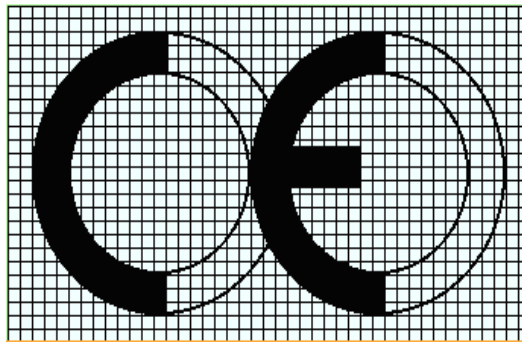


# European Product Safety Directives & CE Marking

## *A Guide for Manufacturers and Importers*



This guide has been prepared to assist manufacturers, importers and other interested parties, to comply with European Product Safety legislation. It is not an exhaustive document, but it does try and cover most aspects of this topic. In particular advice is given on:-

- Applicable legislation;
- Common features of this legislation
- CE marking

The advice contained in this leaflet is based on the best information currently available. It offers general guidance only and does not attempt to address detailed issues. Every effort has been made to ensure the accuracy of this guide, but you are advised to seek more detailed advice before applying a CE mark to your product.



This is one of a series of leaflets prepared by the Wales Heads of Trading Standards Group. For details of other leaflets in the series, please contact your local Trading Standards Department - contact details are provided at the end of this leaflet.

## Introduction

CE marking is often misunderstood. It was not introduced to protect consumers or used as a vehicle to introduce more legislation. It was devised as a means to achieve the European Single market.

Until CE marking was introduced, member states of the European Union had different ways of controlling the safety and marketing products. This meant that manufacturers often had to satisfy several sets of requirements before they could make their products available to purchasers throughout Europe. This was perceived as a major burden on business. To reduce this burden, and to remove barriers to trade, the European Commission decided to eliminate different national systems and replace them with a harmonised system of controls. One community, one set of trade rules. The concept behind the European Single Market therefore, is that goods, and services, can be sold between European Union countries without encountering technical or physical barriers.

To support this concept a legal framework has been created using a variety of legal tools; one of which is the Directive. A directive is an agreement between all member states of the European Union to reach a common position on a particular issue. For example, the product safety laws covering electrical products have been translated into UK law from such a directive. Therefore the law on electrical products should allow a manufacturer to sell his product all over Europe without having to change his specifications to meet national demands.

In theory, this should assist industry. However, the process of creating these directives inevitably means that manufacturers will have to make some changes to the way in which they make and sell their products. It may have an effect on

- What your suppliers produce for you
- What you supply to other manufacturers
- What you supply to end users

The extent of these changes will vary from business to business. What is clear is that this is a growth area for legislation, and manufacturers must be aware of the scope of these European Product Safety directives and the concept of CE marking.

## CE Marking – What is covered?

The product groups covered by the legislation listed below are all required to carry a CE mark. The CE mark is a visible declaration or statement by a manufacturer that his product meets all the requirements of any relevant European legislation. This includes not only the safety elements of the law, but also any requirements to create and keep associated documentation.

The Simple Pressure Vessels (Safety) Regulations 1991 (as amended)

*e.g. paint spraying equipment*

The Construction Products Regulations 1991 (as amended)

*e.g. chimney flues, extractor fans*

The Personal Protective Equipment Regulations 2002

*e.g. respirators, safety glasses*

The Radio Equipment and Telecommunications Terminal Equipment Regulations 2000

*e.g. telephones, fax machines*

The Electromagnetic Compatibility Regulations 1992 (as amended)

*e.g. computers, power tools*

The Supply of Machinery (Safety) Regulations 1992 (as amended)

