Targeted Consultation on the Electromagnetic Compatibility Directive (EMCD)

This targeted survey is part of the consultation for the study to support an evaluation of the Electromagnetic Compatibility (EMC) Directive (2014/30/EU) for the European Commission's DG GROW. The study is being conducted by the Centre for Strategy and Evaluation Services (CSES), with CSIL and Trilateral Research.

Survey aims: The purpose is to gather stakeholder feedback on the EMC Directive's implementation. The evaluation will:

- Assess whether the EMC Directive remains fit for purpose in terms of its overall effectiveness, efficiency, relevance, coherence and EU added value;
- Assess implementation challenges that may require regulatory and/ or non-regulatory corrective measures; and
- Assess the adequacy of the Directive.

Your contribution will strengthen the Commission's understanding of these issues and provide feedback to inform the evaluation of the Directive. Respondents may also express their interest in participating in an interview.

Target audience: Economic operators, industry associations, Market Surveillance Authorities and national competent authorities, standardisation organisations, testing houses, laboratories and notified bodies.

Survey timeframe: The survey will be open for three months. It will be launched on Monday 20th July, 2020 in English, and will be kept open for a period of three months until Friday 16th October, 2020. A translation will be made available in a small number of other languages (French, German, Italian, Polish and Spanish).

Data protection and privacy: All data will be collected, processed and retained for the study's duration in accordance with the rules pertaining to the collection and processing of personal data by DG GROW). All survey data will be analysed anonymously and kept confidential. Data will be reported only in aggregate format and will not mention any specific company name. Should you have any queries regarding data protection and privacy matters, please contact CSES' data controller, Jan Smit (jsmit@cses.co.uk) who is the overall nominated data processor for this targeted consultation under the coordination of the European Commission in their capacity as the data controller. The full privacy statement can be accessed by clicking the PDF link here: Privacy Statement..pdf

Queries about the consultation: Should you have any questions regarding the targeted consultation or the evaluation study, please contact the study team leader by email, Mark Whittle, mwhittle@cses.co.uk. Please put GROW-EMCD-EVAL@ec.europa.eu in copy.

Section One: Background Information

*** 1. Which country are you responding from?**

- ○ Austria
- ○ Belgium
- ○ Bulgaria
- ○ Croatia
- ○ Cyprus
- ○ Czech Republic
- ○ Denmark
- ○ Estonia
- ○ Finland
- ○ France
- ○ Germany
- ○ Greece
- ○ Hungary
- ○ Ireland
- ○ Italy
- ○ Latvia
- ○ Lithuania
- ○ Luxembourg
- ○ Malta
- ○ Netherlands
- ○ Poland
- ○ Portugal
- ○ Romania
- ○ Slovakia
- ○ Slovenia
- ○ Spain
- ○ Sweden
- ○ Other, please specify

*** 2. What type of stakeholder are you? (please tick one option)**

- Economic operator - Manufacturer
- Economic operator - Importer
- Economic operator - Organisations providing consultancy services
- National authority
- Notified body
- Standardisation organisation
- Other, please specify
- Economic operator - Wholesaler / distributor
- Economic operator - Authorised representative
- Industry association
- Market surveillance authority
- Laboratory
- Consumer association

*** 3. Please specify the size of your firm:**

- Large (>250 staff)
- Small (10-49 staff)
- Medium (50-249 staff)
- Micro (<10 staff)

Section Two: Questions from the evaluation - Effectiveness

*** 4. Overall, to what extent has the EMC Directive been effective in achieving the following objectives? (please tick one per row)**

	Highly effective	Somewhat effective	Neither effective nor ineffective	Somewhat ineffective	Very ineffective	Don't know
Fostering the free movement of electrical and electronic apparatus in a single market context						
Reducing the incidence of electromagnetic disturbances leading to the incorrect functioning of electrical equipment;						
Ensuring the ability of equipment to perform without degradation in the presence of disturbance;						
Providing harmonised standards in the area of electromagnetic compatibility;						
Enabling the growth of the electrical equipment industry in the EU by providing a stable legal framework;						
Preventing any barriers to innovation in the development of electrical equipment.						

5. Overall, are there any aspects of the EMC Directive that have been particularly effective or ineffective?

*** 6. Are there any negative impacts or unintended consequences deriving from the EMCD?**

- Yes
- No
- Don't know

7. If yes, please explain what negative impacts or unintended consequences derive from the EMCD:

*** 8. Are there any examples of equipment /fixed installations that are especially problematic from an EMC disturbance perspective?**

- Yes
- No
- Don't know

9. If yes, would you like to provide any concrete examples of equipment/fixed installations that are especially problematic from an EMC disturbance perspective?

