TRANSPOSITION NOTE

EU Directive 2014/30/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the member States relating to electromagnetic compatibility.

1. This Transposition Note has been prepared by the UK's Department for Business, Energy and Industrial Strategy and is intended to explain how the 2014 Directive is implemented in the UK.

2. This instrument is being made in order to implement the provisions of the revised EU Directive on electromagnetic compatibility (2014/30/EU), which entered into force on 20 April 2016.

3. This instrument will replace and repeal The Electromagnetic Compatibility Regulations 2006 and amendments.

4. The Regulations do not go beyond what is necessary to implement the 2014 Directive.

5. The Secretary of State is responsible for taking measures to implement the 2014 Directive.

TRANSPOSITION OF DIRECTIVE 2014/30/EU

Article	Objective of the Article	Implementation
1	The subject matter of the Directive and its aims.	It is not necessary to implement this provision.
2(1)	The Directive applies to equipment.	Regulation 3(1)
2(2)	Products that are not within the scope of the Directive	Regulations 3(2), (3)
2(3)	Equipment subject to more specific EU legislation should be excluded from the operation of this Directive.	Regulation 3(4)
3(1)	Definitions	Regulations 2 and 3(2) Article 3(1)(7) is only used in Article 5(2) which is a provision that does not require implementing. Article 3(1)(25) defines "CE marking" by reference to the purpose of the marking. Regulation 10(1) specifies that the CE marking must be applied after a successful conformity assessment,

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		but before apparatus is placed on the market.
3(2)	Further definition of "apparatus".	Regulation 2(1)
4	Obligation to allow conforming equipment to be made available on the market or put into service	Regulation 6
5(1)	Obligation not to impede the making available on the market or putting into service of conforming equipment.	Unnecessary to implement this Article explicitly. This Article is similar in effect to Article 4 and the Regulations do not impede conforming equipment from being made available on the market or being put into service.
5(2)	This Article permits member States to lay down special measures concerning the putting into service or use of equipment to (1) overcome existing or predicted electromagnetic problems at specific sites, or (2) measures taken for safety reasons. The Article also requires member States to notify those special measures to the Commission and other member States.	Unnecessary to implement this Article which allows the member State to deviate from the requirement in Article 5.
5(3)	Exception from the Directive allowing the showing and use of non-conforming equipment at trade fairs, and exhibitions.	Regulation 5
6	Obligation that products must meet the essential requirements set out in Annex I of the Directive.	Regulation 7
7(1)	Manufacturers must ensure that products have been designed and manufactured in accordance with the essential requirements.	Regulation 8
7(2)	Obligation 1: Manufacturers must draw up technical documentation and have a relevant conformity assessment procedure carried out. Obligation 2: Once apparatus has, by means of a relevant conformity assessment, been demonstrated to be in conformity with the essential requirements, the manufacturer must draw up an EU declaration of conformity and affix the CE marking.	Obligation 1: Regulation 9 Obligation 2: Regulation 10(1)
7(3)	Manufacturers must keep technical documentation and the EU declaration of conformity for 10 years after the apparatus has been placed on the market	Regulation 11
7(4)	Obligation 1: Manufacturers must ensure that procedures are in placed to ensure that apparatus manufactured by series production remain in conformity with the requirements of the Directive.	Obligation 1: Regulation 12(1)

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	Obligation 2: Changes in apparatus design, characteristics, harmonised standards or other technical specifications must be adequately taken into account.	Obligation 2: Regulation 12(2)
7(5), (6)	Obligation 1: Manufacturers must ensure that apparatus placed on the market bear a type, batch, serial number or other element so that they can be identified. Obligation 2: Manufacturers must indicate on the apparatus their name, registered trade name or trademark, and a postal address which indicates a single point of contact. Obligation 3: If the apparatus does not contain sufficient space or the nature of the apparatus does not allow for the above information to be included upon it, the manufacturer must ensure that the information is provided on the packaging or in a document accompanying the apparatus. Obligation 4: The manufacturer's contact details must be in a language easily understood by end-users and market surveillance authorities.	Obligation 1: Regulation 13(1)(a) Obligation 2: Regulations 13(1)(b) and (c), 13(3) Obligation 3: Regulation 13(2) Obligation 4: Regulation 13(4)
7(7)	Manufacturers must ensure that apparatus is accompanied by instructions and information in a language which can be easily understood by consumers and other end-users, as determined by the Member State concerned. The instructions/safety information must be clear and understandable.	Regulation 14 This obligation determines that the language which can be easily understood by end-users is English.
7(8)	Obligation 1: Manufacturers who consider or have reason to believe that they have placed on the market apparatus not in conformity with the Directive must immediately take corrective action to bring that product into conformity, to withdraw it or recall it. Obligation 2: Where apparatus presents a risk, manufacturers must immediately inform the competent national authorities of the Member States in which the product has been made available to that effect, giving details of the non-compliance and any corrective measures taken.	Obligation 1: Regulation 15(1) Obligation 2: Regulations 15(2)
7(9)	Obligation 1: Manufacturers must, further to a reasoned request, provide a competent national authority with information and documentation necessary to demonstrate the conformity of a product	Obligation 1: Regulations 16(1), (2), (3)

