

TIC Council Position on Electromagnetic Compatibility Directive (EMCD)

TIC Council, representing the testing, inspection and certification organisations globally, including the notified bodies under Electromagnetic Compatibility Directive (EMCD), welcomes the opportunity to provide feedback on its evaluation.

The TIC sector considers that the EMCD is fit for purpose and there is no need for a change in scope nor essential requirements. However, we recommend the following to ensure its effectiveness and smooth implementation:

Scope

The Directive's scope should remain limited to the products that are "liable to generate electromagnetic disturbance". Therefore, it should not be extended to apparatus, e.g. cables, that cannot generate electromagnetic disturbance by itself.

Involving notified bodies in conformity assessment

According to report on the 8th Joint Cross-Border EMC Market Surveillance Campaign (2016-2017) on cooking appliances, overall, 49% of the Equipment Under Test ('EUT') were assessed did not meet the requirements¹. We consider that establishing mandatory involvement of a notified body in the conformity assessment of products covered by the EMCD will increase the compliance rate of such products in the Single Market. Conformity assessment bodies have broad experience in such products' risk assessment and particularly in assessing the risks that occurring in "conditions of use that can be reasonably foreseen". As such, cases of non-intentional non-compliance will be reduced.

Guidance on technical documentation

The Directive contains provisions to ensure that products placed on the EU market comply with the appropriate legislative requirements.

However, the experience of the TIC Council members shows that in particular the technical documentation submitted by manufacturers often contains inadequate information to demonstrate conformity with the requirements provided by the directive.

Therefore, we suggest that the European Commission publishes a guidance document with clearer instructions in order to improve the interpretation and application of the requirements. Similar instructions could be included in the Blue Guide, as this is a horizontal issue.

In this context, we suggest including a reference to a guidance document on the national language requirements, preferably harmonised across Directives², published in all EU languages, would help to avoid ambiguous interpretation of the Directive.

¹ Report on the 8th Joint Cross-Border EMC Market Surveillance Campaign (2016-2017) Induction Cooking Appliances (Plates): <https://www.rtt.lt/wp-content/uploads/2018/04/emc-adco-431703.2-It-report-8th-emc-market-surveillance-campaign-adopted.pdf>

² e.g. National language requirements of the national implementation of the Radio Equipment Directive (RED); 2014/53/EU); Publication date: 19/12/2018: <https://ec.europa.eu/docsroom/documents/41141>

Relationship with other Directives

The Directive's revision should remove any overlap with other legislative texts to prevent misinterpretation. However, as stated in the Blue Guide, several legislative provisions are applicable due to the nature of the product. If another directive is applied to an electronic device or equipment, it shall be ensured that the basic requirements of the EMCD are met, either by the applied directive itself or additional application of the EMCD. Notified Bodies with experience in different directives can save the manufacturer considerable time and effort. This has proven particularly instrumental in the case of combination products.

In this context, all references to other legislation should be updated with the latest versions in force. For example, Article 2 p1 (a) refers to Directive 1999/5/EC which was however replaced by Radio Equipment Directive (RED) 2014/53/EU.

Definition of fixed installations

The term “fixed installations” requires an updated definition to reflect technological developments. In particular industrial plants have many “fixed installations” as part of production or assembly lines. In this context, the essential requirements of the EMCD have to be taken into account equally and a clearer definition of “degradation” would be helpful to improve compliance of fixed installations. As evidenced by the results of recent market surveillance studies, manufacturers can have difficulty fully complying with the directive even when applicable standards and guidance exists, which highlights the need for more definitive guidance regarding the handling of fixed installations under the directive.

Firmware and software updates

We strongly recommend that software and firmware updates should be explicitly addressed in the EMCD's requirements, as it is in the RED³, to ensure these updates would not affect compliance with essential requirements.

Independent conformity assessment companies provide EMC testing and certification based on their expertise on EMC legislation, guidelines, and standards. We stand at your disposal for any further information and we would be glad to discuss our comments in detail with you.

Contact person: Zeynep Yildizeli – zyildizeli@tic-council.org

TIC Council is a global association representing over 90 international independent third-party testing, inspection, certification and verification organizations. The industry represents an estimated one million employees across the world with annual sales of approximately USD 200 billion.

³ Radio Equipment Directive 2014/53/EU (RED), P(13): “The user, the radio equipment or a third party should only be able to load software into the radio equipment where this does not compromise the subsequent compliance of that radio equipment with the applicable essential requirements.”