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AUTHORISED REPRESENTATIVE

NEW EU-LEGAL FIGURE IN THE 2014 DIRECTIVES

SUMMARY

New Directive 2014 involved

STRATEGIC ELEMENTS

DIRECTIVE 2014/30/UE

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 (recast)

DIRECTIVE 2014/35/UE

OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 26 February 2014
on the harmonisation of the laws of the Member States relating to the making available on the market of electrical equipment designed for use within certain voltage limits

DIRECTIVE 2014/53/UE

OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 16 April 2014
on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment and repealing Directive 1999/5/EC

DEFINITIONS

Definitions

Based on Article 3 of the 2014/30/UE, comma 1, point 12).

You mean by :

> (11) ‘manufacturer’ means any natural or legal person who manufactures apparatus or has apparatus designed or manufactured, and markets that apparatus under his name or trade mark;
>
> **(12) ‘authorised representative’ means any natural or legal person established within the Union who has received a written mandate from a manufacturer to act on his behalf in relation to specified tasks;**
>
> (13) ‘importer’ means any natural or legal person established within the Union who places apparatus from a third country on the Union market;
>
> (14) ‘distributor’ means any natural or legal person in the supply chain, other than the manufacturer or the importer, who makes apparatus available on the market;

The same definitions can be found, written exactly the same way, in the Directive 2014/35 / EU Article 2 from the point 3 to the point 7

and also

in Directive 2014/53/EU in the Article 2, paragraph 1, from the point 12 to the point 16.

Tasks of an Authorized Representative

ARTICLE 8 OF THE DIRECTIVE 2014/30/UE

1. A manufacturer may, by a written mandate, appoint an authorised representative.

The obligations laid down in Article 7(1) and the obligation to draw up technical documentation referred to in Article 7(2) shall not form part of the authorised representative's mandate.

2. An authorised representative shall perform the tasks specified in the mandate received from the manufacturer. The mandate shall allow the authorised representative to do at least the following:

(a) keep the EU declaration of conformity and the technical documentation at the disposal of national market surveillance authorities for 10 years after the apparatus has been placed on the market;

(b) further to a reasoned request from a competent national authority, provide that authority with all the information and documentation necessary to demonstrate the conformity of the apparatus;

(c) cooperate with the competent national authorities, at their request, on any action taken to eliminate the risks posed by the apparatus covered by the authorised representative's mandate.

Recalls useful.

Article 7

Obligations of manufacturers

1. When placing their apparatus on the market, manufacturers shall ensure that they have been designed and manufactured in accordance with the essential requirements set out in Annex I.

TASKS OF AN AUTHORIZED REPRESENTATIVE

2. Manufacturers shall draw up the technical documentation referred to in Annex II or Annex III and carry out the relevant conformity assessment procedure referred to in Article 14 or have it carried out.

Where compliance of apparatus with the applicable requirements has been demonstrated by that procedure, manufacturers shall draw up an EU declaration of conformity and affix the CE marking.

3. Manufacturers shall keep the technical documentation and the EU declaration of conformity for 10 years after the apparatus has been placed on the market.

4. Manufacturers shall ensure that procedures are in place for series production to remain in conformity with this Directive. Changes in apparatus design or characteristics and changes in the harmonised standards or in other technical specifications by reference to which conformity of apparatus is declared shall be adequately taken into account.

5. Manufacturers shall ensure that apparatus which they have placed on the market bear a type, batch or serial number or other element allowing their identification, or, where the size or nature of the apparatus does not allow it, that the required information is provided on the packaging or in a document accompanying the apparatus.

6. Manufacturers shall indicate, on the apparatus, their name, registered trade name or registered trade mark and the postal address at which they can be contacted or, where that is not possible, on its packaging or in a document accompanying the apparatus. The address shall indicate a single point at which the manufacturer can be contacted. The contact details shall be in a language easily understood by end-users and market surveillance authorities.

7. Manufacturers shall ensure that the apparatus is accompanied by instructions and the information referred to in Article 18 in a language which can be easily understood by consumers and other end-users, as determined by the Member State concerned. Such instructions and information, as well as any labelling, shall be clear, understandable and intelligible.

8. Manufacturers who consider or have reason to believe that

an apparatus which they have placed on the market is not in conformity with this Directive shall immediately take the corrective measures necessary to bring that apparatus into conformity, to withdraw it or recall it, if appropriate. Furthermore, where the apparatus presents a risk, manufacturers shall immediately inform the competent national authorities of the Member States in which they made the apparatus available on the market to that effect, giving details, in particular, of the non-compliance and of any corrective measures taken.

9. Manufacturers shall, further to a reasoned request from a competent national authority, provide it with all the information and documentation in paper or electronic form necessary to demonstrate the conformity of the apparatus with this Directive, in a language which can be easily understood by that authority. They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by apparatus which they have placed on the market.

An Authorized Representative, chosen from competent professionals must seek to prevent the Competent Authorities in charge of the conduct inspections sanctions, can detect one or more of the items described in Article 40 of Directive 2014/30/EU, for example.

Our goal, as a REPRESENTATIVE charge, with proven twenty years of experience, is to consistently perform mandatory testing and analysis and to make all documentation relating to the Technical File of the certified products, with the certainty that it complied with all aspects and statutory and regulatory requirements in accordance with the formalities required to demonstrate to the Competent Authority that everything has been properly carried out according to the law.