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	with the Directive in a language which can be easily understood by the authority. Obligation 2: Manufacturers must cooperate with the authority on action taken to eliminate risks posed by products placed on the market.	Obligation 2: Regulation 16(4)
8(1)	Obligation 1: A manufacturer may, by written mandate, appoint an authorised representative. Obligation 2: The manufacturer's obligations as laid down in Article 7(1) of the Directive (design and manufacture in accordance with the essential requirements) and Article 7(2) (obligation to draw up technical documentation) of the Directive must not form part of the authorised representative's mandate.	Obligation 1: Regulation 38(1) Obligation 2: Regulation 38(3)
8(2)	Obligation 1: An authorised representative must perform the task specified in the mandate received from the manufacturer. Obligation 2: The mandate must allow the authorised representative to do at least the following: (a) keep the EU declaration of conformity and the technical documentation for the market surveillance authority for 10 years; (b) provide the competent national authority with all the information and documentation to demonstrate the conformity of apparatus; and (c) cooperate with the competent national authorities on any action to eliminate the risks posed by apparatus covered by the authorised representative's mandate.	Obligation 1: Regulations 38(5), 38(4) Obligation 2: Regulation 38(2)
9(1)	Importers must place only compliant apparatus on the market.	Regulation 17
9(2)	Obligation 1: Before an importer places apparatus on the market, the importer must ensure that the manufacturer has satisfied certain obligations and that the product is accompanied by the required documents. Obligation 2: Where an importer considers, or has reason to believe, that apparatus is not in conformity with the essential requirements, the importer must not place it on the market. Obligation 3: Where the product presents a risk, the importer must inform the manufacturer and the market surveillance authorities.	Obligation 1: Regulation 18 Obligation 2: Regulation 19(1) Obligation 3: Regulations 19(2)
9(3)	Obligation 1: Importers must indicate their name,	Obligation 1: Regulation

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	registered trade name or registered trade mark and address on the apparatus. Obligation 2: If that is not possible, the information must be indicated on the packaging or in an accompanying document. Obligation 3: The information must be in a language which can be easily understood by end-users and market surveillance authorities.	20(1) Obligation 2: Regulation 20(1) Obligation 3: Regulation 20(2)
9(4)	Importers must ensure that apparatus is accompanied by instructions and information in a language which can be easily understood by consumers and other end-users, as determined by the Member State concerned.	Regulation 21
9(5)	Importers must ensure that while apparatus is under their responsibility, they do not jeopardise its compliance with the essential requirements.	Regulation 22
9(6)	Obligation 1: Importers who consider or have reason to believe that they have placed on the market apparatus not in conformity with the Directive must immediately take corrective action to bring that apparatus into conformity, to withdraw it or recall it. Obligation 2: Where apparatus presents a risk, importers must immediately inform the competent national authorities of the Member States in which the apparatus has been made available to that effect, giving details of the non-compliance and any corrective measures taken.	Obligation 1: Regulation 23(1) Obligation 2: Regulations 23(2)
9(7)	Importers must keep the technical documentation and the EU declaration of conformity (or where applicable the attestation of conformity) for 10 years after the product is placed on the market.	Regulation 24
9(8)	Obligation 1: Importers must, further to a reasoned request, provide a competent national authority with information and documentation necessary to demonstrate the conformity of a product with the Directive in a language which can be easily understood by the market surveillance authority. Obligation 2: Importers must cooperate with the authority on action taken to eliminate risks posed by products placed on the market.	Obligation 1: Regulation 25(1) Obligation 2: Regulation 25(4)
10(1)	When making apparatus available on the market, distributors must act with due care.	Regulation 26
10(2)	Obligation 1: Before a distributor makes apparatus available on the market, the distributor must ensure that the manufacturer and importer have satisfied certain obligations and that the apparatus is	Obligation 1: Regulation 27

