



**EMCD ~~2000.2~~2000.3**  
**Working Document**

**This working document is similar to EMC/WG/4/18A, with the difference that, for the sake of convenience, the changes between EMCD 2000.3 and EMCD 2000.2 [EMC/WG/4/18A and EMC/WG/3/25] have been highlighted.**

**Version control**

EMCD 2000.1	Text for discussion during the EMC SLIM WG meeting (24.02.00)
EMCD 2000.2	Recapitulation of discussions during the EMC SLIM WG meeting (24.02.00) Presented to the EMC Working Party (25.02.00)
<u>EMCD 2000.3</u>	<u>Text for discussion during the EMC SLIM WG meeting (03-04.07.00)</u>

## Preamble

[For the sake of simplicity, only relevant paragraphs are included here – their numbering or order are so far irrelevant].

1. ...

2. ...

3. Whereas fixed installations, including networks, large machines, etc... have specific characteristics that justify another regime in respect of conformity assessment;

4. Whereas electric supply networks may be affected by electromagnetic disturbance, which may consequently affect equipment connected to them; whereas the responsibility for the protection against such electromagnetic disturbance shall be shared in a fair and effective way;

5. Whereas state of the art is the developed stage of technical capability at a given time as regards products, processes and services, based on the relevant consolidated findings of science, technology and experience;

6. Whereas an electromagnetic compatibility assessment needs to be carried out in order to determine the compliance of an apparatus with the protection requirements set out this Directive; whereas the correct use of the applicable harmonised standards shall be equivalent to the carrying out of such assessment;

7. ...

8. ...

## Article 2 Scope and definitions

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35 1. This Directive regulates the electromagnetic compatibility of ~~electrical or~~  
36 ~~electronic~~ equipment.

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38 2. For the purposes of this Directive, the following definitions shall apply:

39  
40 (a) **Equipment**: any apparatus or fixed installation.

41  
42 (b) **Apparatus**: any finished ~~electrical or electronic appliance~~appliance,  
43 or combination thereof, intended for the end user liable to generate  
44 electromagnetic disturbance, or the performance of which is liable to  
45 be affected by such disturbance.

46  
47 ~~An electrical or electronic component or subassembly~~ intended  
48 for incorporation into an apparatus by the end user, which is liable to  
49 generate electromagnetic disturbance, or the performance of which is  
50 liable to be affected by such disturbance, is deemed to be an  
51 apparatus for the purposes of this Directive.

52  
53 ~~A system (combination of several apparatus), made commercially~~  
54 ~~available as a single functional unit, is also deemed to be an~~  
55 ~~apparatus for the purposes of this Directive, unless it is a fixed~~  
56 ~~installation.~~

57  
58 (c) **Fixed installation** means a combination of several types of  
59 apparatus and, where applicable, other devices, which are  
60 assembled and installed at the place of use in such a way that it can  
61 not be moved without being, at least partially, disassembled;

62  
63 (d) **Electromagnetic compatibility** means the ability of electrical or  
64 electronic equipment to function satisfactorily in its electromagnetic  
65 environment without introducing intolerable electromagnetic  
66 disturbances to anything in that environment

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68 (e) **Electromagnetic disturbance** means any electromagnetic  
69 phenomenon which may degrade the performance of electrical or  
70 electronic equipment. ~~An electromagnetic disturbance may be~~  
71 ~~electromagnetic noise, an unwanted signal or a change in the~~  
72 ~~propagation medium itself.~~

73  
74 (f) **Immunity** means the ability of electrical or electronic equipment to  
75 perform without degradation in the presence of an electromagnetic  
76 disturbance.

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78 (g) **Manufacturer** means [to be added later].

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80 (h) **Placing on the market** means [to be added later].

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(i) Putting into service means [to be added later].

3. This Directive shall not apply to the following equipment:

(a) ... [to be added later].

(b) ... [to be added later].

4. This Directive shall not apply to equipment which, by the inherent nature of its physical characteristics, has an emission level far below the most stringent limits, and for which experience shows that it operates satisfactorily in its intended area of use.

