
Proposal on the Draft EMC Guide as of 2006-02-20

2. Present Situation

The first draft of the Guide was sent out in April 2005, resulting in more than 1,000 comments by the end of June. In February 2006, the second draft was presented to the ADCO meeting. If and to which extent the substantial input of the member states and the stakeholders has been taken into account by the drafting committee is unclear, as a summary of the comments has not been made available. A comparison of the first and second drafts makes clear that besides an undoubtedly improved structure, specific information has been increased only marginally. Judging from the comments known to us, it cannot be assumed that there was no input of this type among the comments made by the other stakeholders. On the contrary, in general, very detailed questions were raised on how specific regulations were to be understood and how specific terms are to be defined. In this context we appreciate that our comment regarding the necessity of a definition of "end user" has been incorporated.

The second draft has been substantially changed, particularly in comparison to the first draft, and was shortened by about one third during the process. Austria presented a paper at the last ADCO meeting, questioning whether reducing the amount of information was a suitable approach to serving the purpose of the Guide, which is to assist in the application of the general clauses of the Directive on concrete apparatus and installations. This is of equal importance to the industry, if it is to avoid pitfalls right from the beginning, and to administrations, if they are to ensure consistent implementation in all member states. [Answer/ A large majority of comments requested to delete large parts of the guide. The drafting group has adopted a 'middle way' compromise position](#)"

It was pointed out that positive and negative examples, as well as discussions of the implications and consequences, in many cases fell victim to the editor. Additionally, and probably even worse, explanations and definitions of important concepts - which we know from many inquiries always raise questions - were not added but also deleted. Examples are: "operate as intended" and "unacceptable degradation".

We are aware that the meanings of such terms are frequently under discussion, but leaving the answer to the single person caught in the struggle of applying the Directive is certainly not the most effective way to go. **Answer** The explanations for these two terms could possibly be reintroduced but an unambiguous definition of such terms is practically impossible, especially for unacceptable degradation.

No ADCO member disagreed with the proposal to revert in this respect to the first draft.

Therefore, we expected some improvements in the third draft (“as of 2006-02-20”) presented at this meeting. In general, structure and wording have been further improved. In contrast, above mentioned contents has been even further reduced. In these cases the intelligibility of a text does not improve through conciseness; instead, the Guide falls short of its intended purpose.

3. Proposal

Correct and useful information was removed in the present draft. This assessment is based on experience from numerous enquiries and discussions with stakeholders. We need to close the gaps now, in order to ensure the smooth transition of the new Directive.

We propose including the following paragraphs in the Guide:

Reference to third draft	Information to be included from first draft
p. 13, 1.2 Defining the scope of apparatus	Keep 2 nd part of end user definition: “any business or enterprise which assembles ...” and exclusion “The following users are <u>not</u> considered end users...” Modified as agreed in WP
p. 15, 1.2.2 Note	Keep more detailed note (“whereas an audio system ...”)
p. 16, 1.2.3.2	Keep 2 paragraphs with examples (cathode-ray tube etc.) Cathode ray tube is kept as an example
p. 17, 1.3.2 Specific apparatus for fixed installations	Keep 2 nd and 3 rd paragraph (“It is not required to carry out ...”) Not necessary we should avoid repetition of items. It is covered in another section
p. 20, 2. Essential Requirements	Keep Notes on “state of the art”; could also be included in 4.1 Keep explanation of “operate as intended” and “unacceptable