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	accompanied by the required documents. Obligation 2: Where a distributor considers, or has reason to believe, that a product is not in conformity with the essential requirements, the distributor must not make it available on the market. Obligation 3: Where the product presents a risk, the distributor must inform the manufacturer or the importer and the market surveillance authorities.	Obligation 2: Regulation 28(1) Obligation 3: Regulations 28(2)
10(3)	Distributors must ensure that while apparatus is under their responsibility, its storage or transport conditions do not jeopardise its compliance with the essential requirements.	Regulation 29
10(4)	Obligation 1: Distributors who consider, or have reason to believe, that a apparatus which they have made available on the market is not in conformity must make sure that corrective measures are taken to bring that apparatus into conformity, withdraw it or recall it. Obligation 2: Where the apparatus presents a risk, the distributor must immediately inform the competent national authorities of the Member States in which they made the product available.	Obligation 1: Regulation 30(1) Obligation 2: Regulation 30(2)
10(5)	Obligation 1: Distributors must, further to a reasoned request, provide a competent national authority with information and documentation necessary to demonstrate the conformity of apparatus with the Directive Obligation 2: Distributors must cooperate with the authority on action taken to eliminate risks posed by apparatus made available on the market.	Obligation 1: Regulation 31(1) Obligation 2: Regulation 31(4)
11	Importers and distributors to be treated as manufacturers where they place apparatus on the market under their name or trademark or modifies it in a way that affects its compliance with the Directive.	Regulation 32
12	Economic operators must, on request identify other economic operators in the supply chain. They must be able to do this for 10 years after the supply of a product occurs.	Regulation 33
13	Equipment presumed to be in conformity with the essential requirements to the extent that they are in conformity with a harmonised standard covering those requirements.	Regulation 39
14	Obligation 1: When assessing the conformity of apparatus, the procedure to be followed must be one of the two procedures listed.	Regulation 40

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	Obligation 2: A manufacturer can choose between specified elements of the two procedures listed.	
15(1)	The EU declaration of conformity must state that the fulfilment of the essential requirements has been demonstrated.	Regulation 41(a)
15(2)	Obligation 1: The EU declaration of conformity must have the model structure set out in Annex IV of the Directive. Obligation 2: The EU declaration of conformity must contain the elements specified in the relevant procedures set out in Annex II and III of the Directive. Obligation 3: The EU declaration of conformity must be continuously updated. Obligation 4: The EU declaration of conformity must be translated into the language required by the Member State in which the apparatus is placed or made available on the market.	Obligation 1: Regulation 41(c) Obligation 2: Regulation 41(b) Obligation 3: Regulation 10(2) Obligation 4: Regulation 34
15(3)	Obligation 1: Where a product is subject to more than one Union act requiring an EU declaration of conformity, a single declaration must be drawn up. Obligation 2: The declaration must contain the identification of the Union acts concerned.	Obligation 1: Regulation 10(3) Obligation 2: Regulation 10(3)
15(4)	By drawing up the EU declaration of conformity, the manufacturer assumes responsibility for the compliance of the apparatus with the requirements of the Directive.	It is unnecessary to implement this requirement.
16	The CE marking is subject to the general principles in Article 30 of Regulation (EC) No 765/2008	Regulation 35 This obligation has been implemented by setting out the principles contained in Article 30 of Regulation (EC) No 765/2008 as enforceable prohibitions.
17(1)	Obligation 1: The CE marking must be affixed visibly, legibly and indelibly to the apparatus or to its data plate. Obligation 2: Where that is not possible or not warranted on account of the nature of the apparatus, it must be affixed to the packaging and to the accompanying documents.	Obligation 1: Regulation 42(1) Obligation 2: 42(2)
17(2)	The CE marking must be affixed before the apparatus is placed on the market.	Regulation 10(1)(b)

