 24(2) substituted (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(6)**
- F5** Words in reg. 24(2)(a)(ii) substituted (E.W.S.) (31.12.2022) by [The Product Safety and Metrology \(Amendment and Transitional Provisions\) Regulations 2022 \(S.I. 2022/1393\)](#), regs. 1(1), 4, **Sch. 3(d)**
- F6** Words in reg. 24(3) 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(17)** (as amended by S.I. 2020/1540, regs. 1(2), **11(2)**); 2020 c. 1, Sch. 5 para. 1(1)

Information identifying importers **N.I.**

- 24.**—(1) An importer must ensure that the following information is marked on the EEE—
- (a) the importer’s name, registered trade name or registered trade mark; and
 - (b) an address at which the importer can be contacted.
- (2) Where it is not possible to mark the information on the EEE the information may instead be marked on the packaging of the EEE or in a document accompanying the EEE.
- (3) Where the importer complies with other applicable EU legislation, or legislation giving effect to EU legislation, containing provisions for the affixing of the importer’s name and address which are at least as stringent as those set out in this regulation, it is sufficient to satisfy this regulation.

Extent Information

- E4** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Monitoring of EEE

- 25.** An importer must keep a register of any EEE which they have placed on the market—
- (a) in relation to which any provision of these Regulations has not been complied with; or
 - (b) any EEE which has been recalled,
- and keep distributors informed of these matters.

Non-compliant EEE **E+W+S**

- 26.**—(1) If an importer has reason to believe that EEE which the importer was intending to place on the market does not comply with the requirements of regulation 3, the importer must inform the manufacturer and the market surveillance authority of the non-compliance.
- (2) An importer who has placed EEE on the market and has reason to believe that any provision of these Regulations has not been complied with in relation to the EEE must immediately—
- (a) take the corrective measures which are necessary to ensure that the provision is complied with in relation to the EEE, withdraw the EEE or recall it, if appropriate; and

- (b) provide the market surveillance authority^{F7} ... with information about the non-compliance and any corrective measures taken in accordance with sub-paragraph (a).

Extent Information

- E3** 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

- F7** Words in [reg. 26\(2\)\(b\)](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Waste \(Miscellaneous Amendments\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/188\)](#), [regs. 1\(2\)\(b\), 18\(18\)](#) (as amended by [S.I. 2020/1540](#), [regs. 1\(2\), 11\(2\)](#)); 2020 c. 1, Sch. 5 para. 1(1)

Non-compliant EEE **N.I.**

26.—(1) If an importer has reason to believe that EEE which the importer was intending to place on the market does not comply with the requirements of regulation 3, the importer must inform the manufacturer and the market surveillance authority of the non-compliance.

(2) An importer who has placed EEE on the market and has reason to believe that any provision of these Regulations has not been complied with in relation to the EEE must immediately—

- (a) take the corrective measures which are necessary to ensure that the provision is complied with in relation to the EEE, withdraw the EEE or recall it, if appropriate; and
- (b) provide the market surveillance authority and the competent national authorities of any other [^{F10}relevant states] in which they made the EEE available with information about the non-compliance and any corrective measures taken in accordance with sub-paragraph (a).

Extent Information

- E4** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

- F10** Words in [reg. 26\(2\)\(b\)](#) substituted (N.I.) (31.12.2020) by [The Hazardous Substances and Packaging \(Legislative Functions and Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1647\)](#), [regs. 1\(3\), 14\(5\)](#)

Retention of documentation and co-operation with the authorities

27.—(1) An importer must for a period of ten years from the day on which they placed an item of EEE on the market—

- (a) keep a copy of the [^{F8}EU] declaration of conformity for the EEE; and
- (b) ensure that the technical documentation is available for inspection by the market surveillance authority on request by the authority.

(2) The market surveillance authority may during the ten year period mentioned in paragraph (1) request an importer who has placed EEE on the market to—

- (a) provide it within such period as the authority may specify with all the information and documentation necessary to demonstrate that the provisions of these Regulations have been complied with in relation to the EEE; and

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- (b) co-operate with that authority on any action taken or to be taken to ensure that the provisions of these Regulations are complied with in relation to the EEE.
- (3) A request under paragraph (2)(a) must be accompanied by the reasons for making the request.
- (4) The importer must comply with a request under paragraph (2).
- (5) The information and documentation supplied pursuant to a request under paragraph (2)(a) must be drawn up in or translated into English.

Textual Amendments

- F8** Word in reg. 27(1)(a) omitted (E.W.S.) (31.12.2020) by virtue of [The Waste \(Miscellaneous Amendments\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/188\)](#), regs. 1(2)(b), **18(19)** (as amended by S.I. 2020/1540, regs. 1(2), **11(2)**); 2020 c. 1, Sch. 5 para. 1(1)

Duty in certain circumstances to comply with manufacturers' duties in place of importers' duties

28.—(1) An importer who places EEE on the market under the importer's name or trademark must comply with all of the duties imposed by these Regulations on manufacturers, and in such a case, a reference to the manufacturer in these Regulations is to be taken as being a reference to the importer.

(2) Such an importer is not required to comply with the duties imposed by these Regulations on importers.

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: Importers.