
STATUTORY INSTRUMENTS

2007 No. 2037

The Ecodesign for Energy-Using Products Regulations 2007

PART 3

Presumption of conformity, non-conformity, misleading markings and documentation

Presumption of conformity

7.—(1) Unless the contrary is proved, where—

- (a) a listed product; or
- (b) the packaging or documentation that accompanies that product,

bears the CE conformity marking, the listed product is presumed to conform to the product requirements for that product.

(2) Unless the contrary is proved, where—

- (a) harmonised standards have been applied to a listed product; and
- (b) the reference numbers of those standards have been published in the Official Journal of the European Union,

the listed product is presumed to comply with the requirements of the implementing measure to the extent that the harmonised standards relate to those requirements.

(3) Unless the contrary is proved, where a listed product has been awarded a Community eco-label, the listed product is presumed to comply with the ecodesign requirements for that product to the extent that the Community eco-label relates to those requirements.

(4) For the purposes of paragraph (3), “Community eco-label” means—

- (a) a label that meets the requirements of Regulation (EC) No 1980/2000 of the European Parliament and of the Council on a revised Community eco-label award scheme⁽¹⁾; or
- (b) a label which the Commission determines meets equivalent conditions for such a label.

Non-conformity

8.—(1) If a manufacturer, an authorised representative or importer of a listed product becomes aware that—

- (a) he has placed on the market a listed product bearing the CE conformity marking; and
- (b) that product does not conform to the product requirements for that product,

he must comply with paragraph (2).

(2) A person to whom paragraph (1) applies must as soon as possible take steps to bring the product into conformity but if—

- (a) it is not possible to take such steps; or

(1) O.J. No. L237, 21.9.2000, p. 1.

(b) such steps do not bring the product into conformity,
he must withdraw the product from the market.

(3) Such a person who withdraws a listed product from the market must as soon as possible notify that withdrawal in writing to—

- (a) the Secretary of State; and
- (b) the enforcing authority where that person has their principal place of business.

Misleading markings

9. A person must not affix or cause to be affixed any marking to—

- (a) a listed product; or
- (b) the packaging or documentation that accompanies that product,

which is likely to mislead a user of the product as to the meaning and form of the CE conformity marking.

Documentation for inspection

10.—(1) A manufacturer, an authorised representative or importer of a listed product who has placed on the market a listed product must keep the following available for inspection by an enforcing authority—

- (a) documentation that is relevant to the applicable conformity assessment procedure or procedures under Schedule 3; and
- (b) every declaration of conformity.

(2) Paragraph (1) applies for the period of at least 10 years from the date the listed product was last manufactured.

(3) If an enforcing authority requests any documentation or declaration from the person responsible for keeping them, that person must provide the documentation or declaration within 10 days of receipt of the request.