



EUROPEAN PARLIAMENT

2009 - 2014

Committee on the Internal Market and Consumer Protection

2011/0351(COD)

7.6.2012

AMENDMENTS

29 - 51

Draft report

Zuzana Roithová

(PE488.059v02-00)

on the proposal for a directive of the European Parliament and of the Council
on the harmonisation of the laws of the Member States relating to
electromagnetic compatibility (recast)

Proposal for a directive

(COM(2011)0765 – C7-0429/11 – 2011/0351(COD))

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PE491.172v01-00

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Amendment 29
Christel Schaldemose

Proposal for a directive
Recital 48

Text proposed by the Commission

(48) It is necessary to provide for transitional arrangements that allow making available on the market and putting into service of apparatus that has already been placed on the market in accordance with Directive 2004/108/EC.

Amendment

(48) ***Manufacturers and importers need to be given reasonable, but limited, time to exercise any rights under national rules in force before the date of application of national rules transposing this Directive in order, for example, to sell their stocks of manufactured products.*** It is necessary to provide for transitional arrangements that allow making available on the market and putting into service of apparatus that has already been placed on the market in accordance with Directive 2004/108/EC.

Or. en

Amendment 30
Andreas Schwab

Proposal for a directive
Article 2 – paragraph 2 – subparagraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) equipment specifically designed solely for the purposes of research and development only made available on a business-to-business basis;

Or. de

Justification

Private final consumers do not have access to R&D products. The recent recast of the RoHS and WEEE directives already excludes such equipment from their scope. In order to avoid uncertainty, the scope of product directives should be harmonised.

Amendment 31

Hans-Peter Mayer, Anja Weisgerber, Peter Liese, Andreas Schwab

Proposal for a directive

Article 3 – paragraph 1 – point 5

Text proposed by the Commission

(5) ‘electromagnetic disturbance’ means any electromagnetic phenomenon which may degrade the performance of equipment, **including**, electromagnetic noise, an unwanted signal or a change in the propagation medium itself;

Amendment

(5) ‘electromagnetic disturbance’ means any electromagnetic phenomenon which may degrade the performance of equipment. ***Electromagnetic disturbance can be*** electromagnetic noise, an unwanted signal or a change in the propagation medium itself;

Or. de

Justification

The change made goes back to the original definition, where wanted signals are explicitly not defined as disturbance, these being an instance of electromagnetic incompatibility under Article 6 which should not even arise. Electromagnetic disturbance should in future only refer to a natural phenomenon or an unwanted signal, but not to a wanted signal.

Amendment 32

Zuzana Roithová

Proposal for a directive

Article 7 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Manufacturers shall draw up the technical documentation referred to in Annex II **and** Annex III and carry out the conformity assessment procedure referred to in Article **15** or have it carried out.

Amendment

Manufacturers shall draw up the technical documentation referred to in Annex II **and/or** Annex III **respectively** and carry out the conformity assessment procedure referred to in Article **14** or have it carried out.

Or. en

Amendment 33
Zuzana Roithová

Proposal for a directive
Article 7 – paragraph 6

Text proposed by the Commission

6. Manufacturers shall indicate their name, registered trade name or registered trade mark and the address at which they can be contacted on the apparatus or, where that is not possible, on its packaging or in a document accompanying the apparatus. The address must indicate a single point at which the manufacturer can be contacted.

Amendment

6. Manufacturers shall indicate their name, registered trade name or registered trade mark, ***their web address in a language easily understood by end-users and market surveillance authorities, and*** the address at which they can be contacted on the apparatus or, where that is not possible, on its packaging or in a document accompanying the apparatus. The address must indicate a single point at which the manufacturer can be contacted.

Or. en

Amendment 34
Zuzana Roithová

Proposal for a directive
Article 9 – paragraph 3

Text proposed by the Commission

3. Importers shall indicate their name, registered trade name or registered trade mark and the address at which they can be contacted on the apparatus or, where that is not possible, on its packaging or in a document accompanying the apparatus.

Amendment

3. Importers shall indicate their name, registered trade name or registered trade mark, ***their web address in a language easily understood by end-users and market surveillance authorities, and*** the address at which they can be contacted on the apparatus or, where that is not possible, on its packaging or in a document accompanying the apparatus.

Or. en

Amendment 35
Zuzana Roithová

Proposal for a directive

Article 14 – paragraph 1 – introductory part

Text proposed by the Commission

Compliance of apparatus with the essential requirements set out in Annex I shall be demonstrated by means of either of the following procedures:

Amendment

At the discretion of the manufacturer, compliance of apparatus with the essential requirements set out in Annex I shall be demonstrated by means of either of the following procedures:

Or. en

Amendment 36

Ashley Fox

Proposal for a directive

Article 15 – paragraph 2

Text proposed by the Commission

2. The EU declaration of conformity shall have the model structure set out in Annex IV to this Directive and it shall be continuously updated. It **shall** be translated into the language or languages required by the Member State in which market the apparatus is placed or made available.