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17(3)	Member States must build on existing mechanisms to ensure correct application of the regime governing CE marking and must take appropriate action in the event of improper use.	Regulation 35 The UK implements this obligation by prohibiting the improper use of the CE marking, and in particular by enforcing the requirements set out in Article 30 of Regulation (EC) 765/2008.
18(1)	Apparatus must be accompanied by information on any specific precautions that must be taken when the apparatus is assembled, installed, maintained or used, to ensure that when put into service it is in conformity with the essential requirements in point 1 of Annex I.	Regulation 36(1)(a)
18(2)	Where it cannot be ensured that apparatus will be in conformity with the essential requirements in residential areas, the restriction on use must be stated	Regulations 36(1)(b) and 36(2)
18(3)	Information required to enable apparatus to be used in accordance with the intended purpose must be included with the apparatus	Regulation 36(1)(c)
19(1)	Obligation 1: Apparatus which has been made available on the market and which can be incorporated into a fixed installation is subject to the provisions on apparatus in the Directive. Obligation 2: The requirements in Articles 6 to 12 and 14 to 18 are not compulsory for apparatus intended to be incorporated into a fixed installation and not otherwise made available on the market. Obligation 3: Apparatus subject to obligation 2 must identify the fixed installation and its electromagnetic compatibility characteristics and must indicate precautions to be taken to ensure conformity. Information in Articles 7(5), (6) and 9(3) must also be provided. Obligation 4: The good engineering practices in point 2 of Annex I must be documented and the documentation held by those responsible at the disposal of the relevant national authorities for inspection as long as the fixed installation is in operation.	Obligation 1: Regulation 37(1) Obligation 2: Regulation 37(2) Obligation 3: Regulation 37(3) Obligation 4: Regulations 37(4), (5)
19(2)	Obligation 1: where there are indications of non-compliance of the fixed installation, the competent authorities can request evidence of compliance of the fixed installation.	Obligation 1: Regulation 37(6)

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	Obligation 2: Where non-compliance is established, the competent authorities must impose measures to bring the fixed installation into compliance with the essential requirements.	Obligation 2: Regulation 37(7)
19(3)	Member States shall set out the necessary provisions for identifying the persons responsible for the establishment of compliance of a fixed installation with the essential requirements.	Regulation 37(8)
20	Member States must notify the Commission and other Member States of bodies authorised to carry out third-party conformity assessment tasks.	Regulations 43(1)
21(1)	Member States must designate a notifying authority which is to be responsible for assessment and notification of conformity assessment bodies and the monitoring of notified bodies.	Regulations 44, 47, 49 and 51
21(2)	Member States may decide that the assessment and monitoring is to be carried out by a national accreditation body.	It is not necessary to implement this provision explicitly.
21(3)	Obligation 1: Where the notifying authority delegates the assessment, notification or monitoring of a conformity assessment body, that body shall be a legal entity. Obligation 2: The legal entity must comply with the requirements in Article 22 of the Directive. In addition, it shall have arrangements to cover liabilities arising out of its activities.	Obligation 1: The United Kingdom Accreditation Service is a registered legal company limited by guarantee. Obligation 2: It is not necessary to implement the obligation to comply with the requirements in Article 22 of the Directive.
21(4)	The notifying authority must take full responsibility for the tasks performed by the body referred to in Article 21(3).	It is not necessary to implement this explicitly. The Secretary of State will satisfy this obligation by operating in accordance with the Memorandum of Understanding with the United Kingdom Accreditation Service.
22(1)	A notifying authority must be established in such a way that no conflict of interest with conformity assessment bodies occurs	It is not necessary to implement this explicitly.
22(2)	A notifying authority must be organised and operated so as to safeguard the objectivity and impartiality of its activities.	It is not necessary to implement this explicitly.
22(3)	A notifying authority must be organised so that each decision on notification is taken be competent persons, different from those who carried out the assessment	It is not necessary to implement this explicitly.

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22(4)	A notifying authority must not offer or provide any activities that conformity assessment bodies perform or consultancy services on a commercial or competitive basis.	It is not necessary to implement this explicitly.
22(5)	A notifying authority must safeguard the confidentiality of the information it obtains.	It is not necessary to implement this explicitly.
22(6)	A notifying authority must have a sufficient number of competent personnel at its disposal for the proper performance of its tasks.	It is not necessary to implement this explicitly.
23	Obligation 1: Member States must inform the Commission of their procedures for the assessment and notification of conformity assessment bodies and the monitoring of notified bodies. Obligation 2: The Commission shall make that information publicly available.	Obligation 1: Regulations 44(7) and 47(2) Obligation 2: It is not necessary to implement this as it falls with the Commission and not the Member State.
24(1)	For the purposes of notification, a conformity assessment body must meet the requirements in paragraphs 2 to 11.	Regulations 2(1), 44(4) and Schedule 5
24(2)	A conformity assessment body must be established under the national law of a Member State and have legal personality.	Schedule 5, paragraph 1
24(3)	Obligation 1: A conformity assessment body must be third-party body independent of the organisation or the apparatus it assesses. Obligation 2: A body belonging to a business association or professional federation representing undertakings involved in the design, manufacturing, provision, assembly, use or maintenance of apparatus which it assesses, may, on condition that its independence and the absence of any conflict of interest are demonstrated, be considered a body.	Obligation 1: Schedule 5, paragraph 2(1) Obligation 2: Schedule 2, paragraph 2(2)
24(4)	Obligation 1: A conformity assessment body, its top level management and the personnel responsible for carrying out conformity assessment tasks must not be the designer, manufacturer, supplier, owner etc. of the apparatus. Obligation 2: A conformity assessment body, its top level management and the personnel responsible for carrying out conformity assessment tasks must not be directly involved in the design, manufacture, marketing etc. of the apparatus. They must not engage in any activity which may conflict with their	Obligation 1: Schedule 5, paragraph 3 Obligation 2: Schedule 5, paragraphs 5 and 6

