
STATUTORY INSTRUMENTS

2005 No. 281

The Electromagnetic Compatibility Regulations 2005

PART IV

THE STANDARDS ROUTE TO COMPLIANCE

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⁽¹⁾ or Directive [98/34/EC](#)⁽²⁾ as amended by Directive [98/48/EC](#)⁽³⁾;
 - (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
 - (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;

⁽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) 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.