5. Insofar as protection requirements specified in this Directive are harmonised, in the case of certain equipment, by specific Directives, this Directive shall not apply or shall cease to apply with regard to such equipment or protection requirements upon the entry into force of those specific Directives.

6. This Directive shall not affect the application of Community or national legislation addressing the safety of equipment.

**Article 2**  
~~Placing in the market, putting into service~~  
**Article 2**  
Placing on the market, putting into service

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Member States shall take all appropriate measures to ensure that equipment ~~may be~~ placed on the market and/or put into service only if it complies with the relevant requirements of this Directive when properly installed, maintained and used for the purposes for which it is intended.

**Article 3**  
**Essential requirements**

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The equipment referred to in article 1(1) must meet the essential requirements set out in Annex I which apply to it.

**Article 4**  
**Free circulation of equipment**

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Member States shall not impede for reasons relating to electromagnetic compatibility the placing on the market and/or the putting into service on their territory of equipment ~~covered by this Directive which satisfies the relevant essential requirements thereof.~~ in compliance with this Directive.

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## **Article 5** ***Harmonised standards***

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1. Where equipment meets/complies with the relevant harmonised standards whose reference ~~numbers~~ have been published in the Official Journal of the European Communities, Member States shall presume compliance with the essential requirements referred to in Annex I.

The procedure for the correct application of harmonised standards is set out in Annex IV.

2. Where a Member State or the Commission considers that a harmonised standard does not entirely satisfy the requirements referred to in Annex I, the Member State concerned or the Commission shall bring the matter before the Standing Committee set up by Directive 98/38/EC, hereinafter referred to as “the Committee”, giving the reasons thereof. The Committee shall deliver an opinion without delay.

3. Upon receipt of the Committee’s opinion, the Commission shall inform the Member States as soon as possible whether or not it is necessary to withdraw those standards from the publication referred to in paragraph 1.

## **Article 6** ***Conformity assessment procedure for apparatus***

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1. Apparatus complying with all relevant essential requirements shall bear the CE conformity marking referred to in Annex II. It shall be affixed under the responsibility of the manufacturer or his authorised representative established within the Community.

Member States shall take the necessary measures to prohibit the affixing to the apparatus, its packaging, the instructions for use or the guarantee certificate of markings which are likely to deceive third parties as to the meaning and/or graphic 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.

2. The compliance of apparatus with all relevant essential requirements shall be certified by a declaration of conformity issued by the manufacturer or his authorised representative established within the Community. The declaration shall be held at the disposal of the competent authority for ten years following the placing of the apparatus on the market.

3. The manufacturer or his authorised representative established within the Community must establish a technical documentation which provides

167 evidence of the conformity of the apparatus to the essential requirements  
168 of the Directive. This technical documentation shall be held at the  
169 disposal of the competent authority for ten years following the placing of  
170 the apparatus on the market.

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172 In the case of apparatus for which the manufacturer has not applied, or  
173 has applied only in part, the harmonised standards referred to in Article 5,  
174 the technical documentation shall include a report obtained from a  
175 ~~competent~~notified body.

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177 4. Where neither the manufacturer nor his authorised representative is  
178 established within the Community, the obligation to keep the declaration  
179 of conformity and the technical documentation available shall be the  
180 responsibility of the person who places the apparatus on the Community  
181 market.  
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183 5. The provisions governing the CE conformity marking, the declaration of  
184 conformity and the technical documentation are set out in Annex II.  
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186 6. Without prejudice to Article 7, when a competent authority establishes  
187 that the CE marking has been unduly affixed, the manufacturer or his  
188 authorised representative established within the Community shall be  
189 obliged to make the product comply as regards the provisions concerning  
190 the CE marking and to end the infringement under conditions imposed by  
191 the Member State.  
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## Article 7 Safeguards