*** 10. To what extent has the alignment with the New Legislative Framework (NLF) in 2014 made the EMCD... (please tick all that apply).**

- ☐ Easier to apply
- ☐ More effective in terms of having compliant products in the market
- ☐ Enhanced a common approach to market surveillance
- ☐ Other (please specify)
- ☐ Clearer
- ☐ Improved functioning of the internal market through common rules for placing products on the market
- ☐ Improved traceability of products within the EMCD's scope (e.g. in value chains)

*** 11. What percentage of your equipment is produced using the following types of standards to demonstrate EMCD compliance:**

	Enter percentage (%):	Don't know
Harmonised standards		○
Non-harmonised standards		○

12. Can you explain your choice of the type of standards mainly used?

*** 13. Overall, how effective have harmonised standards been in supporting the EMC Directive's implementation?**

- ○ Very effective
- ○ Neutral
- ○ Highly ineffective
- ○ Somewhat effective
- ○ Somewhat ineffective
- ○ Don't know

*** 14. To what extent has the use of harmonised standards facilitated compliance with the EMCD's essential requirements?**

- ○ Standards have greatly facilitated compliance
- ○ Standards have not facilitated compliance
- ○ Standards have somewhat facilitated compliance
- ○ Don't know

*** 15. Did you involve a notified body (NB) for the EMCD certification of your equipment products?**

- ○ Yes
- ○ Don't know
- ○ No

16. What percentage of equipment was a notified body used for?

17. Can you explain the reason for your decision to involve a notified body or not (e.g. are there comments on the costs of using a NB, internal testing capabilities, the intrinsic technical characteristics of the product, etc…).

*** 18. How effective are each of the following different procedures in ensuring compliance with the EMCD requirements? (please tick one only per row)**

	1 Highly	2 Somewhat	3 Neutral	4 Somewhat	5 Highly	6 Don't	Please explain your answer:

	effective	effective		ineffective	ineffective	know	
The self-certification process without the involvement of a Notified Body (Module A)							
The involvement of a Notified Body (Module B + C)							

19. Do you have any suggestions as to alternative approaches to conformity assessment to the existing ones defined in the EMC Directive?

*** 20 Did you experience, or are you aware of any problems because of diverging implementation of the EMCD between Member States?**

- Yes
- No
- Don't know

21. If yes, please specify (e.g. because of incorrect national transposition, and/or divergence in national interpretation of the legal requirements and/or "gold-plating" national legislation by adding national requirements)?

22. Do you consider that the available information on the implementation of the essential requirements is sufficient? What – if anything – is missing in your opinion?

Relevance

*** 23. To what extent do the following needs in relation to regulating electromagnetic compatibility remain relevant today?**

	1 Highly relevant	2 Quite relevant	3 Not relevant at all	4 Don't know
The need to reduce the incidence of electromagnetic disturbance, to prevent the incorrect functioning of electrical equipment				
The need to harmonise standards on electromagnetic compatibility issues				
The need to avoid diverging national regulations				
Other, please specify				

*** 24. During the last 10 years, the electrical equipment market has changed dramatically. To what extent have each of the following changes affected the relevance of the EMCD?**

	1 To a great extent	2 To some extent	3 Not at all	4 Don't know
New economic operators entered the market (e.g. distributors, online platforms).				
The development of e-commerce.				
New distribution channels for putting products on the European market.				
More connected products integrating new technologies with radio functionality and associated disturbance issues. (falling under the Radio Equipment Directive 2014/53/EU (RED).				
The emergence of new types of electrical equipment.				
Other, please specify				

* 25. What impacts have any changes in the electrical equipment market identified in the previous question had as regards the volume of equipment falling under the EMCD? Compared with the situation 10 years ago, is there:

- More electrical equipment falling under the EMCD
- Less electrical equipment falling under the EMCD
- About the same amount of electrical equipment falling under the EMCD
- Don't know

* 26. Overall, to what extent is the EMCD clear?

- Very clear
- Quite clear
- Neither clear nor unclear
- Somewhat unclear
- Not clear at all
- Don't know

* 27. Overall, to what extent is the EMCD easy to apply?

- Very easy to apply
- Quite easy to apply
- Neither easy nor difficult to apply
- Somewhat difficult to apply
- Very difficult to apply
- Don't know

28. Do you have any alternative suggestions as to how the EMCD could be made clearer or/and easier to apply?

29. Do fixed installations in the EMC Directive require any further clarifications? (e.g. the definition, the actor responsible for ensuring EMCD compliance (e.g. installers, owner of the fixed installation, other economic operators in the value chain ….)? Can you provide any examples?

30. The EMC Directive refers to immunity to the electromagnetic disturbance to be expected in the product's "intended use". Do you think it is sufficiently clear? Do you have any alternative suggestions?

* 31. Are there any other aspects of the EMCD that require further clarification?

- Yes
- No
- Don't know

32. If yes, please specify what other aspects of the EMCD require further clarification:

* 33. Do you think there is a problem with unacceptable electrical disturbance degradations in old electrical equipment?

- Yes
- No
- Don't know

34. If yes, do you think there is a need to manage the risk of degradation of the old equipment?

* 35. Are there any electrical equipment products not presently included within the EMCD's scope that should be in future?

