Electrical and electronic equipment: electromagnetic compatibility (repeal. Directive 89/336/EEC)

2002/0306(COD) - 23/12/2002 - Legislative proposal

PURPOSE : to revise Council Directive 89/336/EC on the approximation of the laws of the Member States relating to electromagnetic compatibility (EMC Directive). CONTENT : In general terms, the proposal for revision maintains the objectives of the existing EMC Directive and its field of application. The proposal has the following objectives: -clarification of scope by means of improved definitions, more clearly defined exclusions and inclusion of ready-made connecting devices; -treatment of fixed installations by means of a more appropriate regulatory regime. Annex I lays down a comprehensive regime which equipment, i.e. both apparatus and fixed installations, must comply with. The essential requirements consist of generic protection requirements covering the emission and immunity characteristics of equipment. In addition, more specific requirements are given separately for apparatus and for fixed installations. In the case of apparatus the manufacturer will need to perform an electromagnetic compatibility assessment, in which all relevant phenomena are identified and addressed with a view to meeting the protection requirements. If all relevant harmonised EMC standards applicable to a given apparatus are met, it is deemed to have met the obligation for an EMC assessment. The concept of a conformity assessment procedure and the affixation of the CE marking are not felt to be appropriate for fixed installations. Article 12 of the proposal provides for a particular regime for fixed installations. Where such installations are built or modified using apparatus which are generally available on the market, the provisions for such apparatus are detailed in Chapter 2. However, if the apparatus used are specifically designed for a given fixed installation and are otherwise not commercially available, the manufacturer may decide whether or not to follow the provisions of Chapter 2. If the general provisions for apparatus are not applied to apparatus designated for a specific installation, such apparatus will need to be accompanied by more specific information indicating the site of intended use and the precautions to be observed in view of the installation. -enhanced clarity through more detailed essential requirements; -clarification of the role of harmonised standards. -simplification of the conformity assessment procedure, reduced to a single procedure for apparatus (see above); -cutting "red-tape" and increasing manufacturer's choice by abolishing compulsory third-party intervention where harmonised standards have not been applied but allowing in all cases for voluntary involvement of conformity assessment bodies for apparatus. However, the manufacturer must always maintain technical documentation which confirms that the apparatus complies with the essential requirements, whether harmonised standards apply or not. -improved market surveillance though better traceability of the manufacturer. Apparatus must be accompanied by information enabling the product to be clearly identified (e.g. by means of type number, batch code, etc) and indicating the name and address of the manufacturer. Where the latter or his authorised representative is nor established within the EU, the person established in the EU responsible for placing the apparatus on the market will be indicated.