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195 1. Where a Member State ascertains that ~~a CE-marked~~an apparatus ~~bearing~~  
196 the CE marking does not comply with the essential requirements referred  
197 to in Annex I, it shall take all appropriate measures to withdraw the  
198 apparatus from the market, prohibit its placing on the market or restrict its  
199 free movement.  
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201 2. The Member State concerned shall immediately inform the Commission of  
202 any such measure, indicating the reasons for its decision and, in  
203 particular, whether non-compliance is due to:  
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205 (a) failure to satisfy the ~~protection~~essential requirements referred to in  
206 Annex I, when the apparatus does not ~~meet~~comply with the standards  
207 referred to in Article 5;  
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209 (b) incorrect application of the standards referred to in Article 5;  
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211 (c) shortcomings in the standards referred to in Article 5 themselves;  
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- 213 3. The Commission shall consult the parties concerned as soon as possible.  
214 If the Commission finds, after such consultations, that the action is  
215 justified, it shall inform the Member State that took the action and the  
216 other Member States.  
217
- 218 4. Where the decision referred to in paragraph 1 is attributed to a  
219 shortcoming in the standards, the Commission, after consulting the  
220 parties, shall bring the matter before the Committee within two months if  
221 the Member State which has taken the measures intends to uphold them,  
222 and shall initiate the procedures referred to in Article 5.  
223
- 224 5. When the apparatus which does not comply is accompanied by the report  
225 referred to in Article 6(3), the competent Member State shall take  
226 appropriate action in respect of the author of this report, and shall inform  
227 the Commission and the other Member States thereof.  
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- 229 6. The Commission shall ensure that the Member States are kept informed  
230 of the progress and outcome of this procedure.  
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**Article 8**  
**Decisions in respect of withdrawal, prohibition or restriction**

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- 234 1. Any decision taken pursuant this Directive to withdraw an apparatus from  
235 the market, prohibit its placing on the market, or restrict its free  
236 movement, shall state the exact grounds on which it is based. Such  
237 decisions shall be notified without delay to the party concerned, who shall  
238 at the same time be informed of the remedies available to him under the  
239 national law in force in the Member State in question and of the time limits  
240 to which such remedies are subject.  
241
- 242 2. In the event of a decision as referred to in paragraph 1, the manufacturer  
243 or his authorised representative shall have the opportunity to put forward  
244 his point of view in advance, unless such consultation is not possible  
245 because of the urgency of the measure to be taken as justified in  
246 particular by public interest requirements.  
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**Article 9**  
**Competent bodies**  
**Article 9**  
**Notified bodies**

- 249 ~~1.~~
- 250 1. Member States shall notify the Commission and the other Member States
- 251 | the ~~competent~~ bodies referred to in Article 6(3).
- 252
- 253 Such notification shall state whether those bodies are competent for all
- 254 apparatus covered by this Directive or whether their responsibility is
- 255 limited to certain specific areas.
- 256 ~~2.~~
- 257 2. Member States shall apply the criteria listed in Annex III for the
- 258 | assessment of the ~~competent~~ bodies to be notified.
- 259
- 260 Bodies which comply with the assessment criteria fixed by the relevant
- 261 harmonised standards shall be presumed to comply with the
- 262 | aforementioned criteria. The Commission shall publish in the Official
- 263 Journal of the European Communities the reference of those standards.
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- 265 3. The Commission shall publish in the Official Journal of the European
- 266 | Communities a list of ~~competent~~notified bodies. The Commission shall
- 267 ensure that this list is kept up to date.
- 268
- 269 4. If a Member State finds that a ~~competent~~notified body no longer meets
- 270 the criteria listed in Annex III, it shall inform the Commission and the other
- 271 | Member States thereof. The reference to this ~~competent~~notified body
- 272 shall be withdrawn from the list referred to in paragraph 3.
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**Article 10**  
**Fixed installations**

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- 276 1. The installer of a fixed installation shall ensure compliance of the fixed
- 277 | installation with the relevant requirements set out in Annex I.
- 278
- 279 2. Apparatus placed on the market for incorporation into a fixed installation
- 280 are subject to all relevant provisions for apparatus as set out in this
- 281 Directive.
- 282
- 283 ~~2-supplied for~~ However, this shall not apply to apparatus which are specifically
- 284 designed for incorporation into a fixed installation and otherwise not
- 285 commercially ~~available for distribution are exempted from the conformity~~
- 286 ~~assessment procedures set out in Article 6.~~
- 287
- 288 ~~Documentation shall be produced by the installer [and held by the~~
- 289 ~~operator] available. In this case, documentation shall be kept~~ at the
- 290 disposal of the Competent Authority, demonstrating that ~~the~~such
- 291 | apparatus ~~used~~ does not compromise the conformity of the installation.

