
STATUTORY INSTRUMENTS

2005 No. 281

The Electromagnetic Compatibility Regulations 2005

PART III

GENERAL REQUIREMENTS

EC declaration of conformity

36.—(1) For the purposes of these Regulations, an EC declaration of conformity is a declaration which indicates that apparatus conforms with the protection requirements of the EMC Directive (howsoever expressed).

(2) For the purposes of these Regulations, an EC declaration of conformity shall be regarded as properly issued in relation to relevant apparatus if the following requirements are complied with—

- (a) the apparatus conforms with the protection requirements;
- (b) the conformity assessment requirements are complied with;
- (c) in the case of a declaration issued in the United Kingdom—
 - (i) in the case of a declaration issued pursuant to the standards route to compliance, it complies with the requirements of regulation 42 below;
 - (ii) in the case of a declaration issued pursuant to the technical construction file route to compliance, it complies with the requirements of regulation 59 below;
 - (iii) in the case of a declaration issued pursuant to the EC type-examination route to compliance, it complies with the requirements of regulation 72 below;
- (d) in the case of a declaration issued other than in the United Kingdom, the declaration is issued by the manufacturer or his authorised representative and contains the following—
 - (i) a description of the apparatus to which it refers;
 - (ii) reference to the specifications or harmonised standards or both under which conformity is declared, and where appropriate, to the national measures or recognised national standards or both, as the case may be, implemented to ensure the conformity of the apparatus with the provisions of the EMC Directive;
 - (iii) identification of the signatory empowered to bind the manufacturer or his authorised representative; and
 - (iv) where appropriate, reference to the EC type-examination certificate issued by a notified body.

(3) No person shall (in the United Kingdom) issue an EC declaration of conformity in relation to relevant apparatus unless—

- (a) the apparatus to which it relates conforms with the protection requirements;
- (b) the conformity assessment requirements have been complied with; and
- (c) the requirements of paragraph (2)(c) above are complied with.

(4) No person shall (in the United Kingdom) issue an EC declaration of conformity in relation to any electrical apparatus other than relevant apparatus.