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	independence or integrity. Obligation 3: Conformity assessment bodies must ensure that the activities of their subsidiaries or subcontractors do not affect the confidentiality, objectivity or impartiality of their conformity assessment activities.	 Obligation 3: Schedule 5, paragraph 7
24(5)	Conformity assessment bodies must carry out the conformity assessment activities with the highest degree of professional integrity and the requisite technical competence and must be free from pressures and inducements which might influence their judgement.	Schedule 5, paragraph 8
24(6)	Obligation 1: A conformity assessment body must be capable of carrying out the conformity assessment tasks assigned to it and in relation to which it has been notified. Obligation 2: A conformity assessment body must have at its disposal: (a) personnel with technical knowledge and sufficient experience; (b) the descriptions of procedures in accordance with which conformity assessment is carried out; (c) the procedure for the performance of activities which take due account of the size of an undertaking, the sector in which it operates, the degree of complexity of the apparatus technology etc. Obligation 3: A conformity assessment body must have the means necessary to perform the technical and administrative tasks connected with the conformity assessment activities in an appropriate manner.	Obligation 1: Schedule 5, paragraph 9 Obligation 2: Schedule 5, paragraph 10 Obligation 3: Schedule 5, paragraph 11
24(7)	The personnel responsible for carrying out conformity assessment tasks must have: (a) sound technical and vocational training covering all the conformity assessment activities; (b) satisfactory knowledge of the requirements of the assessments they carry out and adequate authority; (c) appropriate knowledge and understanding of the essential health and safety requirements, the relevant harmonised standards and legislation; (d) the ability to draw up certificates, records and reports.	Schedule 5, paragraph 12
24(8)	Obligation 1: The impartiality of the conformity assessment bodies, their top level management and the personnel responsible for carrying out conformity assessment tasks must be guaranteed. Obligation 2: The remuneration of the top level management and personnel responsible for carrying	Obligation 1: Schedule 5, paragraph 13 Obligation 2: Schedule 5, paragraph 14

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	out conformity assessment tasks must not depend on the number of assessments carried out or on the results of the assessments.	
24(9)	Conformity assessment bodies must take out liability insurance unless liability is assumed by the State or the Member State is responsible for the conformity assessment.	Schedule 5, paragraph 15
24(10)	Obligation 1: The personnel of a conformity assessment body must observe professional secrecy, except in relation to the competent authorities of the Member State in which it is carrying out its activities. Obligation 2: Proprietary rights must be protected.	Obligation 1: Schedule 5, paragraphs 16 and 17 Obligation 2: Schedule 5, paragraph 16
24(11)	Conformity assessment bodies must participate in, or ensure that their personnel are informed of, the relevant standardisation activities and the activities of the notified body coordination group and must apply as general guidance the administrative decisions and documents produced by that group.	Schedule 5, paragraph 18
25	Where a conformity assessment body demonstrates its conformity with the criteria laid down in relevant harmonised standards, it is to be presumed to comply with the requirements set out in Article 24 in so far as the applicable harmonised standards cover those requirements.	Regulation 46
26(1)	Where a notified body subcontracts specific tasks connected with conformity assessment or has recourse to a subsidiary, it must ensure that the subcontractor or the subsidiary meets the requirements set out in Article 24 and must inform the notifying authority accordingly.	Regulation 51(1)
26(2)	Notified bodies must take full responsibility for the tasks performed by subcontractors or subsidiaries.	Regulation 51(2)
26(3)	Activities may be subcontracted or carried out by a subsidiary only with the agreement of the client.	Regulation 51(1)(c)
26(4)	Notified bodies must keep at the disposal of the notifying authority the relevant documents concerning the assessment of the qualifications of the subcontractor or the subsidiary and the work carried out by them.	Regulation 51(3)
27(1)	A conformity assessment body must submit an application for notification to the notifying authority of the Member State in which it is established.	Regulation 44(2) and (3)
27(2)	The application must be accompanied by a description of the conformity assessment activities, the conformity assessment module or modules and the apparatus for which the body claims to be competent, as well as by any accreditation certificate issued by a national	Regulation 44(2) and (3)