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	degradation" See comment above
p. 20, 2. Essential Requirements	Keep discussion of protection requirements (“(1) For Emission aspects:…” and “(2) For Immunity aspects:…”) Has been requested to be deleted; contains no important information
p. 25, 3.3.2 DoC	Keep examples for “useful information” (examples for DoC layout in the Annex are presently missing YES Will be done in new proposal)
p. 27, 3.2.2.3	Keep example of list of harmonised standards from OJEU many comments requested deletion
p. 37, 3.4.5	Keep 3.5.5 2 nd paragraph (“The directive requires…”) The text for indications for residential use has been modified.
p. 37, 4. Fixed Installations	Keep “4.4 Examples related to electrical installations” many comments requested deletion and drastic shortening of this section
p. 37, 4.2 Documentation	There is no substance left - keep paragraphs 1 to 5 . A new text will be proposed in accordance with the WP decision.
p. 41, 5. Enforcement	Keep “5.4 Solving disturbance complaints” many comments requested deletion and drastic shortening of this section
p. 43, 5.2 Special measures	Keep notes of 5.3.2 The section 5.2 will be deleted as a result of other comments
p. 43, 6. Notified Bodies	Keep 5 th paragraph, last sentence: “The statement (opinion) must be based on the NB’s own professional assessment ... Accepted ”
p. 57, Annex 5	Keep 4.1.2.1 to 4.1.2.5 (“Emissions as a result of apparatus incorporated within the fixed installation” and following) difficult to maintain because considered as controversial by a number of people
p. 57, Annex 5, Immunity	Keep last 4 paragraphs of section 4.1.3 Annex 5 will be deleted .No essential guidance
p. 59, Annex 6, LOFAR-Example	Abbreviate technical explanation how LOFAR works, which is not essential to the point being conveyed Yes this annex will be deleted

Additional information and corrections to be included:

Reference to third draft	Information to be included

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General	<p>Use term “Guidelines” instead of “Guide” to adhere to the established nomenclature. “Guide” which is a simple term will be used in a consistent manner.</p> <p>To adhere to a more systematic approach, list all definitions, related explanations and discussions together at the beginning of the document. Does not fit the present structure of the guide</p>
p.4 “Introduction”	<p>Include paragraph that the guideline should be read in connection with the Blue Guide and include reference as to where to find it (URL)OK agreed</p>
p. 17, 1.3.1 Defining the scope for fixed Installations	<p>If “large machines” are introduced in the Guide it is necessary to define what they are and which of them fall under “fixed installations” versus “apparatus” .Clarification following UK proposal will be included.</p> <p>3rd paragraph “Large machines, in general, are apparatus” contradicts recital 18 of the Directive: “Fixed installations, including large machines and networks.... Text is modified</p> <p>Rewrite 2nd paragraph as follows: “Networks and large machines are examples of fixed installations.» Text is modified</p> <p>Rewrite 3rd paragraph to define the criteria when large machines are to be treated as apparatus. OK accepted</p>
p. 25, 3.2.2.2 Relevant harmonised standards	<p>Include paragraph on the order of precedence of standards as 2nd paragraph:</p> <p>“As the general principle, the most specific standard available for the product has to be applied: only if there is no product standard, a product family standard becomes applicable. Consequently, a generic standard can be only applied when there is neither a product standard nor a product family standard.» This is normally correct as a recommendation. However this rigid interpretation should not be given as a” law” in this Commission guide.</p>
p. 37, 3.4.5	<p>define “residential area”:</p> <p>“Residential areas are to be understood as within the meaning of the scope of standards EN 61000-6-1: 2002 or EN 61000-6-3: 2002” Referring to standards for this concept may be objected</p>

Reference to third draft	Information to be included
p. 41, 5. Enforcement	Rewrite note “Where conformity of apparatus is based on ...” to replace “more relevant” OK editorial modification with concrete criteria what has to be observed when writing the technical documentation for a detailed EMC assessment. Covered in detail in another part and in annex
p. 26, 1.4 Application of the directive ...	Include this paragraph on “apparatus for the manufacturer’s own use”: The guidelines on Dir. 89/336/EC included in 3.2 a corresponding paragraph: “Where an apparatus is manufactured in the EEA or imported from a third country for the manufacturer’s or end user’s own use, placing on the market is combined with putting into service; the obligation to conform to the Directive begins with first use. » In accordance with the WP decision the part 1.4 on used apparatus will be deleted in the new proposal.