*e.g. Circular saws, petrol lawnmowers*

The Boilers (Efficiency) Regulations 1993

*e.g. Central Heating Systems*

The Medical Devices Regulations 2002

*e.g. Walking Sticks, Heart Monitors*

The Electrical Equipment (Safety) Regulations 1994

*e.g. TV's, Toasters*

The Toys (Safety) Regulations 1995

*e.g. Train sets, Teddy Bears*

The Weighing Instruments (EEC Requirements) Regulations 2000

*e.g. Weighing Scales*

The Gas Appliances Safety Regulations 1995

*e.g. Gas fires, Gas barbecues*

The Recreational Craft Regulations 1996

*e.g. boats*

As can be seen, a wide range of consumer and industrial products are covered by European legislation and the process is set to continue. CE marking is being introduced to cover the energy performance characteristics of domestic electrical appliances, and also equipment used in Explosive Atmospheres. Identifying which regulations apply to a given product can be an interesting experience.

**NB. There is also the General Product Safety Directive (UK 1994:2328). This does not require CE marking but may be the relevant legislation for the safety of your product, e.g. The sale of an appliance running on a 12 volt battery.**

## What do these regulations require?

Some of these regulations require third party assessment and testing, while others allow manufacturers to self declare compliance with regulatory requirements. Due to the complex nature of these regulations, it is advised that you seek advice if you are unsure which regulations affect the supply of your product. There may be as many as five sets of regulations to consider.

There are some common features that can be identified in these regulations. They all contain the following elements and you must satisfy these before you can legally sell your product.

- **Essential Requirements**

These are the core safety requirements of the law. A manufacturer must meet their demands. They typically relate to the safety properties of a product. One of the ways to determine whether or not your product is safe is to apply European Standards. However, complying with Standards may not be enough and you are advised to read any appropriate regulations carefully.

- **Attestation**

A wonderful word, that simply means the process you follow to demonstrate that you have met the legal requirements applicable to your product. Once again the attestation process varies according to the particular regulations and you are advised to read the appropriate guidance leaflet. It must be understood that attestation requires manufacturers to do more than just assemble CE marked components. Relying on other people can be a recipe for disaster.

- **The CE mark**

The mark is used by a manufacturer to make a visible statement that his product is compliant. It should be placed on the product and be at least 5mm high. If this is not possible, it should be placed on the packaging, declaration of conformity or guarantee certificate. The CE mark has been described as a passport for relevant products when selling across Europe. Manufacturers may wish to note that a CE mark on the outer packaging as well as on the product may prevent delays at national borders.

- **Documentation**

The means by which a manufacturer proves that his product meets legal requirements. At its simplest, one can think of the technical documentation as a recipe. It outlines the ingredients that go to make up the product and outlines what you have to do to them to achieve the end result.

## How is the law enforced?

Meeting legal requirements is one problem; knowing which body is responsible for enforcing those requirements is another.

In general, the Trading Standards service has an enforcement role to play in most of those regulations. However, in some instances, there may be more than one enforcement agency. For example the Supply of Machinery (Safety) Regulations are enforced by the Trading Standards service and the Health and Safety Executive.

These different agencies operate at either Central or Local Government level. All are committed to assisting manufacturers through the maze of legislation and offer a range of advisory services.

It is also important to note that the enforcement officers of these different agencies have a range of powers to enable them to administer these regulations. These include powers to

- Issue compliance notices
- Issue suspension notices
- Seize goods and documents
- prosecute

Such powers are often used as the last resort. In the UK, the emphasis is on preventing such problems occurring by working with business.

## Where can I get more information?

- The Trading Standards Service of your local council should be able to help with most of your queries. Contact details are given below:



### *Trading Standards*

Torfaen County Borough Council  
County Hall  
Cwmbran NP44 2WN  
[trading.standards@torfaen.gov.uk](mailto:trading.standards@torfaen.gov.uk)  
tel: 01633 648384

- The Department of Trade and Industry (DTI)

The Standards and Technical Regulations Directorate is the lead body within the UK for most of the CE marking directives (but not all). The Dti produces a number of in-depth guidance notes on the various regulations, most of which can be obtained from your Local Trading Standards department. Alternatively you can contact the Dti directly on 0207 215 5000 or by writing to 151 Buckingham Palace Road, London, SW1W 9SS.