Basic information

2002/0306(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Electrical and electronic equipment: electromagnetic compatibility (repeal. Directive 89/336/EEC) Repealed by 2011/0351(COD) **Subject** 3.30.04 Radiocommunications, broadcasting 3.40.06 Electronics, electrotechnical industries, ICT, robotics	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
ITRE Industry, External Trade, Research, Energy	BERENGUER FUSTER Luis (PSE)	24/04/2003

Committee for opinion	Rapporteur for opinion	Appointed
JURI Legal Affairs and Internal Market	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
Competitiveness (Internal Market, Industry, Research and Space)	2539	2003-11-10
Transport, Telecommunications and Energy	2625	2004-11-29

European Commission

Commission DG	Commissioner
Internal Market, Industry, Entrepreneurship and SMEs	

Key events

Date	Event	Reference	Summary
23/12/2002	Legislative proposal published	COM(2002)0759	Summary
29/01/2003	Committee referral announced in Parliament, 1st reading		
10/11/2003	Debate in Council		
24/02/2004	Vote in committee, 1st reading		Summary

24/02/2004	Committee report tabled for plenary, 1st reading	A5-0113/2004	
09/03/2004	Decision by Parliament, 1st reading	T5-0148/2004	Summary
18/06/2004	Modified legislative proposal published	COM(2004)0446	Summary
29/11/2004	Act adopted by Council after Parliament's 1st reading		
15/12/2004	Final act signed		
15/12/2004	End of procedure in Parliament		
31/12/2004	Final act published in Official Journal		

Technical information

Procedure reference	2002/0306(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Amendments and repeals	Repealed by 2011/0351(COD)
Legal basis	EC Treaty (after Amsterdam) EC 095 Rules of Procedure EP 52-p2
Stage reached in procedure	Procedure completed
Committee dossier	ITRE/5/19123

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0113/2004	24/02/2004	
Text adopted by Parliament, 1st reading/single reading		T5-0148/2004 OJ C 102 28.04.2004, p. 0033-0256 E	09/03/2004	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2002)0759	23/12/2002	Summary
Modified legislative proposal	COM(2004)0446	18/06/2004	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
	Economic and Social Committee:	CES0743/2003		

EESC	opinion, report	OJ C 220 16.09.2003, p. 0013-0015	18/06/2003	

Additional information		
Source	**Document**	**Date**
European Commission	EUR-Lex	

Final act	
Directive 2004/0108 OJ L 390 31.12.2004, p. 0024-0037	Summary

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.

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

2002/0306(COD) - 18/06/2004 - Modified legislative proposal

The Commission finds that all of the Parliament's amendments are acceptable in full, as they clarify and improve upon the Commission proposal, and as they are fully compatible with general approach reached by the Competitiveness Council of 10 November 2003. The main amendments are as follows:

- the Commission removes ready-made connecting devices from the scope of the Directive;

- it introduces new definitions and further refines the existing ones;

- the role of harmonised standards is clarified;

- the scope of special measures that can be taken by Member States is further clarified;

- manufacturers may perform demonstrations of non CE-marked equipment at trade fairs;

- there is a specific article for laying down information requirements, which are thus removed from the list of essential requirements,

- Annex I now requires the responsible person to document the engineering practices used for the installation of fixed installations to meet the essential requirement of the EMC Directive and, on a duly substantiated request, to make these documents available to market surveillance authorities;

- Member States must clearly identify the scope of designation of notified bodies, indicating if the scope of designation is limited to certain aspect or apparatus covered by the Directive. The role of the notified body is to assess the technical file provided by the manufacturer in whole or in part, at the choice of the manufacturer.

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

2002/0306(COD) - 15/12/2004 - Final act

PURPOSE : regulates the electromagnetic compatibility of equipment. LEGISLATIVE ACT : Directive 2004/108/EC of the European Parliament and of the Council on the approximation of the laws of the Member States relating to electromagnetic compatibility and repealing Directive 89/336/EEC CONTENT : This Directive regulates the electromagnetic compatibility of equipment. It aims to ensure the functioning of the internal market by requiring equipment to comply with an adequate level of electromagnetic compatibility. This Directive maintains the objectives of the EMC Directive, which it repals, and its field of application. This revised Directive has the following objectives: - Clarification of scope by means of improved definitions and more clearly defined exclusions;- Treatment of fixed installations by means of a more appropriate regulatory regime; installations have to be constructed in accordance with good engineering practice; - Enhanced clarity through more detailed essential requirements; the directive extends the essential requirements, not least in relation to the EMC assessment, external devices and information requirements. Ready-made connecting devices are included in the directive; - Clarification of the role of harmonised standards; - Simplification of the conformity assessment procedures, reduced to a single procedure for apparatus; - Cutting "red tape" and increasing manufacturers' choice by abolishing compulsory third-party intervention where harmonised standards have not been applied but allowing for voluntary involvement of conformity assessment bodies for apparatus in all cases; - Improved market surveillance by means better traceability of the manufacturer. The scope of the directive includes components and sub-assemblies. Similarly, the directive also covers ready-made connecting devices intended for connection to an apparatus by the end-user for the transmission of signals. In all cases, producers, and others, can chose not to involve a notified body and are free to furnish proof of conformity in any way, regardless of whether harmonised standards are in place or not. DATE OF TRANSPOSITION : 20 January 2007. DATE OF APPLICATION : 20 July 2007. ENTRY INTO FORCE :20 January 2005.

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

2002/0306(COD) - 09/03/2004 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by Luis BERENGUER FUSTER (PES, E) making several amendments to the Commission's draft, mostly relating to the scope of application. Amendments focussed on application to certain equipment including specific requirements for fixed installations. The main amendments were as follows: -Parliament deleted the provision stating that ready-made connecting devices should be considered to be apparatus for the purposes of this Directive; -Parliament also stated in a recital that, should apparatus be incorporated into more than one identical fixed installation, identifying the EMC characteristics of these installations should be sufficient to ensure exemption from the conformity assessment procedure; -there are new definitions of "electromagnetic disturbance" as well as "electromagnetic environment" and "mobile installations" to which the directive must be applied; -special measures which have been accepted must be published by the Commission in the Official Journal; - there are new provisions on the identification of apparatus and the information to be supplied by manufacturers. Apparatus for which compliance with the protection requirements is not ensured in residential areas must be accompanied by a clear indication of this restriction of use, where appropriate also on the packaging. Furthermore, The information required to enable use in accordance with the intended purpose of the apparatus must be contained in the instructions accompanying the apparatus; -the Conformity Assessment procedure has been moved to a new Annex I. Finally, Parliament voted for the deletion of Annex V.