
STATUTORY INSTRUMENTS

2017 No. 1206

The Radio Equipment Regulations 2017

PART 2 U.K.

Obligations of economic operators

CHAPTER 5 U.K.

Importers and distributors

Cases in which obligations of manufacturers apply to importers and distributors U.K.

36. An economic operator (“A”) who would, but for this regulation, be considered an importer or distributor, is to be considered a manufacturer for the purposes of these Regulations and is subject to the obligations of a manufacturer under Part 2, where A—

- (a) places radio equipment on the market under A's own name or trademark, or
- (b) modifies radio equipment already placed on the market in such a way that it may affect whether the radio equipment is in conformity with Part 2.

[^{F1}Obligations which are met by complying with obligations in the Directive E+W+S

36A.—(1) 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 2(26);
- (c) “harmonised standard” has the meaning given to it in Article 2(18).

(2) Subject to paragraphs (6) and (7), paragraph (3) applies where, before placing radio equipment on the market, the manufacturer—

- (a) ensures that the radio equipment has been designed and manufactured in accordance with the essential safety requirements set out in Article 3;
- (b) ensures that the conformity assessment procedure that applies to that radio equipment in accordance with Article 17 of the Directive has been carried out;
- (c) affixes a CE marking and where the conformity assessment procedure set out in Annex IV is applied, the notified body identification number, in accordance with Articles 19 and 20(1) to (3);
- (d) draws up the technical documentation in accordance with Article 21;
- (e) ensures that the technical documentation and other records and correspondence relating to the conformity assessment procedures are prepared in or translated into English;
- (f) draws up an EU declaration of conformity, in accordance with Article 18; and
- (g) ensures that the EU declaration of conformity is prepared in or translated into English.

(3) Where this paragraph applies—

- (a) the requirements of regulations 7, 9, 10(1) and (3) are to be treated as being satisfied;
 - (b) regulations 2(2)(a), 10(2), 11, 19(3) and 39 apply subject to the modifications in paragraph (8);
 - (c) Part 3 does not apply; and
 - (d) regulation 63 does not apply.
- (4) Subject to paragraphs (6) and (7) paragraph (5) applies where, before placing radio equipment on the market, the importer ensures that—
- (a) the conformity assessment procedure that applies to that radio equipment in accordance with Article 17 has been carried out;
 - (b) the manufacturer has drawn up the technical documentation referred to in Annex V; and
 - (c) the radio equipment bears the CE marking referred to Article 19.
- (5) Where this paragraph applies—
- (a) the requirements of regulation 21(a) to (d) are to be treated as being satisfied; and
 - (b) regulations 2(2)(a), 22(1), 25 and 28 apply subject to the modifications in paragraph (10).
- (6) This paragraph applies where there is no designated standard or part of a designated standard which corresponds exactly to a harmonised standard or part of a harmonised standard as referred to in Article 16.
- (7) Where paragraph (6) applies paragraphs (2)(b) and (4)(a) are to be treated as requiring the manufacturer to have carried out—
- (a) one of the conformity assessment procedures in Article 17(1) with respect to the essential requirements set out in Article 3(1); and
 - (b) the conformity assessment procedure in Article 17(4) with respect to the essential requirements set out in Article 3(2) and (3).
- (8) Paragraph (9) applies where, before making radio equipment available on the market, a distributor ensures that the radio equipment bears the CE marking referred to in Article 19.
- (9) Where this paragraph applies—
- (a) regulation 31(a)(i) is satisfied; and
 - (b) regulations 32(1) and 33 apply subject to the modifications in paragraph (10).
- (10) The modifications referred to in sub-paragraphs (3)(b), (5)(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 “essential safety requirements” is to be read as a reference to the essential safety requirements set out in Article 3;
 - (d) any reference to “designated standard” is to be read as a reference to a harmonised standard within the meaning of Article 2(18);
 - (e) any reference to “relevant conformity assessment procedure” is to be read as a reference to the conformity assessment procedure that applies to the radio equipment in accordance with Article 17;
 - (f) any reference to “technical documentation” is a reference to the technical documentation referred to in Annex V.]

Textual Amendments

- F1** Regs. 36A-36C inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 29 para. 27** (with Sch. 29 para. 44) (as amended by S.I. 2020/676, regs. 1(1), 2 and S.I. 2020/1460, regs. 1(4), **Sch. 3 para. 21(3)**); 2020 c. 1, **Sch. 5 para. 1(1)**

[^{F1}Expiry of regulation 36A **E+W+S**

36B.—(1) Subject to paragraph (2), regulation 36A ceases to have effect at the end of the period of [^{F2}four years] beginning with IP completion day.

(2) Notwithstanding the expiry of regulation 36A—

- (a) any radio equipment which was placed on the market pursuant to regulation 36A may continue to be made available on the market on or after the expiry of regulation 36A;
- (b) any obligation to which a person was subject under regulation 36A in respect of any radio equipment placed on the market pursuant to regulation 36A continues to have effect after the expiry of regulation 36A, in respect of that equipment.]

Textual Amendments

- F1** Regs. 36A-36C inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 29 para. 27** (with Sch. 29 para. 44) (as amended by S.I. 2020/676, regs. 1(1), 2 and S.I. 2020/1460, regs. 1(4), **Sch. 3 para. 21(3)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F2** Words in [reg. 36B\(1\)](#) 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), 2, **Sch. 1** para. (s)

[^{F1}Qualifying Northern Ireland Goods **E+W+S**

36C.—(1) Where paragraph (2) applies radio equipment is to be treated as being in conformity with Part 2.

(2) This paragraph applies where—

- (a) radio equipment—
 - (i) is in conformity with Part 2, as that Part applies in Northern Ireland; and
 - (ii) is 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 product on the market, the importer—

- (a) complies with regulation 23;
- (b) ensures that—
 - (i) the relevant conformity assessment procedure has been carried out in relation to the product;
 - (ii) the manufacturer has drawn up the technical documentation; and
 - (iii) the product bears the CE marking;

(4) In this regulation—

“CE marking” has the meaning given to it in regulation 2(1), as it applies in Northern Ireland;
“qualifying Northern Ireland goods” has the meaning given to it in regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018;
“relevant conformity assessment procedure” has the meaning given to it in regulation 2(1), as it applies in Northern Ireland;
“technical documentation” has the meaning given to it in regulation 2(1), as it applies in Northern Ireland.]

Textual Amendments

- F1** Regs. 36A-36C inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 29 para. 27** (with Sch. 29 para. 44) (as amended by S.I. 2020/676, regs. 1(1), **2** and S.I. 2020/1460, regs. 1(4), **Sch. 3 para. 21(3)**); 2020 c. 1, **Sch. 5 para. 1(1)**

Changes to legislation:

There are currently no known outstanding effects for the The Radio Equipment Regulations 2017, CHAPTER 5.