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EXECUTIVE SUMMARY OF THE EVALUATION

of Electromagnetic Compatibility Directive 2014/30/EU

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EXECUTIVE SUMMARY

The evaluation of the Electromagnetic Compatibility Directive (EMCD) 2014/30/EU is carried out as part of the Commission's Regulatory Fitness and Performance (REFIT) programme. The objectives of the EMCD are facilitating the free movement of electrical equipment across the Union and avoiding any electromagnetic disturbance between equipment, which could cause malfunctioning and hinder the correct operation of the equipment.

The evaluation focuses on 14 relevant products covered by the Directive. The evaluation examines the functioning of the Directive, including its transposition, implementation and enforcement, as well as associated assessment and monitoring procedures. The evaluation assesses the performance of the Directive according to five criteria: relevance, effectiveness, efficiency, coherence, and EU added value.

Effectiveness – By requiring equipment to comply with an adequate level of electromagnetic compatibility, the Directive has successfully reduced interference between electrical equipment and therewith contributed to the effective functioning of the internal market.

The Directive has provided a stable legal framework based on harmonised rules and procedures across the EU since their adoption in 1989. The essential requirements remained very stable over time with only few substantive changes.

The EMCD was instrumental in ensuring that mostly compatible electronic products were placed on the EU market. For instance, it has incentivised industry to invest from the product design stage in preventing electromagnetic disturbance and interference.

However, market surveillance authorities, industry associations, manufactures and radio amateurs observed that too many low-quality, cheap products that are not compliant with the EMCD's essential requirements are still being sold in the EU, especially concerning goods ordered online in third countries. This suggests a need to reinforce market surveillance and enforcement.

Whilst most stakeholders agreed that there has been considerable progress towards the EMCD's objectives, radio amateurs expressed strong views that more could be done to prevent disturbance when implementing the Directive, especially by in standardisation and testing apparatus and in promoting the wider dissemination of good practices in strengthening EMC and improving immunity.

Since 1989, the EMCD and its predecessors have successfully increased the awareness of European industry for electromagnetic compatibility of electrical equipment, systems and fixed installations.

The EMCD has also ensured that equipment in the market operates as intended and functions correctly by prompting manufacturers to check electromagnetic compatibility already during the product development phase.

Efficiency – The benefits generated by the EMCD outweigh its costs for each type of stakeholders. The Directive creates benefits for economic operators by reducing market barriers and costs by preventing fragmentation across different national regulatory systems.

The different stakeholders did not question the affordability of the costs. Nonetheless, compliance costs – estimated to be between 5% and 10% of total costs – are relatively high as a percentage of total production costs, according to industry. Some costs, such as familiarisation with the legal obligations, are relatively higher for SMEs.

The self-certification approach significantly contributes to keeping conformity assessment costs low and grants a certain level of flexibility to economic operators.

Relevance – The objectives of the EMCD remain highly relevant, because new electronic equipment products are constantly being placed on the EU market. New developments such as many European consumers purchasing electrical/electronic products via online creates new challenges for market surveillance and enforcement, while underlining the Directive's continued strong relevance. EMC experts and industry state that the Directive will remain relevant in the future, because it regulates not only the electromagnetic emission of the products, but also the products' immunity against interferences.

However, there were industry concerns that the standardisation efforts for new products (in particular, citing harmonised standards in the Official Journal) need to keep better pace with scientific and technological state of the art.

Coherence – It is consensus that the EMCD is internally coherent due to its clear legal text.

Most stakeholders saw the Directive's definitions as being coherent. Nonetheless, some stakeholders perceived that the definition of 'fixed installation' could be improved. Some MSAs consider the exclusion of 'benign equipment' from the Directive's scope as controversial. This is especially relevant for low-quality cables, which can generate interference even if they are considered benign.

Turning to external coherence, the common horizontal provisions introduced through the New Legislative Framework (NLF) have facilitated coherence between the EMCD and other relevant Directives by supplying a common set of definitions and obligations for economic operators.

Most stakeholders agreed that the EMCD and safety directives were coherent. Several experts stressed the importance of electromagnetic compatibility and immunity for functional safety.

Some stakeholders expressed concerns about the coherence between the EMCD and the Radio Equipment Directive. Even though those two directives are mutually exclusive, some manufacturers remain confused as to which is applicable.

It is clear to stakeholders that other sectoral legislation that sets the electromagnetic compatibility requirements and the EMCD are mutually exclusive and that economic operators should follow the relevant sectoral legislation rather than the EMCD. Even though coherence problems or specific inconsistencies were not identified, some stakeholders perceived a lack of awareness as to which types of products fall under which sectoral legislation (and therefore as to whether the EMCD or sectoral legislation is applicable).

EU added value – The EMCD has had a high EU added value since its adoption in 1989. Supported by harmonised standards, it has strengthened the internal market of electrical equipment by providing a stable regulatory framework at EU level. In a counterfactual scenario in which the EMCD did not exist, there would have been instead 27 different national laws regulating electromagnetic compatibility in each EU Member State. Industry expressed a strong view that manufacturers' international competitiveness would be severely undermined if each Member State regulated EMC separately. Industry considers the EMCD as having enabled it to expand into global markets, because the associated harmonised standards became an accepted reference worldwide. This is perceived to be an advantage of the EMCD internationally that it addresses both emissions and immunity, which is not the case in other countries such as the US, Canada and Japan that only regulate electromagnetic emissions.

The ***overall conclusion*** is that the Directive does not need to be revised. It is still relevant, effective, efficient, coherent, and has EU added value. Some stakeholders would find a more precise definition of "fixed installations" helpful, and some proposed integrating "benign equipment" into the Directive. However, those opinions were not shared widely among the different stakeholders. A clarification in

the guidelines, after discussion in the expert group, would be sufficient to address these issues.