

Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (Text with EEA relevance)

CHAPTER III

**<sup>F1</sup>... MARKET SURVEILLANCE FRAMEWORK AND CONTROLS OF PRODUCTS ENTERING THE [<sup>F1</sup>MARKET OF GREAT BRITAIN]**

SECTION 1

**General provisions**

*Article 15*

**Scope**

- 1 Articles 16 to [<sup>F1</sup>22 and] 26 <sup>F2</sup>... apply to products covered by [<sup>F3</sup>any relevant enactment].
- 2 Each of the provisions of Articles 16 to [<sup>F4</sup>22 and] 26 [<sup>F5</sup>applies] in so far as there are no specific provisions with the same objective in [<sup>F6</sup>any relevant enactment].
- 3 The application of this Regulation [<sup>F7</sup>does] not prevent market surveillance authorities from taking more specific measures as provided for in [<sup>F8</sup>the General Product Safety Regulations 2005].
- 4 For the purposes of Articles 16 to [<sup>F9</sup>22 and] 26, a ‘product’ [<sup>F10</sup>means] a substance, preparation or good produced through a manufacturing process other than food, feed, living plants and animals, products of human origin and products of plants and animals relating directly to their future reproduction.
- 5 Articles 27, 28 and 29 <sup>F11</sup>... apply to all products covered by [<sup>F12</sup>any relevant enactment] in so far as other [<sup>F13</sup>enactments do] not contain specific provisions relating to the organisation of border controls.

**Textual Amendments**

- F1** Words in Art. 15(1) inserted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 33 para. 14(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Word in Art. 15(1) omitted (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 33 para. 14(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in Art. 15(1) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 33 para. 14(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in Art. 15(2) inserted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 33 para. 14(a)**; 2020 c. 1, Sch. 5 para. 1(1)

**Changes to legislation:** Regulation (EC) No 765/2008 of the European Parliament and of the Council, SECTION 1 is up to date with all changes known to be in force on or before 27 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- F5** Word in Art. 15(2) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 33 para. 14(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in Art. 15(2) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 33 para. 14(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F7** Word in Art. 15(3) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 33 para. 14(e)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F8** Words in Art. 15(3) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 33 para. 14(e)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F9** Words in Art. 15(4) inserted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 33 para. 14(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F10** Word in Art. 15(4) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 33 para. 14(f)**; 2020 c. 1, Sch. 5 para. 1(1)
- F11** Word in Art. 15(5) omitted (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 33 para. 14(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F12** Words in Art. 15(5) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 33 para. 14(g)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F13** Words in Art. 15(5) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 33 para. 14(g)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 16

General requirements

<sup>F14</sup>1 .....

2 Market surveillance [<sup>F15</sup>authorities][<sup>F16</sup>must] ensure that products covered by [<sup>F17</sup>any relevant enactment] which, when used in accordance with their intended purpose or under conditions which can be reasonably foreseen and when properly installed and maintained, are liable to compromise the health or safety of users, or which otherwise do not conform to applicable requirements set out in [<sup>F17</sup>any relevant enactment] are withdrawn or their being made available on the market is prohibited or restricted and that the public [<sup>F18</sup>and the Secretary of State] are informed accordingly.

[<sup>F19</sup>3 The Secretary of State must ensure that there is a national market surveillance infrastructure and programme so that effective measures may be taken in relation to any product subject to any relevant enactment.]

4 Market surveillance [<sup>F20</sup>must] cover products assembled or manufactured for the manufacturer's own use where [<sup>F21</sup>any relevant enactment] provides that its provisions <sup>F22</sup>... apply to such products.

---

**Changes to legislation:** Regulation (EC) No 765/2008 of the European Parliament and of the Council, SECTION 1 is up to date with all changes known to be in force on or before 27 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

---

### Textual Amendments

- F14** Art. 16(1) omitted (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 33 para. 15(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F15** Word in Art. 16(2) inserted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 33 para. 15(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F16** Word in Art. 16(2) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 33 para. 15(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F17** Words in Art. 16(2) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 33 para. 15(b)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F18** Words in Art. 16(2) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 33 para. 15(b)(iv)**; 2020 c. 1, Sch. 5 para. 1(1)
- F19** Art. 16(3) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 33 para. 15(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F20** Word in Art. 16(4) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 33 para. 15(d)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F21** Words in Art. 16(4) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 33 para. 15(d)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F22** Word in Art. 16(4) omitted (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 33 para. 15(d)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)

**Changes to legislation:**

Regulation (EC) No 765/2008 of the European Parliament and of the Council, SECTION 1 is up to date with all changes known to be in force on or before 27 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

View outstanding changes

**Changes and effects yet to be applied to :**

- Title replacement by [EUR 2019/1020 Regulation](#)

**Changes and effects yet to be applied to the whole legislation item and associated provisions**

- Ch. 3Art. 27 repeal by [EUR 2019/1020 Regulation](#)
- Ch. 3Art. 23 repeal by [EUR 2019/1020 Regulation](#)
- Ch. 3Art. 16 repeal by [EUR 2019/1020 Regulation](#)
- Ch. 3Art. 29 repeal by [EUR 2019/1020 Regulation](#)
- Ch. 3Art. 19 repeal by [EUR 2019/1020 Regulation](#)
- Ch. 3Art. 17 repeal by [EUR 2019/1020 Regulation](#)
- Ch. 3Art. 22 repeal by [EUR 2019/1020 Regulation](#)
- Ch. 3Art. 21 repeal by [EUR 2019/1020 Regulation](#)
- Ch. 3Art. 15 repeal by [EUR 2019/1020 Regulation](#)
- Ch. 3Art. 24 repeal by [EUR 2019/1020 Regulation](#)
- Ch. 3Art. 28 repeal by [EUR 2019/1020 Regulation](#)
- Ch. 3Art. 26 repeal by [EUR 2019/1020 Regulation](#)
- Ch. 3Art. 20 repeal by [EUR 2019/1020 Regulation](#)
- Ch. 3Art. 18 repeal by [EUR 2019/1020 Regulation](#)
- Ch. 3Art. 25 repeal by [EUR 2019/1020 Regulation](#)
- Art. 2(1) words substituted by [S.I. 2019/696 Sch. 33 para. 3\(c\)\(i\)](#) (This amendment not applied to legislation.gov.uk. Sch. 33 para. 3(c)(i) substituted immediately before IP completion day by virtue of S.I. 2020/1460, reg. 1(4), Sch. 3 para. 22(3)(a))
- Art. 2(2) words substituted by [S.I. 2019/696 Sch. 33 para. 3\(d\)\(i\)](#) (This amendment not applied to legislation.gov.uk. Sch. 33 para. 3(d)(i) substituted immediately before IP completion day by virtue of S.I. 2020/1460, reg. 1(4), Sch. 3 para. 22(3)(b))
- Art. 2(4) substituted by [S.I. 2019/696 Sch. 33 para. 3\(e\)](#) (This amendment not applied to legislation.gov.uk. Sch. 33 para. 3(e) omitted immediately before IP completion day by virtue of S.I. 2020/1460, reg. 1(4), Sch. 3 para. 3)
- Art. 2(4) words substituted in earlier amending provision S.I. 2019/696, Sch. 33 para. 3(e) by [S.I. 2020/852 reg. 4\(2\)Sch. 1 para. 1\(s\)\(i\)](#) (This amendment not applied to legislation.gov.uk. Sch. 1 para. 1(s)(i) omitted immediately before it comes into force by virtue of S.I. 2020/1460, regs. 1(3), Sch. 4 para. 1(3))