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	accreditation body.	
27(3)	Where the conformity assessment body cannot provide an accreditation certificate, it must provide the notifying authority with all the documentary evidence necessary for the verification, recognition and regular monitoring of its compliance with the requirements in Article 24.	Regulation 44(2) and 44(3)(c)
28(1)	Notifying authorities may notify only conformity assessment bodies which have satisfied the requirements in Article 24.	Regulation 44(1), (2), (4) and (6)
28(2)	They must notify the Commission and other Member States using the electronic notification tool developed and managed by the Commission.	Unnecessary to implement explicitly.
28(3)	The notification must include full details of the conformity assessment activities, the conformity assessment module and product concerned and the relevant attestation of competence.	Regulation 45
28(4)	Where a notification is not based on an accreditation certificate, the notifying authority must provide the Commission and the other Member States with documentary evidence which attests to the conformity assessment body's competence and the arrangements in place to ensure that the body is monitored regularly and will continue to satisfy the requirements laid down in Article 24.	Regulation 45(c)
28(5)	The body concerned may perform the activities of a notified body only where no objections are raised by the Commission or other Member States within 2 weeks, where an accreditation certificate is used, or 2 months otherwise. Only such a body is to be considered a notified body for the purposes of this Directive.	Regulations 43(1)(b)
28(6)	The notifying authority must notify the Commission and other Member States of any subsequent relevant changes to the notification.	Regulation 49(5)
29(1)	Obligation 1: The Commission must assign an identification number to a notified body. Obligation 2: It must assign a single such number even where the body is notified under several Union acts.	It is not necessary to implement these obligations because these are obligations on the European Commission.
29(2)	Obligation 1: The Commission must make publicly available the list of notified bodies. Obligation 2: The Commission must ensure that the list is kept up to date.	It is not necessary to implement these obligations because these are obligations on the European Commission.
30(1)	Obligation 1: Where a notifying authority has ascertained or has been informed that a notified body no longer meets the requirements laid down in Article 24 or that it is failing to fulfil its obligations, the	Obligation 1: Regulation 49(1), (2), and (3)

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	notifying authority must restrict, suspend or withdraw notification, depending on the seriousness of the failure. Obligation 2: The notifying authority must immediately inform the Commission and the other Member States.	 Obligation 2: Regulation 49(5)
30(2)	In the event of a restriction, suspension or withdrawal of notification, or where the notified body has ceased activity, the notifying Member State must take appropriate steps to ensure that the files are either processed by another notified body or kept available for the responsible notifying and market surveillance authorities.	Regulation 49(6)
31(1)	The Commission must investigate any doubts regarding the competence of a notified body or whether the body is fulfilling its responsibilities.	It is not necessary to implement this obligation because it is an obligation on the European Commission.
31(2)	The notifying Member State must provide the Commission, on request, with information relating to the basis for the notification or the maintenance of the competence of the notified body concerned.	It is not necessary to implement this obligation explicitly.
31(3)	The Commission must ensure that all sensitive information obtained in the course of its investigations is treated confidentially.	It is not necessary to implement this obligation because it is an obligation on the European Commission.
31(4)	Where the Commission ascertains that a notified body does not meet, or no longer meets, the requirements for notification, it must adopt an implementing act requesting the notifying Member State to take the necessary corrective action.	It is not necessary to implement this obligation because it is an obligation on the European Commission.
32(1)	Notified bodies must carry out conformity assessments in accordance with the conformity assessment procedures set out in Annex III.	Regulation 50 and Schedule 6, paragraph 1
32(2)	Obligation 1: Conformity assessments must be carried out in a proportionate manner. Obligation 2: Conformity assessment bodies must perform their activities taking due account of the size of the undertaking, the sector in which it operates, its structure, the degree of complexity etc. Obligation 3: In doing so they must respect the degree of rigour and level of protection required for the compliance of the product with the requirements of the Directive.	Obligation 1: Regulation 50 and Schedule 6, paragraph 2 Obligation 2: Regulation 50 and Schedule 6, paragraph 3 Obligation 3: Regulation 50 and Schedule 6, paragraph 4