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~~[Need to rephrase (responsibility of Member States)].~~

3. Where there are indications of non-compliance of the fixed installation, for example where there are complaints about disturbances being generated by the installation, the competent authorities may request evidence of compliance of the fixed installation, and, when appropriate, initiate an assessment.

Where non-compliance is identified, the competent authorities may impose appropriate measures have to be taken to bring the installation in compliance with the protection requirements set out in Annex I.

## **Article 11** ***Special measures***

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1. The requirements of this Directive shall not prevent the application in any Member State of the following special measures:
  - (a) Measures with regard to the ~~taking~~putting into service and use of equipment taken for a specific site in order to overcome an existing or predicted electromagnetic compatibility problem;
  - (b) Measures with regard to the installation of equipment taken in order to protect the public telecommunication networks or receiving or transmitting stations used for safety purposes.
2. Without prejudice to Directive 98/34/EC, Member States shall inform the Commission and the other Member States of the special measures taken pursuant to paragraph 1.
3. Special measures that have been recognised as justified shall be contained in an appropriate notice made by the Commission in the Official Journal of the European Communities.

## **Article 12** ***Transposition and entry into force***

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1. Directive 89/336/EEC is hereby repealed as from *[date of application]*.
2. By *[date of application - 1]*, Member States shall adopt and publish the laws, regulations and administrative provisions necessary to comply with this Directive. They shall inform the Commission thereof. They shall apply these provisions as from *[date of application]*.

335 3. Member States shall communicate to the Commission the texts of the  
336 provisions of national law which they adopt in the field covered by this  
337 Directive.

338  
339 4. This Directive shall entry into force on the day of its publication in the  
340 Official Journal of the European Communities.

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**Article 13**  
***Addressees***

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344 This Directive is addressed to the Member States.

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## Annex I Essential requirements

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### A) Protection requirements

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1. Equipment shall be so designed and manufactured ~~[in accordance with good engineering practice]~~ taking into account the state of the art as to ensure that:

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- (a) the electromagnetic disturbances it generates do not exceed a level allowing radio and telecommunication equipment and other equipment to operate as intended;

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- (b) it has a level of immunity to the electromagnetic disturbances to be expected in its intended use, which allows it to operate without unacceptable degradation of its intended function, as might reasonably be expected by the intended user.

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### B) Specific requirements for apparatus

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#### 2. **Electromagnetic compatibility assessment**

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The manufacturer shall perform an electromagnetic compatibility assessment of the apparatus, based on the relevant phenomena ~~[corresponding to the state of the art]~~, with a view to meeting the essential protection requirements set out in paragraph 1.

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The electromagnetic compatibility assessment takes into account all normal intended operating conditions.

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In the case where the apparatus can take different configurations, the electromagnetic compatibility assessment must confirm that the apparatus shall meet the protection requirements set out in paragraph 1 in all possible configurations.

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The correct application of all the relevant harmonised standards as set out in Annex IV shall be equivalent to the carrying out of the electromagnetic compatibility assessment.

