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STATUTORY INSTRUMENTS

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**2005 No. 281**

**The Electromagnetic Compatibility Regulations 2005**

**PART IV**

**THE STANDARDS ROUTE TO COMPLIANCE**

**Application of Part IV**

**38.**—(1) Subject to paragraph (2) below, this Part shall have effect for the purposes of providing for the manner in which the conformity assessment requirements may be complied with where the manufacturer has chosen the standards route to compliance.

(2) This Part does not, save for regulation 40, apply to radiocommunication transmission apparatus.

**The standards route to compliance**

**39.** The conformity assessment requirements are complied with pursuant to the standards route to compliance if the manufacturer has applied an applicable EMC standard which makes, or all applicable EMC standards which make, complete provision in respect of the apparatus.

**Applicable EMC standards**

**40.**—(1) This regulation shall have effect for the purpose of making provision in respect of the standards which are to be recognised for the purposes of Article 7 of the EMC Directive.

(2) Except for regulation 49(4) below, a harmonised standard is a technical specification (European standard or harmonisation document)—

- (a) adopted for the purposes of Article 7.1(a) of the EMC Directive by the European Committee for Electrotechnical Standardisation (CENELEC) or the European Telecommunications Standards Institute (ETSI) upon a remit from the Commission in accordance with the provisions of Council Directive [83/189/EEC](#) laying down a procedure for the provision of information in the field of technical standards and regulations<sup>(1)</sup> or Directive [98/34/EC](#)<sup>(2)</sup> as amended by Directive [98/48/EC](#)<sup>(3)</sup>;

- (b) the reference number of which has been published in the Official Journal of the European Communities pursuant to that sub-article.

(3) A transposed harmonised standard is a national standard of a Member State—

- (a) which transposes a harmonised standard; and

- (b) the reference number of which has been published—

- (i) by the relevant member State pursuant to Article 7.1(a) of the EMC Directive; or

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(1) OJNo. L109, 26.4.83, p.8.

(2) Directive [98/34/EC](#) (OJ No L204, 21.7.1998, p.37) replaced Directive [83/189/EEC](#).

(3) OJ No. L217, 5.8.98, p.18.

- (ii) in the case of a transposed harmonised standard of the United Kingdom, pursuant to regulation 41(1) below.
- (4) A recognised national standard is a standard of a member State—
  - (a) which applies to relevant apparatus for which no harmonised standard has been adopted;
  - (b) which is recognised as a national standard for the purposes of Article 7.1(b) of the EMC Directive, the Commission having notified the member States pursuant to Articles 7.2 and 8.2 of that Directive that that standard enjoys the presumption of conformity with the protection requirements for the time being and published its reference number in the Official Journal pursuant to Article 7.2 of the Directive; and
  - (c) in the case of a recognised national standard of—
    - (i) a member State other than the United Kingdom, the reference number of which has been published by the relevant member State pursuant to the said Article 7.2;
    - (ii) the United Kingdom, the reference number of which has been published (and not withdrawn) pursuant to regulation 41(2) below.
- (5) In relation to any description of relevant apparatus, an applicable EMC standard is either a transposed harmonised standard or a recognised national standard within the scope of which that description of relevant apparatus falls.

#### **Publication of reference numbers of standards**

**41.**—(1) The Secretary of State shall from time to time publish pursuant to this paragraph, lists of the reference numbers of standards which are to be regarded as the transposed harmonised standards of the United Kingdom for the time being for the purposes of Article 7.1(a) of the EMC Directive.

(2) The Secretary of State shall from time to time publish pursuant to this paragraph lists of the reference numbers of standards which are to be regarded as the recognised national standards of the United Kingdom for the time being for the purposes of Article 7.1(b) of the EMC Directive.

(3) The Secretary of State shall from time to time publish lists of the reference numbers of standards which are for the time being transposed harmonised standards and recognised national standards of the member States other than the United Kingdom.

#### **EC declaration of conformity pursuant to the standards route to compliance**

**42.**—(1) This regulation shall have effect for prescribing the form of an EC declaration of conformity issued in the United Kingdom in respect of relevant apparatus in relation to which the conformity assessment requirements have been complied with pursuant to the standards route to compliance.

- (2) An EC declaration of conformity to which this regulation applies shall—
  - (a) be in English;
  - (b) give the name and address—
    - (i) of the responsible person;
    - (ii) where that person is not the manufacturer, of the manufacturer;
  - (c) be signed by or on behalf of the manufacturer or his authorised representative and identify that signatory;
  - (d) bear the date of issue;
  - (e) give particulars of the relevant apparatus to which it relates sufficient to identify it;
  - (f) state the numbers and titles of the applicable EMC standards applied by the manufacturer; and

- (g) certify that the apparatus to which it relates conforms with the protection requirements of the EMC Directive.