

## SCHEDULE 3

### Compliance, enforcement and recall notices

#### Recall notices

4.—(1) The market surveillance authority may serve a recall notice on an economic operator if the authority has reasonable grounds for believing that EEE is—

- (a) an infringing EEE presenting a serious risk by reason of that infringement; and
- (b) that it has already been supplied or made available to end users.

(2) A recall notice is a notice which requires the economic operator to use reasonable endeavours to organise the return of the EEE from end users to the economic operator or another person specified in the notice.

(3) The provisions of—

- (a) regulation 15 of the General Product Safety Regulations 2005<sup>(1)</sup> (“GPSR”); and
- (b) Article 21 of RAMS,

apply in relation to the serving of a recall notice under these Regulations.

(4) For the purposes of serving a recall notice under this paragraph, regulation 15 of the GPSR applies as if—

- (a) references to the provisions of the GPSR were references to those provisions as modified by this paragraph and to these Regulations;
- (b) references to an “enforcement authority” were references to the market surveillance authority;
- (c) references to the product being “a dangerous product” were references to the EEE being an infringing EEE presenting a serious risk by reason of that infringement;
- (d) references to risks to the health and safety of persons were references to the serious risk presented by the EEE;
- (e) paragraphs (9) and (10) were omitted.

(5) In this paragraph—

- (a) “serious risk” means a serious risk to health, safety, the environment, consumers, or security, requiring rapid intervention, including a serious risk the effects of which are not immediate;
- (b) The decision whether or not an EEE presents a serious risk shall be based on an appropriate risk assessment which takes account of the nature of the hazard and the likelihood of an occurrence;
- (c) The feasibility of obtaining higher levels of safety or the availability of other EEEs presenting a lesser degree of risk shall not constitute grounds for considering that an EEE presents a serious risk.

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<sup>(1)</sup> S.I. 2005/1803, as amended by S.I. 2012/1848.

**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, Paragraph 4.