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#### 3. **External devices**

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~~[In the case where apparatus would need additional external devices, such as filtering or shielding, in order to meet the protection requirements referred to in paragraph 1, the instructions for use in the manufacturers'~~

391 ~~documentation shall include the relevant specifications for such devices.]~~  
392 ~~[Option EXDEV.1]~~

393  
394 ~~[All apparatus shall meet the protection requirements referred to in~~  
395 ~~paragraph 1 without additional external devices (such as filtering or~~  
396 ~~shielding), unless those devices are either placed on the market together~~  
397 ~~with the apparatus as a functional unit with instructions for use in the~~  
398 ~~manufacturers' documentation or they are commercially available and~~  
399 ~~their required properties are sufficiently described in the instructions for~~  
400 ~~use of the apparatus.][Option EXDEV.2]~~

401  
402 [All apparatus shall meet the protection requirements referred to in  
403 paragraph 1 without additional external devices such as filtering or  
404 shielding, unless those devices, including the necessary instructions for  
405 use, are placed on the market together with the apparatus as a functional  
406 unit with instructions for use in the manufacturers' unit.  
407 documentation.

408  
409 ~~In the case of apparatus which is not intended to be able to be used in a~~  
410 ~~domestic location, external devices need not be placed on the market~~  
411 ~~together with the apparatus, if they are commercially available. However,~~  
412 ~~their type numbers, manufacturers and conditions of installation shall be~~  
413 ~~clearly identified in the instructions for use of the apparatus.~~

414  
415 External devices only intended to be incorporated into the apparatus by  
416 professionals, as well as connecting devices (such as plugs or cables)  
417 which have to fulfil specific requirements for the compliance of the  
418 apparatus with the protection requirements set out in paragraph 1, need  
419 not to be placed on the market together with the apparatus if they are  
420 commercially available and their required properties are sufficiently  
421 described in the instructions for use of the apparatus.][Option EXDEV.3]

#### 422 423 4. Information requirements

##### 424 425 ~~(a) Indication of restricted use~~

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427 ~~(a) Each apparatus shall be identified by the manufacturer by means of~~  
428 ~~type, batch, serial number and/or any other information allowing for~~  
429 ~~the identification of the product.~~

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431 ~~[Consider merging (a) with (b)]~~

##### 432 433 ~~(c) Indication of manufacturer, authorised representative or person~~ 434 ~~responsible for placing the apparatus on the community market~~

435  
436 (b) Each apparatus shall be accompanied by ~~a written information stating~~  
437 ~~the~~full name and address of the manufacturer, and, if he is not  
438 established within the Community, the name and address of his  
439 authorised representative established within the Community or the

440 person responsible for placing the apparatus on the Community  
441 market.

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443 **(d) Identification of equipment**

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445 ~~Each apparatus shall be identified by the manufacturer by means of~~  
446 ~~type, batch and/or serial number.~~

447 (c) The manufacturer shall provide information on any specific  
448 precautions that have to be taken when the apparatus is assembled,  
449 installed, maintained and used to ensure that the apparatus is in  
450 conformity with the protection requirements set out in paragraph 1  
451 when taken into service.

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453 (d) Apparatus for which compliance with the protection requirements is  
454 only ensured in restricted conditions (for instance, when used in a  
455 certain environment) shall be accompanied by a clear indication of its  
456 restriction of use.

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459 **C) Specific requirements for fixed installations**

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461 **5. Installation, maintenance and intended use of components**

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463 A fixed installation shall be installed and maintained applying good  
464 engineering practice and respecting the information on the intended use  
465 of its components, with a view to meeting the essential protection  
466 requirements set out in paragraph 1.

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~~Annex II~~  
~~CE conformity marking, declaration of conformity,~~  
~~technical documentation~~  
Annex II  
CE conformity marking, EC declaration of conformity,  
technical documentation

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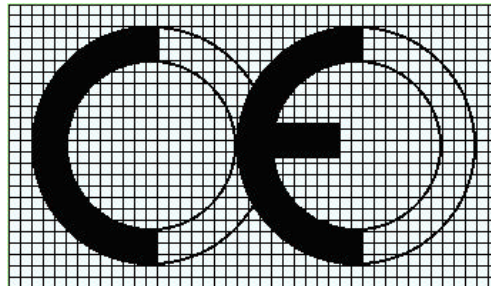
## 1. CE Conformity marking

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

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The CE marking must have a height of at least 5 mm. If the CE marking is reduced or enlarged the proportions given in the above graduated drawing must be respected.

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The CE marking must be affixed to the product or to its data plate, unless it is not possible under reasonable technical conditions. Additionally it must be affixed to the packaging, if any, and to the accompanying documents.

