
STATUTORY INSTRUMENTS

2005 No. 281

The Electromagnetic Compatibility Regulations 2005

PART III

GENERAL REQUIREMENTS

The CE marking

35.—(1) For the purposes of these Regulations, the CE marking shall be regarded as properly affixed in relation to relevant apparatus if the requirements of this regulation are complied with.

(2) The CE marking shall be affixed in relation to any relevant apparatus by being affixed to one of the following—

- (a) the apparatus; or
- (b) the apparatus'—
 - (i) packaging;
 - (ii) instructions for use; or
 - (iii) guarantee certificate.

(3) Subject to paragraph (4) below, where the apparatus is the subject of other Community Directives covering other aspects and which also provide for the CE conformity marking, the latter shall indicate that the apparatus is also presumed to conform to those other Directives.

(4) Where one or more of the other Directives referred to in paragraph (3) above allow the manufacturer, during a transitional period, to choose which arrangements to apply, the CE marking shall indicate conformity only to the Directives applied by the manufacturer. In this case, particulars of the Directives applied, as published in the Official Journal of the European Communities, must be given in the documents, notices or instructions required by the Directives and accompanying such apparatus.

(5) No person shall affix to relevant apparatus, its packaging, the instructions for use or the guarantee certificate any marking which is likely to deceive third parties as to the meaning and form of the CE marking. Any other marking may be affixed to the apparatus, its packaging, the instructions for use or the guarantee certificate provided that the visibility and legibility of the CE marking are not thereby reduced.

(6) No person shall affix the CE marking, or any other inscription liable to be confused with it, in relation to any relevant apparatus, unless—

- (a) the apparatus complies with the protection requirements; and
- (b) the conformity assessment requirements have been complied with.

(7) Except as provided in paragraph (3) above, no person shall affix the CE marking, or any other inscription liable to be confused with it, to any electrical apparatus other than relevant apparatus.

(8) The CE marking shall comply with the form requirements set out in Schedule 4 to these Regulations.

(9) In these Regulations, “CE marking” means the CE conformity marking, being a mark—

- (a) consisting of the initials “CE”;
- (b) taking the form set out in paragraph 1 of Schedule 4 hereto; and
- (c) which, when used in relation to the EMC Directive, indicates conformity to all the provisions of that Directive, including the conformity assessment requirements.