

Engineering Notes

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CCL Engineering Note 300 CE Marking Proposed Council Directive

by Roger Midgley, Project Engineer, November 1993

Introduction

The European Commission has proposed a council Directive concerning the affixing and use of the CE marking. The proposed Directive sets out how existing Directives will be changed by means of an amending Directive in order to introduce a common set of rules relating to the affixing and use of the CE marking. These changes should come into force on January 1, 1995, which includes a two-year transitional period until January 1, 1997. Member States will be required to produce their implementing legislation by July 1, 1994 so the Directive can come into force on January 1, 1995.

The existing Directive that will be amended by this CE marking Directive include:

87/404/EEC -	Simple pressure vessels;
88/378/EEC -	Safety of toys;
89/106/EEC -	Construction products;
89/336/EEC -	Electromagnetic compatibility;
89/392/EEC -	Machinery;
89/686/EEC -	Personal protective equipment;
90/384/EEC -	Non-automatic weighing instruments;
90/385/EEC -	Active implantable medical devices;
90/396/EEC -	Appliances burning gaseous fuels;
91/263/EEC -	Telecommunications terminal equipment;
92/42/EEC -	New hot-water boilers fired with liquid or gaseous fuels;
73/23/EEC -	Electrical equipment designed for use within certain voltage limits (Low Voltage Directive).

This Directive sets out how each of the above mentioned Directives are to be amended. This document will concentrate on how the EMC Directive (89/336/EEC) and the Low Voltage Directive (73/23/EEC) will be amended.

89/336/EEC EMC Directive

The proposed CE marking Directive will amend the EMC Directive as follows:

- 1) Throughout the text, the term "EC mark" is replaced by "CE marking".

2) Article 3 is replaced by the following text:

"Member states shall take all appropriate measures to ensure that the apparatus referred to in Article 2 may be placed on the market or taken into service only if it bears the CE marking provided for in Article 10 indicating its conformity to all the provisions of this Directive, including the conformity assessment procedures laid down in Article 10, when it is properly installed and maintained and when it is used for the purposes for which it is intended."

3) The following fifth subparagraph is added to Article 10.1:

"Member States shall take the necessary measures to prohibit the affixing to apparatus, its packaging, the instructions for use and the guarantee certificate of markings which are likely to deceive third parties as to the meaning and form of the CE marking. Any other marking may be affixed to the apparatus its packaging, the instructions for use or the guarantee certificate provided that the visibility and legibility of the CE marking is not thereby reduced."

4) The first subparagraph of Article 10.6 is replaced by the following text:

"6. Member States shall notify the Commission and the other Member States of the competent authorities referred to in this Article and the bodies responsible for issuing the EC type-examination certificates referred to in paragraph 5, together with the specific tasks which these bodies have been appointed to carry out and the identification numbers assigned to them beforehand by the Commission.

The Commission shall publish in the Official Journal of the European Communities a list of the notified authorities and bodies with their identification numbers and the tasks for which they have been notified. The Commission shall ensure that this list is kept up to date."

5) The following paragraph is added to Article 10:

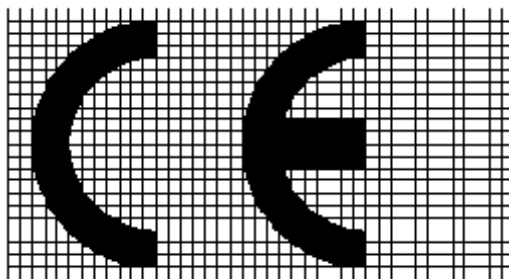
"7. Without prejudice to Article 9:

- a) where a Member State or a competent authority establishes that the CE marking has been affixed unduly, the manufacturer or his authorized representative established within the Community shall be obliged to make the product comply as regards the provisions concerning the CE marking and to end the infringement under conditions imposed the Member State;
- b) where non-compliance continues, the Member State must take all appropriate measures to restrict or prohibit the placing on the market of the product in question or to ensure that it is withdrawn from the market in accordance with the procedures laid down in Article 9."

6) Annex 1 section 2 is replaced by the following text:

"2. CE conformity marking

- The CE conformity marking shall consist of the initials "CE" taking the following form:



- If the CE marking is reduced or enlarged the proportions given in the above graduated drawing must be respected.
- Where apparatus is the subject of other Directives covering other aspects and which also provide for the CE conformity marking, the latter shall indicate that the appliances are also presumed to conform to those other Directives.
- However, where one or more of these Directives allow the manufacturer, during a transitional period, to choose which arrangements to apply, the CE marking shall indicate conformity only to the Directives applied by the manufacturer. In this case, particulars of the Directives applied, as published in the Official Journal of the European Communities, must be given in the documents, notices or instructions required by the Directives and accompanying such apparatus.
- The various components of the CE marking must have substantially the same vertical dimension, which may not be less than 5 mm."

73/23/EEC Low Voltage Directive

The proposed CE marking Directive will amend the Low Voltage Directive as follows:

- 1) In the preamble the following two recitals are added to the end:

"Whereas Decision 90/683/EEC (*) establishes the modules for the various phases of the conformity assessment procedures which are intended to be used in the technical harmonization Directives;

Whereas the choice of procedures must not lead to a lowering of standards of electrical safety already established throughout the Community,

(*) OJ N L 380, 31.12.1990, p. 13."