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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.

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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.

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~~The various components of the CE marking must have substantially the same vertical dimension, which may not be less than 5 mm.~~

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## 2. EC Declaration of conformity

The EC declaration of conformity must contain, at least, the following:

- description/identification of the apparatus to which it refers, as set out in Annex I, paragraph 4(a);
- name and address of the manufacturer, and, if he is not established within the Community, the name and address of his authorised representative within the Community;
- precise and complete reference to the specifications under which conformity is declared to ensure the conformity of the apparatus with the provisions of the Directive;
- identification of the signatory empowered to bind the manufacturer or his authorised representative;
- date and place of issue of the declaration.

## 3. Technical documentation

(a) In the case of apparatus for which the manufacturer has applied the harmonised standards referred to in Article 5, the technical documentation shall contain:

- a general description of the apparatus, including, where applicable, a description of its different configurations;
- instructions for use;
- list of harmonised standards applied;
- test or assessment reports on the application of harmonised standards.

(b) In the case of apparatus for which the manufacturer has not applied, or has applied only in part, the harmonised standards referred to in Article 5, the technical documentation shall contain:

- a general description of the apparatus, including, where applicable, a description of its different configurations;
- design and manufacturing drawings, together with layout diagrams covering components, subassemblies, circuits, etc.;
- descriptions and explanations needed in order to understand the above-mentioned drawings and diagrams as well as the operational aspect of the product;
- the result of design calculations and checks carried out;
- test reports;
- instructions for use;
- a report from a competent/notified body declaring that the conformity assessment of the apparatus has been correctly

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performed. This report shall confirm the electromagnetic compatibility assessment referred to in Annex I.

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~~Annex III~~  
~~Criteria for the assessment of the competent bodies to be notified~~  
Annex III  
Criteria for the assessment of the bodies to be notified

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553 1. The bodies designated by the Member States ~~must~~shall fulfil the following  
554 minimum conditions:

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556 (a) availability of personnel and of the necessary means and equipment;

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558 (b) technical competence and professional integrity of personnel;

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560 (c) ~~independence, in carrying out the tests,~~independence in preparing  
561 the reports, ~~issuing the certificates~~ and performing the verification  
562 function provided for in this Directive

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564 (d) ~~Directive,~~independence of staff and technical personnel in relation to  
565 all circles, groups or persons directly or indirectly concerned with the  
566 product in question;

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568 (e) maintenance of professional secrecy by personnel;

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570 (f) possession of civil liability insurance unless such liability is covered  
571 by the State under national law.

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573 2. Fulfilment of the conditions under sections (a) and (b) shall be verified at  
574 intervals by the competent authorities of the Member States.

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**Annex IV**  
**Application of harmonised standards**

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1. The correct application of all the relevant harmonised standards whose reference ~~numbers~~ have been published in the Official Journal of the European Communities provides apparatus with presumption of conformity with the relevant essential requirements as set out in Annex I.

~~[Consider need to be more explicit about essential requirements]~~

- ~~2. The following general conditions apply for the correct application of the aforesaid harmonised standards:~~

~~-all the relevant harmonised standards whose references have been published in the Official Journal of the European Communities shall be equivalent to the carrying out of the electromagnetic compatibility assessment.~~

~~(a) Harmonised standards are to be selected according to the following order of precedence: product, product family and generic standards.~~

2. Compliance with a harmonised standard means conformity with its provisions (e.g. limits) and demonstration thereof by the methods the harmonised standard describes or refers to.

~~(c) 3. [Presumption of conformity through a given harmonised standard is limited to the scope covered by this standard.] [Different considerations on this issue]~~

- ~~4. Harmonised standards are to be selected and used according to the provisions of the relevant standardisation documents. The reference to these documents shall be published in the Official Journal of the European Communities.~~

~~(d) 5. Further indications for the information on the correct use of harmonised standards may be given in the list of harmonised standards through a notice published in Official Journal of the European Communities and in guides issued by the standardisation bodies.~~