Article 40
Formal non-compliance

1. Without prejudice to Article 38, where a Member State makes one of the following findings, it shall require the relevant economic operator to put an end to the non-compliance concerned:

(a) the CE marking has been affixed in violation of Article 30 of Regulation (EC) No 765/2008 or of Article 17 of this Directive;

(d) the EU declaration of conformity has not been drawn up correctly;

(e) technical documentation is either not available or not complete;

(f) the information referred to in Article 7(6) or Article 9(3) is absent, false or incomplete;

(g) any other administrative requirement provided for in Article 7 or Article 9 is not fulfilled.

2. Where the non-compliance referred to in paragraph 1 persists, the Member State concerned shall take all 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.

According to ANNEX II and ANNEX III to Directive 2014/30 / EU, taken as an example among Directives considered, it concerns the description of the Procedures for Internal Control of the production or the EU type examination.

ANNEX II
MODULE A: INTERNAL PRODUCTION CONTROL

1. Internal production control is the conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in points 2, 3, 4 and 5 of this Annex, and ensures and declares on his sole responsibility that the apparatus concerned satisfy the requirements of this Directive that apply to it.

….

5. **CE marking and EU declaration of conformity**

5.1. The manufacturer shall affix the CE marking to each individual apparatus that satisfies the applicable requirements of this Directive.

5.2. The manufacturer shall draw up a written EU declaration of conformity for an apparatus model and keep it together with the technical documentation at the disposal of the national authorities for 10 years after the apparatus has been placed on the market. The EU declaration of conformity shall identify the apparatus for which it has been drawn up.

A copy of the EU declaration of conformity shall be made available to the relevant authorities upon request.

TASKS OF AN AUTHORIZED REPRESENTATIVE

6. **Authorised representative**

The manufacturer's obligations set out in point 5 may be fulfilled by his authorised representative, on his behalf and under his responsibility, provided that they are specified in the mandate.

ANNEX III
PART A

Module B: EU-type examination

1. EU-type examination is the part of a conformity assessment procedure in which a notified body examines the technical design of an apparatus and verifies and attests that the technical design of the apparatus meets the essential requirements set out in point 1 of Annex I.

2. EU-type examination shall be carried out by assessment of the adequacy of the technical design of the apparatus through examination of the technical documentation referred to in point 3, without examination of a specimen (design type). It may be restricted to some aspects of the essential requirements as specified by the manufacturer or his authorised representative.

3. The manufacturer shall lodge an application for EU-type examination with a single notified body of his choice.

The application shall specify the aspects of the essential requirements for which examination is requested and shall include:

(a) the name and address of the manufacturer and, if the application is lodged by the **authorised representative**, his name and address as well;

. . . .

10. The manufacturer's **authorised representative** may lodge the application referred to in point 3 and fulfil the obligations set out in points 7 and 9, provided that they are specified in the mandate.

PART B

Module C: conformity to type based on internal production control

1. Conformity to type based on internal production control is the part of a conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in points 2 and 3, and ensures and declares that the apparatus concerned are in conformity with the type described in the EU-type examination certificate and satisfy the requirements of this Directive that apply to them.

. . . .

4. **Authorised representative**

The manufacturer's obligations set out in point 3 may be fulfilled by his authorised representative, on his behalf and under his responsibility, provided that they are specified in the mandate.

TASKS OF AN AUTHORIZED REPRESENTATIVE

EU declaration of conformity

We taken for example the description presented in the ANNEX IV of the Directive 2014/30/UE.

EU declaration of conformity (No Xxxx)

1. Apparatus model/Product (product, type, batch or serial number):

2. Name and address of the manufacturer or his authorised representative:

3. This declaration of conformity is issued under the sole responsibility of the manufacturer.

4. Object of the declaration (identification of apparatus allowing traceability; it may include a colour image of sufficient clarity where necessary for the identification of the apparatus):

5. The object of the declaration described above is in conformity with the relevant Union harmonisation legislation:

6. References to the relevant harmonised standards used, including the date of the standard, or references to the other technical specifications, including the date of the specification, in relation to which conformity is declared:

7. Where applicable, the notified body … (name, number) performed … (description of intervention) and issued the certificate:

8. Additional information:

Signed for and on behalf of:

(place and date of issue):

(name, function) (signature):

Considerations

Because a Manufacturer or an Importer would need an EU-Authorized Representative?

Would you rather invest your time and your resources in marketing and sales rather than trying to understand the regulation of products and the increasingly complex and complicated certification procedures?

Entrusting to us, DFB GLOBAL CERTIFICATION, to represent you will be able to concentrate fully on your business opportunities knowing that all European Regulatory issues are taken care of professionally by very competent personnel.

It’s required by European legislation that a non-EU manufacturer has to declare its Authorized Representative EU, address and details to be able to contact on the packaging, on the labeling of the product sold in the EU and EFTA markets.

In the new Directives 2014 was valid defined this concept for manufacturers based in the EU, with the same previously described for the representatives of non-EU manufacturers.

The authorities of any of the 27 + 3 EU Member States and EFTA can call the Authorized Representative for CE Marking in case of inspections for market surveillance, planned by the competent authority at any time and the Mandatory must respond immediately and correctly within the time allowed, in this case through its Authorized Representative.

CONTACT INFORMATION

Contact information

To receive further information or to arrange a cognitive meeting in your company, please contact:

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