- 2) In Article 8 the first paragraph is replaced by the following text:

"1. Before being placed on the market, the electrical equipment referred to in Article 1 must have affixed to it the CE marking provided for in Article 10 attesting to its conformity to the provisions of this Directive, including to conformity assessment procedure described in Annex IV."

3) The following paragraph 3 is added to Article 8:

"3. (a) Where electrical equipment is subject to other Directives concerning other aspects which also provide for the affixing of the CE marking, the latter shall indicate that the equipment in question is also presumed to conform to the provisions of those other Directives.

(b) However, where one or more of these Directives allow the manufacturer, during a transitional period, to choose which arrangements to apply, the CE marking shall indicate conformity to the provisions only of those Directives applied by the manufacturer. In this case particulars of the Directives applied, as published in the Official Journal of the European Communities, must be given in the documents, notices or instructions required by the Directives and accompanying the electrical equipment."

4) Article 10 is replaced by the following text:

"Article 10

1. The CE conformity marking referred to in Annex III shall be affixed by the manufacturer or his authorized representative established within the Community to the electrical equipment or, failing that, to the packaging, the instruction sheet or the guarantee certificate so as to be visible, easily legible and indelible.

2. The affixing on electrical equipment of any markings liable to deceive third parties as to the meaning and form of CE marking shall be prohibited. However, any other marking may be affixed to the electrical equipment, its packaging, the instruction sheet or the guarantee certificate provided that the visibility and legibility of the CE marking is not thereby reduced.

3. Without prejudice to Article 9:

(a) where a Member State establishes that the CE marking has been affixed unduly, the manufacturer or his agent established within the Community market shall be obliged to make the electrical equipment comply as regards the provisions concerning the CE marking and to end the infringement under conditions imposed by the Member State.

(b) where non-compliance continues, the Member State must take all appropriate measures to restrict or prohibit the placing on the market of the electrical equipment in question or to ensure that it is withdrawn from the market in accordance with the procedure laid down in Article 9."

5) In Article 11 the second indent is deleted.

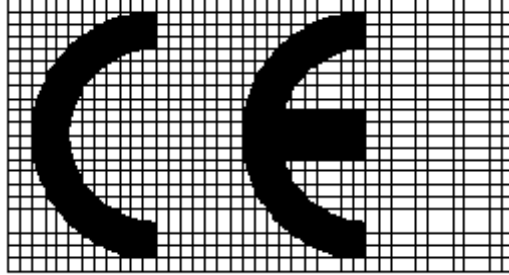
6) The following Annexes are added:

"ANNEX III

CE CONFORMITY MARKING AND EC DECLARATION OF CONFORMITY

A. CE conformity marking

- The CE conformity marking shall consist of the initials "CE" taking the following form:



- If the CE marking is reduced or enlarged the proportions given in the above graduated drawing must be respected.
- The various components of the CE marking must have substantially the same vertical dimension, which may not be less than 5 mm."

B. EC declaration of conformity

The EC declaration of conformity must contain the following elements:

- name and address of the manufacturer or his authorized representative established within the Community,
- a description of the electrical equipment,
- where appropriate, references to the specifications with which conformity is declared,
- identification of the signatory who has been empowered to enter into commitments on behalf of the manufacturer or his authorized representative established within the Community,
- the last two digits of the year in which the CE marking was affixed.

ANNEX IV

INTERNAL PRODUCTION CONTROL

1. Internal production control is the procedure whereby the manufacturer or his authorized representative established within the Community, who carries out the obligations laid down in point 2, ensures and declares that the electrical equipment satisfies the requirement of this Directive that apply to it. The manufacturer or his authorized representative established within the Community must affix the CE marking to each product and draw up a written declaration of conformity.

2. The manufacturer must establish the technical documentation described in point 3 and he or his

authorized representative established within the Community must keep it on Community territory at the disposal of the relevant national authorities for inspection purposes for a period ending at least 10 years after the last product has been manufactured.

Where neither the manufacturer nor his authorized representative is established within the Community, this obligation is the responsibility of the person who places the electrical equipment on the market.

3. Technical documentation must enable the conformity of the electrical equipment to the requirements of this Directive to be assessed. It must, as far as relevant for such assessment, cover the design, manufacture and operation of the electrical equipment.

It must include:

- a general description of the electrical equipment;
- conceptual design and manufacturing drawings and schemes of components, sub-assemblies, circuits, etc.;
- descriptions and explanations necessary for the understanding of said drawings and schemes and the operation of the electrical equipment;
- a list of the standards applied in full or in part, and descriptions of the solutions adopted to satisfy the safety aspects of this Directive where standards have not been applied;
- results of design calculations made, examinations carried out, etc.;
- test reports.

4. The manufacturer or his authorized representative must keep a copy of the declaration of conformity with the technical documentation.

5. The manufacturer must take all measures necessary in order that the manufacturing process shall ensure compliance of the manufactured products with the technical documentation referred to in point 2 and with the requirements of this Directive that apply to them."

Conclusion

Manufacturer's who intend to apply the CE mark to their equipment must be aware of the requirements on the size and location of the marking. This proposed Directive defines the size of the marking and drops the requirement to include the figure of the year in which the mark was affixed. The requirements for European compliance are changing almost daily and as such it is quite a challenge to keep up with the current requirements.