

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

Manufacturers and their authorised representatives

Manufacturers' authorised representatives **E+W+S**

22.—(1) A manufacturer may, by written mandate, appoint a person established within the [F¹United Kingdom] as their authorised representative to act on the manufacturer's behalf in relation to specified tasks.

(2) The mandate must allow the authorised representative to do at least the following in relation to EEE covered by the mandate—

- (a) perform the manufacturer's obligations under regulation 15 (duty to keep technical documentation and F²... declaration of conformity); and
- (b) perform the manufacturer's obligations under paragraph (4) of regulation 21 (cooperation with the authorities).

(3) An authorised representative may not be appointed to perform the manufacturer's obligations under regulation 11 (design and manufacture of EEE) or paragraph (1)(a) of regulation 12 (conformity assessment procedure and drawing up of technical documentation).

(4) An authorised representative must comply with all the duties imposed on the manufacturer in relation to each obligation under these Regulations that the representative is appointed by the mandate to perform and, accordingly—

- (a) as far as those duties are concerned, references in these Regulations to the manufacturer are to be taken as including a reference to the authorised representative; and
- (b) if the authorised representative contravenes or fails to comply with any of those duties, the authorised representative may be proceeded against as though the authorised representative were the manufacturer.

(5) A manufacturer who has appointed an authorised representative to perform on the manufacturer's behalf an obligation under these Regulations remains responsible for the proper performance of that obligation.

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

Status: There are multiple versions of this provision on screen. These apply to different geographical extents. Skip to: E+W+S - England, Wales and Scotland extent N.I. - Northern Ireland extent

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, Section 22. (See end of Document for details)

Textual Amendments

- F1** Words in [reg. 22\(1\)](#) 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(15)(a)** (as amended by [S.I. 2020/1540](#), regs. 1(2), **11(2)**); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Word in [reg. 22\(2\)\(a\)](#) 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(15)(b)** (as amended by [S.I. 2020/1540](#), regs. 1(2), **11(2)**); 2020 c. 1, Sch. 5 para. 1(1)

Manufacturers' authorised representatives **N.I.**

22.—(1) A manufacturer may, by written mandate, appoint a person established within [^{F3}a relevant state] as their authorised representative to act on the manufacturer's behalf in relation to specified tasks.

(2) The mandate must allow the authorised representative to do at least the following in relation to EEE covered by the mandate—

- (a) perform the manufacturer's obligations under regulation 15 (duty to keep technical documentation and EU declaration of conformity); and
- (b) perform the manufacturer's obligations under paragraph (4) of regulation 21 (cooperation with the authorities).

(3) An authorised representative may not be appointed to perform the manufacturer's obligations under regulation 11 (design and manufacture of EEE) or paragraph (1)(a) of regulation 12 (conformity assessment procedure and drawing up of technical documentation).

(4) An authorised representative must comply with all the duties imposed on the manufacturer in relation to each obligation under these Regulations that the representative is appointed by the mandate to perform and, accordingly—

- (a) as far as those duties are concerned, references in these Regulations to the manufacturer are to be taken as including a reference to the authorised representative; and
- (b) if the authorised representative contravenes or fails to comply with any of those duties, the authorised representative may be proceeded against as though the authorised representative were the manufacturer.

(5) A manufacturer who has appointed an authorised representative to perform on the manufacturer's behalf an obligation under these Regulations remains responsible for the proper performance of that obligation.

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

Textual Amendments

- F3** Words in [reg. 22\(1\)](#) 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(6)**

Status:

There are multiple versions of this provision on screen. These apply to different geographical extents.

Skip to:

- E+W+S - England, Wales and Scotland extent
- N.I. - Northern Ireland extent

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, Section 22.