

Declarations of Conformity

Apart from the CE logo, the Declaration of Conformity is one of the few common threads throughout all the CE marking directives.

Basically it's a piece of paper which someone has to sign to say that the machine, apparatus, device (etc.) meets the requirements of the Directive. The idea is that making someone sign a declaration to this effect concentrates the mind on exactly whether or not the product really does comply. It's also a requirement that the Declaration be signed by someone who has the power to make binding commitments on behalf of the manufacturer so, in theory at least, such a person should be fully aware of the gravity of signing any piece of paper fraudulently. Hence the effect of the Declaration is to identify an individual in the company who can be held responsible if the CE marking on a product turns out to be invalid.

When considering the relationship between manufacturers based outside the EU and their EU distributors, the matter of who signs the Declaration has been the subject of considerable debate. Some authorities hold that the Declaration should be signed by the manufacturer but must be held on EU soil by the importer, whereas others say that the signature should be that of the importer.

We have discussed exactly this topic with UK trading standards officers in order to be clear on the point. Notwithstanding anything which is contained in any of the directives or regulations, what they are looking for is a piece of paper, signed by someone who is within their legal reach, which says words to the effect of "I hereby declare the product to be safe, come and get ME if it isn't". This is sometimes known as the 'warm body' principle! On the basis of this, we are convinced that if the product is made outside the EU, the ONLY signature which really matters is that of the EU importer.

As a further complication, be under no illusions that the requirements of the different regulations are consistent as regards the contents of the declaration of conformity - they are not. Except where (as, for example, in the case of the UK [Medical Devices](#) Regulations) the implementing regulations of the member states simply call up the wording of the relevant EC text, the requirements of the CE marking Directives are defined by the wording of the relevant statutory instrument in the member states, NOT the wording of the directive itself, which cannot be enforced in any national court in the EU.

Having said this, in the main, the Declaration of Conformity for the [Machinery](#), [Low Voltage](#) and [Electromagnetic Compatibility](#) Directives are very similar and it is common to combine the declarations for these directives into one document. We have compiled a document based on the UK Regulations which gives the wording of the relevant sections of the UK statutory instruments. This document also includes an example Declaration of Conformity, and is available for download in [Acrobat PDF](#) format.

Note that this file does NOT cover the requirements for a declaration including the noise information required by Directive [2000/14/EC](#), although this is only relevant to the relatively small number of items covered by this directive (primarily engine driven machinery and plant for use outdoors).

[Click here](#) to download the document.

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