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32(3)	Where a notified body finds that essential requirements set out in Annex I or corresponding harmonised standards or other technical specifications have not been met by a manufacturer, it must require the manufacturer to take appropriate corrective measures and must not issue a certificate.	Regulation 50 and Schedule 6, paragraph 5, 8 and 9
32(4)	Where, in the course of monitoring of conformity following the issue of a certificate, a notified body finds that a product no longer complies, it must require the manufacturer to take appropriate corrective measures and must suspend or withdraw the certificate, if necessary.	Regulation 50 and Schedule 6, paragraph 6
32(5)	Where corrective measures are not taken or do not have the required effect, the notified body must restrict, suspend or withdraw any certificates.	Regulation 50 and Schedule 6, paragraph 7, 8 and 9
33	Member States must ensure that an appeal procedure against decisions of the notified body is available.	Regulation 50 and Schedule 6, paragraph 11
34(1)	Notified bodies must inform the notifying authority of: (a) any refusal, restriction, suspension or withdrawal of a certificate; (b) any circumstances affecting the scope or conditions for notification; (c) any request for information received from market surveillance authorities; and (d) on request, conformity assessment activities performed etc.	Regulation 50 and Schedule 6, paragraph 10
34(2)	Notified bodies must provide other bodies notified under the Directive carrying out similar conformity assessment activities covering the same products with relevant information on issues relating to negative and, on request, positive conformity assessment results.	Regulation 50 and Schedule 6, paragraph 12
35	The Commission must provide for the organisation of exchange of experience between the Member States' national authorities responsible for notification policy.	It is not necessary to implement this obligation because it is an obligation on the European Commission.
36	Obligation 1: The Commission must ensure that appropriate coordination and cooperation between notified bodies are put in place. Obligation 2: Member States must ensure that the bodies notified by them participate in the forum.	Obligation 1: It is not necessary to implement this obligation because it is an obligation on the European Commission. Obligation 2: Regulation 50 and Schedule 6, paragraph 13
37	Article 15(3) and Articles 16 to 29 of Regulation (EC) No 765/2008 apply to apparatus.	Part 5 and Schedule 7 Regulation (EC) 765/2008 is directly

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		applicable in United Kingdom law. Part 5 of these Regulations provides for enforcing authorities to use their powers to give effect to Regulation (EC) 765/2008.
38(1)	Obligation 1: Where a market surveillance authority has reason to believe that apparatus presents a risk to aspects of a public interest protection covered by the Directive, it must carry out an evaluation in relation to the product concerned. Obligation 2: The relevant economic operators must cooperate as necessary with the market surveillance authorities for the purposes of the evaluation. Obligation 3: Where, in the course of an evaluation, the market surveillance authority finds that apparatus does not comply, it must require the economic operator to take all appropriate corrective action within a reasonable period. Obligation 4: The market surveillance authority must inform the relevant notified body accordingly. Obligation 5: Article 21 of Regulation (EC) No 765/2008 applies to the corrective action required.	Obligation 1: Regulation 56 Obligation 2: Regulations 16(4)(a), 25(4)(a) and 31(4)(a) Obligation 3: Regulation 57(1) and (9) Obligation 4: Regulation 57(2) Obligation 5: Regulation 60
38(2)	Where the market surveillance authority considers that non-compliance is not restricted to their national territory, they must inform the Commission and other Member States of the result of the evaluation and the actions that it has required of the economic operator.	Regulation 57(4)
38(3)	The economic operator must ensure that all appropriate corrective action is taken in respect of all apparatus concerned made available on the market.	Regulations 16(4)(b), 25(4)(b) and 31(4)(b) This obligation does not require further implementation as it is already reflected in the obligation to cooperate.
38(4)	Obligation 1: Where the relevant economic operator does not take adequate corrective action, the market surveillance authority must take appropriate measures to prohibit or restrict the apparatus being made available on the national market, to withdraw the apparatus from the market or to recall it. Obligation 2: The market surveillance authority must	Obligation 1: Regulation 57(5) Obligation 2: Regulation

