
STATUTORY INSTRUMENTS

2008 No. 1597

The Supply of Machinery (Safety) Regulations 2008

PART 4

CE Marking

CE-marked machinery to be taken to comply with Regulations

13.—(1) Unless there is evidence to the contrary—

- (a) an enforcement authority;
- (b) the Secretary of State (where the Secretary of State is not an enforcement authority); and
- (c) any court or tribunal of competent jurisdiction which is called upon to decide a matter which involves the application of these Regulations,

shall presume that machinery which bears the CE marking and is accompanied by an EC declaration of conformity which complies with Annex II (Part 2 of Schedule 2), part 1, section A complies with these Regulations.

(2) The failure or refusal by a responsible person, in response to a duly reasoned request from an enforcement authority, to make the technical file or a copy of it available in accordance with Annex VII (Part 7 of Schedule 2), part A, point 2 shall be reasonable grounds for the authority—

- (a) to doubt the conformity of machinery with the essential health and safety requirements, in accordance with Annex VII, part A, point 3; or
- (b) to doubt the conformity of partly completed machinery with the essential health and safety requirements, in accordance with Annex VII, part B, last paragraph,

and it may make such use of its powers under Schedule 5 as is appropriate in the light of such doubts.

Machinery covered by more than one Directive

14.—(1) Subject to paragraph (2), where machinery falls within the scope of a Community directive other than the Directive (“the other Directive”), the affixing of the CE marking indicates that the relevant requirements of the other Directive are also satisfied.

(2) Where—

- (a) the other Directive includes a provision allowing the responsible person to choose, during a transitional period that has not ended, the system to be applied;
- (b) the responsible person takes advantage of this option; and
- (c) the particulars of the other Directive which the responsible person has chosen to apply, as published in the *Official Journal of the European Union*, are given in the EC declaration of conformity,

the affixing of the CE marking indicates that the machinery conforms only to the provisions of the other Directive which the responsible person has chosen to apply.

Protection of CE marking

15.—(1) No person shall affix the CE marking to machinery which does not comply with these Regulations.

(2) No person shall affix to machinery any marking, sign or inscription which is likely to mislead any other person as to the meaning or form of the CE marking (or both).

(3) Other markings may be affixed to machinery which bears the CE marking only if the visibility, legibility or meaning of the CE marking is not impaired as a result.