
STATUTORY INSTRUMENTS

2005 No. 281

The Electromagnetic Compatibility Regulations 2005

PART V

THE TECHNICAL CONSTRUCTION FILE ROUTE TO COMPLIANCE

United Kingdom competent bodies

Limitations on duty to exercise functions

53.—(1) A United Kingdom competent body shall not accept any application for a technical report or technical certificate in respect of any apparatus unless the application—

- (a) is in writing;
 - (b) is accompanied by a draft technical construction file, that is to say, a file containing such information as will, when the technical report or technical certificate as the case may be is added thereto, be sufficient to constitute the file as a technical construction file;
 - (c) includes particulars of which applicable EMC standards the manufacturer has applied or proposes to apply in respect of the apparatus, and in respect of which applicable EM characteristics; and
 - (d) contains a declaration by the applicant that no application to another competent body for a technical report or technical certificate in respect of that apparatus is outstanding.
- (2) A United Kingdom competent body shall not be required to—
- (a) accept an application for a technical report or technical certificate where—
 - (i) the application, and the draft technical construction file, are not in English or another language acceptable to that body;
 - (ii) the applicant has not submitted with the application the amount of the fee which the competent body (not being the Secretary of State) requires to be submitted with the application pursuant to regulation 51(2) above; or
 - (iii) the body reasonably believes that, having regard to the number of applications for technical reports or technical certificates made to it which are outstanding, it will be unable to determine the application within three months of receiving the application;
 - (b) determine an application for a technical report or technical certificate where the manufacturer has not—
 - (i) granted the body access to the apparatus to which the application relates or the production facilities for the apparatus (including where applicable the production envisaged in relation to a representative) to the extent that the body reasonably requests; and
 - (ii) made available to the body such information as it may reasonably require to determine the application; or

- (c) having determined the application, inform the applicant of the result thereof or, in the case of a successful application, issue the technical report or technical certificate, unless the applicant has paid any fees chargeable pursuant to regulation 51 above or in accordance with regulations made under section 56 of the Finance Act 1973, as the case may be.