Article	Objective of the Article	Implementation
	inform the Commission and the other Member States of those measures.	57(7)
38(5)	Obligation 1: The information provided to the Commission and other Member States must include certain information, including data necessary for the identification of the non-compliant apparatus, the origin of the apparatus, the nature of the non-compliance and the risk, the nature of the national measures taken etc. Obligation 2: The information provided must indicate whether the non-compliance is due to either failure to meet requirements under the Directive or shortcomings in the harmonised standards.	Obligation 1: Regulation 57(8) Obligation 2: Regulation 57(8)
38(6)	Member States other than the one initiating the procedure must inform the Commission and other Member States of any measures adopted and any information at their disposal relating to the non-compliance of the apparatus, and any objections to the adopted national measure.	Regulation 58(2)
38(7)	If no objections are raised within 3 months of receipt of the information, the measure is considered justified.	It is not necessary to implement this provision. It concerns a procedure that takes place at the EU level.
38(8)	Member States must ensure that appropriate restrictive measures are taken in respect of an apparatus without delay.	Regulation 58(3)
39(1)	Where, on completion of the procedure in Article 38, objections are raised, the Commission must enter into consultation, evaluate the national measure, adopt an implementing act determining whether the national measure is justified and communicate its decision to Member States and relevant economic operators.	It is not necessary to implement this obligation because it is an obligation on the European Commission.
39(2)	Obligation 1: If the national measure is considered justified, all Member States must take the necessary measures to ensure that the non-compliant apparatus is withdrawn from their national market and inform the Commission accordingly. Obligation 2: If the national measure is considered unjustified, the Member State concerned must withdraw that measure.	Obligation 1: Regulation 58(4) and (6) Obligation 2: Regulation 58(7)
39(3)	Where the national measure is considered justified and the non-compliance is attributed to a shortcoming in the harmonised standards, the Commission must apply the procedure provided for in Regulation (EU) No 1025/2012.	It is not necessary to implement this obligation because it is an obligation on the European Commission.
40(1)	Where a Member State makes a finding of formal non-	Regulation 59(1)

Article	Objective of the Article	Implementation
	compliance, it must require the relevant economic operator to put an end to the non-compliance concerned.	
40(2)	Where the non-compliance persists, the Member State must take appropriate measures to restrict or prohibit the apparatus being made available on the market or ensure that it is recalled or withdrawn from the market.	Regulation 59(2) and (3)
41(1)	The Commission is to be assisted by the Committee on electromagnetic compatibility.	It is not necessary to implement this obligation because it is an obligation on the European Commission.
41(2)	Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 applies.	It is not necessary to implement this provision as it concerns a process at the EU level.
41(3)	The committee must be consulted by the Commission and must examine matters concerning the application of the Directive raised by the chair or a representative of a Member State.	It is not necessary to implement this provision as it concerns a process at the EU level.
42	Member States must lay down rules on penalties applicable to infringements by economic operators of the provisions of national law adopted pursuant to this Directive and must take all measures necessary to ensure that they are enforced. Such rules may include criminal penalties for serious infringements. The penalties provide must be effective, proportionate and dissuasive.	Part 5 (and in particular, regulations 61 and 62)
43	Member States must not impede the making available on the market and/or the putting into service of equipment which is in conformity with Directive 2004/108/EC and which was placed on the market before 20 April 2016.	Regulations 74, 75(2)
44(1)	Obligation 1: Member States must adopt and publish their implementing measures by 19 April 2016 and must apply them from 20 April 2016. Obligation 2: Where Member States adopt the measures referred to in paragraphs 1 and 2, they must contain a reference to this Directive. They must also include a statement that references in existing laws to the Directive repealed are to be construed as references to the new Directive.	Obligation 1: It is not necessary to implement this obligation explicitly. Obligation 2: These Regulations do contain a reference to the Directive in regulation 2(1) and in the Explanatory Note.
44(2)	Member States must communicate to the Commission the text of the main provisions of national law which	It is not necessary to implement this obligation

Article	Objective of the Article	Implementation
	they adopt in the field covered by this Directive.	explicitly.
45	Directive 2004/108/EC repealed from 20 April 2016.	It is not necessary to implement this obligation as it operates at the EU level.
46	The Directive enters into force the 20th day following its publication and most provisions apply from 20 April 2016.	It is not necessary to implement this obligation as it operates at the EU level.
47	This Directive is addressed to Member States.	It is not necessary to implement this provision.
Annex I	Essential requirements	Schedule 1
Annex II	Conformity assessment procedures – Module A: Internal production control	Schedule 2
Annex III	Conformity assessment procedures – Module B: EU-type examination	Schedule 3
Annex IV	EU Declaration of Conformity	Schedule 4
Annex V	Repeals and time limits for transposition referred to Article 45	It is not necessary to implement these provisions.
Annex VI	Correlation table	It is not necessary to implement these provisions.