Amendment

2. The EU declaration of conformity shall have the model structure set out in Annex IV to this Directive and it shall be continuously updated. It **may** be translated, **upon request**, into the language or languages required by the Member State in which market the apparatus is placed or made available.

Or. en

Amendment 37

Matteo Salvini

Proposal for a directive

Article 15 – paragraph 2

Text proposed by the Commission

2. The EU declaration of conformity shall have the model structure set out in Annex IV to this Directive and it shall be

Amendment

2. The EU declaration of conformity shall have the model structure set out in Annex IV to this Directive and it shall be

continuously updated. It **shall** be translated into the language or languages required by the Member State in which market the apparatus is placed or made available.

continuously updated. It **may** be translated, **upon request**, into the language or languages required by the Member State in which market the apparatus is placed or made available.

Or. en

Amendment 38
Bernadette Vergnaud

Proposal for a directive
Article 21 – paragraph 2

Text proposed by the Commission

2. **Member States may decide that the** assessment and monitoring referred to in paragraph 1 shall be carried out by a national accreditation body within the meaning of and in accordance with Regulation (EC) No 765/2008.

Amendment

2. **The** assessment and monitoring referred to in paragraph 1 shall be carried out by a national accreditation body within the meaning of and in accordance with Regulation (EC) No 765/2008.

Or. fr

Justification

In order to ensure that the certificates are reliable and impartial – and thus for safety reasons – the conformity assessment bodies must be subject to accreditation by the authorities and should never be business associations or professional federations.

Amendment 39
Bernadette Vergnaud

Proposal for a directive
Article 24 – paragraph 3 – subparagraph 2

Text proposed by the Commission

A body belonging to a business association or professional federation representing undertakings involved in the design, manufacturing, provision,

Amendment

deleted

assembly, use or maintenance of apparatus which it assesses, may, on condition that its independence and the absence of any conflict of interest are demonstrated, be considered such a body.

Or. fr

Justification

In order to ensure that the certificates are reliable and impartial – and thus for safety reasons – the conformity assessment bodies must be subject to accreditation by the authorities and should never be business associations or professional federations.

Amendment 40

Bernadette Vergnaud

Proposal for a directive

Article 24 – paragraph 4 – subparagraph 1

Text proposed by the Commission

A conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment tasks shall not be the designer, manufacturer, supplier, installer, purchaser, owner, user or maintainer of *the* apparatus *which they assess*, nor the authorised representative of any of those parties. This shall not preclude the use of assessed apparatus that are necessary for the operations of the conformity assessment body or the use of such apparatus for personal purposes.

Amendment

A conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment tasks shall not be the designer, manufacturer, supplier, installer, purchaser, owner, user or maintainer of apparatus, nor the authorised representative of any of those parties. This shall not preclude the use of assessed apparatus that are necessary for the operations of the conformity assessment body or the use of such apparatus for personal purposes.

Or. fr

Justification

In order to ensure that the certificates are reliable and impartial – and thus for safety reasons – the conformity assessment bodies must be subject to accreditation by the authorities and should never be business associations or professional federations.

Amendment 41
Bernadette Vergnaud

Proposal for a directive
Article 24 – paragraph 4 – subparagraph 2

Text proposed by the Commission

A conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment tasks shall not be directly involved in the design, manufacture or construction, the marketing, installation, use or maintenance of *those* apparatus, or represent the parties engaged in those activities. They shall not engage in any activity that may conflict with their independence of judgement or integrity in relation to conformity assessment activities for which they are notified. This shall in particular apply to consultancy services.

Amendment

A conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment tasks shall not be directly involved in the design, manufacture or construction, the marketing, installation, use or maintenance of apparatus, or represent the parties engaged in those activities. They shall not engage in any activity that may conflict with their independence of judgement or integrity in relation to conformity assessment activities for which they are notified. This shall in particular apply to consultancy services.

Or. fr

Justification

In order to ensure that the certificates are reliable and impartial – and thus for safety reasons – the conformity assessment bodies must be subject to accreditation by the authorities and should never be business associations or professional federations.

Amendment 42
Bernadette Vergnaud

Proposal for a directive
Article 27 – paragraph 2

Text proposed by the Commission

2. That application shall be accompanied by a description of the conformity assessment activities, the conformity assessment module or modules and the apparatus or apparatuses for which that body claims to be competent, as well as by

Amendment

2. That application shall be accompanied by a description of the conformity assessment activities, the conformity assessment module or modules and the apparatus or apparatuses for which that body claims to be competent, as well as by

an accreditation certificate, ***where one exists***, issued by a national accreditation body attesting that the conformity assessment body fulfils the requirements laid down in Article 24.

an accreditation certificate issued by a national accreditation body attesting that the conformity assessment body fulfils the requirements laid down in Article 24.

Or. fr

Justification

In order to ensure that the certificates are reliable and impartial – and thus for safety reasons – the conformity assessment bodies must be subject to accreditation by the authorities and should never be business associations or professional federations.

