

Netherlands comments on the draft EMC Guide

1. In paragraph 1.1 of the draft Guide an explanation should be added on Article 2 (1e) "electromagnetic disturbance". It should, for instance, be explained what is meant by "a change in the propagation medium itself".

Answer: The explanation appears a bit heavy to add in the guide and seems not very useful in practice for the users.

The definition of 'electromagnetic disturbance' in the EMC Directive has been taken unchanged from the IEC (International IEC vocabulary) in order not to deviate from a widely accepted international definition .Perhaps it would have been better to delete the part "a change in the propagation medium itself" for the EMC Directive purpose because this seems not to be relevant in practice under the Directive .A change in propagation medium may be caused for example by a high(metallic) building causing "phantom" effect (double path) for the propagation of TV signals and thus causing disturbances in the reception of TV signals. In practice the EMC Directive limits itself to equipment capable of generating by itself electromagnetic disturbances

2. It would be helpful if some examples were added to the text on the exclusions from the EMC Directive in paragraphs 1.1.2 and 1.1.3 of the draft Guide.

The text of the draft Guide only repeats the text of the Directive on this point. In our opinion some extra guidance on the point of the exclusions is needed.

Answer: The paragraphs 1.1.2 and 1.1.3 (related to other Directives) give quite substantial additional information to the text of the Directive. The request is therefore not clearly understood. The titles of the other Directives are generally quite explicit and giving examples would perhaps go too far, when remarks were already received that the EMC guide should not explain the other Directives

3. An explanation of Article 1(5) of the Directive should be added to paragraph 1.1 of the draft Guide.

Answer: Accepted / A text will be added as follows

"Article 1(5) of the EMC Directive confirms that the EMC Directive does not regulate the safety of equipment for persons or other living beings. According to the definition given further in Article 2; the EMC Directive is only concerned with the electromagnetic compatibility between equipment"

4. The fourth and fifth paragraph of 5.1 (special measures regarding EMC problems) is not correct in our opinion and therefore should be changed as follows:

"According to Article 4(2) every special measure shall be notified to the Commission and to the other Member States. This obligation applies without prejudice to the obligation under Directive 98/34/EC to notify to the Commission any draft technical regulation under the conditions mentioned in this Directive."

Answer: The concerned part of section 5.1 (and corresponding annex) is deleted in the new draft, taking into account that this Article has never been used in practice and therefore no useful guidance can be given

5. We do not agree to the statement in paragraph 6.2 of the draft Guide that says that a Notified Body always has the freedom to reject a request from a manufacturer.

The basic principle that results from the Directive is that a Notified Body should help the manufacturer in carrying out the conformity assessment under the Directive. Therefore a Notified Body should, in principle, not be able to refuse help to a manufacturer. Furthermore it is not clear on what grounds the Notified Body would be able to refuse a request from a manufacturer, since a Notified Body always has to be technically competent and capable of carrying out the conformity assessment procedure in question. If it is not able to do so, its assignment (and notification) can be revoked.

Answer Accepted to delete the sentence: "A NB has always the freedom to reject a request"

6. Annex 5 of the draft Guide addresses EMC Phenomena for Fixed Installations. Point 3 of the paragraph about emissions mentions "emissions from a fixed installation as a result of disturbances caused by equipment outside the fixed installation". We cannot think of any examples of these kind of emissions. A clarification and further guidance on this point is needed

Answer The annex 5 is deleted in the new draft, as the considerations that were developed in this annex are general and rather obvious.