Amendment 43

Bernadette Vergnaud

Proposal for a directive

Article 27 – paragraph 3

Text proposed by the Commission

Amendment

3. Where the conformity assessment body concerned cannot provide an accreditation certificate, it shall provide the notifying authority with all the documentary evidence necessary for the verification, recognition and regular monitoring of its compliance with the requirements laid down in Article 24. ***deleted***

Or. fr

Justification

In order to ensure that the certificates are reliable and impartial – and thus for safety reasons – the conformity assessment bodies must be subject to accreditation by the authorities and should never be business associations or professional federations.

Amendment 44

Bernadette Vergnaud

Proposal for a directive
Article 28 – paragraph 4

Text proposed by the Commission

Amendment

4. Where a notification is not based on an accreditation certificate as referred to in Article 27(2), the notifying authority shall provide the Commission and the other Member States with documentary evidence which attests to the conformity assessment body's competence and the arrangements in place to ensure that that body will be monitored regularly and will continue to satisfy the requirements laid down in Article 24. **deleted**

Or. fr

Justification

In order to ensure that the certificates are reliable and impartial – and thus for safety reasons – the conformity assessment bodies must be subject to accreditation by the authorities and should never be business associations or professional federations.

Amendment 45
Bernadette Vergnaud

Proposal for a directive
Article 28 – paragraph 5 – subparagraph 1

Text proposed by the Commission

Amendment

5. The body concerned may perform the activities of a notified body only where no objections are raised by the Commission or the other Member States within two weeks of a notification *where an accreditation certificate is used or within two months of a notification where accreditation is not used.*

5. The body concerned may perform the activities of a notified body only where no objections are raised by the Commission or the other Member States within two weeks of a notification.

Or. fr

Justification

In order to ensure that the certificates are reliable and impartial – and thus for safety reasons – the conformity assessment bodies must be subject to accreditation by the authorities and should never be business associations or professional federations.

Amendment 46 **Zuzana Roithová**

Proposal for a directive **Article 38 – paragraph 7**

Text proposed by the Commission

7. Where, within **2** months of receipt of the information referred to in paragraph 4, no objection has been raised by either a Member State or the Commission in respect of a provisional measure taken by a Member State, that measure shall be deemed justified.

Amendment

7. Where, within **three** months of receipt of the information referred to in paragraph 4, no objection has been raised by either a Member State or the Commission in respect of a provisional measure taken by a Member State, that measure shall be deemed justified.

Or. en

Amendment 47 **Ashley Fox**

Proposal for a directive **Article 43 – paragraph 1 – subparagraph 1**

Text proposed by the Commission

Member States shall adopt and publish by [insert date - **2** years after adoption] at the latest, the laws, regulations and administrative provisions necessary to comply with Article 3 first subparagraph points (9) to (25), Article 4, Article 5(1), Articles 7 to 12, Articles 15 to 17, Article 19 (1) first subparagraph, Articles 20 to 42, and Annexes II, III and IV. . They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions

Amendment

Member States shall adopt and publish by [insert date - **three** years after adoption] at the latest, the laws, regulations and administrative provisions necessary to comply with Article 3 first subparagraph points (9) to (25), Article 4, Article 5(1), Articles 7 to 12, Articles 15 to 17, Article 19 (1) first subparagraph, Articles 20 to 42, and Annexes II, III and IV. . They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions

and this Directive .

and this Directive.

Or. en

Amendment 48
Bernadette Vergnaud

Proposal for a directive
Annex II – point 2 – paragraph 2 – indent 1 a (new)

Text proposed by the Commission

Amendment

- conceptual design and manufacturing drawings and schemes of components, sub-assemblies, circuits, etc.;

Or. fr

Justification

The technical documentation requirements should be aligned with those laid down in the directive relating to electrical equipment designed for use within certain voltage limits, as electric and electronic products are often covered by the two directives.

Amendment 49
Bernadette Vergnaud

Proposal for a directive
Annex II – point 2 – paragraph 2 – indent 1 b (new)

Text proposed by the Commission

Amendment

- descriptions and explanations necessary for the understanding of those drawings and schemes and the operation of the instrument;

Or. fr

Justification

The technical documentation requirements should be aligned with those laid down in the

directive relating to electrical equipment designed for use within certain voltage limits, as electric and electronic products are often covered by the two directives.

Amendment 50

Bernadette Vergnaud

Proposal for a directive

Annex III – point 3 – paragraph 2 – point c – point i a (new)

Text proposed by the Commission

Amendment

(ia) conceptual design and manufacturing drawings and schemes of components, sub-assemblies, circuits, etc.,

Or. fr

Justification

The technical documentation requirements should be aligned with those laid down in the directive relating to electrical equipment designed for use within certain voltage limits, as electric and electronic products are often covered by the two directives.

Amendment 51

Bernadette Vergnaud

Proposal for a directive

Annex III – point 3 – paragraph 2 – point c – point i b (new)

Text proposed by the Commission

Amendment

(ib) descriptions and explanations necessary for the understanding of those drawings and schemes and the operation of the instrument;

Or. fr

Justification

The technical documentation requirements should be aligned with those laid down in the directive relating to electrical equipment designed for use within certain voltage limits, as electric and electronic products are often covered by the two directives.