- Yes
- No
- Don't know

36. If yes, please specify which electrical equipment products that are not presently included within the EMCD's scope should be included in future:

*** 37 In contrast with other EU industrial product legislation, most of which covers consumer safety, the EMCD is not a health and safety Directive. Do you think that the scope of the EMCD should also include these aspects?**

- Yes
- No
- Don't know

38. Please explain further your response below if you wish to do so:

*** 39 Does the exclusion of benign equipment from the Directive remain appropriate?**

Definition - benign equipment is equipment incapable of generating or contributing to electromagnetic emissions and operates without unacceptable degradation in the presence of electromagnetic disturbances normally present in its environment.

- Yes
- No
- Don't know

40. Please explain your answer regarding benign equipment further below if you wish to do so:

Coherence

*** 41 In your view, to what extent is the legal text of the EMC Directive (2014/30/EU) internally coherent (e.g. consistency of the different provisions in the legislation):**

- Yes, the legal text is fully coherent
- The legal text is partially coherent
- The legal text is not that coherent
- Don't know

42. Please explain your response and provide some example on how to strengthen the internal EMCD coherence.

*** 43 Have you experienced any problems due to overlaps, inconsistencies or a general lack of coherence between the EMCD requirements and other applicable legislation?**

	1 Yes	2 No	3 Don't know	Please explain your response:
Machinery Directive (2006/42/EC)				
Low Voltage Directive (2014/35/EU)				
Radio Equipment Directive (2014/53/EU)				
Other, please specify:				

44. The Radio Equipment Directive (2014/53/EU) has enlarged the scope of the former R&TTE Directive (1999/5/EC). This had implications for the type of products falling within the EMCD's scope. Do you consider that these changes had a positive impact on the EMCD's coherence?

EU Added Value and impacts

45. What is your overall appreciation of the value added of the EMCD, in particular comparing with what could have been achieved at national level alone?

Efficiency

46. Some questions in this section focus on the costs of compliance with the EMCD's essential requirements. Please indicate the type of product your responses relate to. If you produce more than one product, please choose your most successful product.

Please enter the product type your responses relate to (apparatus or fixed installations):

47. How frequently has the product selected in question 46 been subject to testing and inspection by market surveillance authorities in the past 5 years?

*** 48 For each of the following types of costs, please indicate how costly is it to comply with the EMC Directive's requirements for the product chosen in question 46.**

	1 Very costly	2 Quite costly	3 Not costly at all	4 Don't know	Not applicable
Familiarisation with the legal obligations (internally/third party)	○	○	○	○	○
Costs of development (EMC relevant) a. Risk assessment and mitigation of the risks b. Costs of purchasing the relevant standards c. Costs of engineering d. Costs of the pre-testing (internally/third party)	○	○	○	○	○
Conformity assessment to produce the technical file a. Documentation b. Laboratory tests (internally/third party) c. Involvement of a NB if applicable	○	○	○	○	○
Compliance costs during the production process a. EMC relevant measures (shielding, ….) b. Include information to the user c. Markings (traceability, identification, CE-marking …) d. Ensuring that the manufacturing process and its monitoring ensure compliance with the technical documentation	○	○	○	○	○
Costs of keeping the technical documentation updated for 10 years a. Including changes b. Keeping for 10 years	○	○	○	○	○
Costs of an authorized representative (if applicable)	○	○	○	○	○
Other costs, please specify	○	○	○	○	○

*** 49 Specify the approximate <u>total</u> cost of production for the product selected in question 46:**

- ○ < 50.00 EUR
- ○ 50.01-100.00 EUR
- ○ 100.01-250.00 EUR
- ○ 250.01 – 500.00 EUR

- 500.00 - 1,000 EUR
- >1,000 EUR
- Don't know

50. How much does compliance with the EMCD cost as a percentage of the total cost of production (for the product selected in question 46):

Enter percentage (%)

51. How much does self-certification (without the involvement of a notified body) cost as a percentage of the total cost of production? (for the product selected in question 46):

Enter percentage (%)

52. How much does certification with the involvement of a notified body cost as a percentage of the total cost of production? (for the product selected in question 46):

Enter percentage (%)

53. Are there any observations as to how the costs for EMCD requirements vary depending on the conformity assessment procedure adopted by the manufacturer (e.g. self-declaration versus use of a notified body)?

54. Are there any general observations you wish to make regarding the difference in compliance costs between SMEs and large firms?

55. Regarding the human resource costs to be provided in the next question, do your responses relate to full-time equivalents (FTE) or to the number of man days? (tick one only)

- Full-time equivalents (FTE)
- Man days

56. Please provide your best estimate of the financial costs (in EUR) and the human resources involved in order to comply with the EMCD:

Please enter your costs in the first data entry column in EUR, and in the second column, your human resource costs in FTE or man days (see below for a definition):

Instructions for completing the costs data table:

General - please complete the data for the specific product you mentioned earlier:
For the financial costs, please estimate the **compliance costs in EUR** of different stages in the compliance process. For each stage in the process, estimate the total costs. You are welcome to provide any additional detail regarding the detailed breakdown of costs (e.g. points a, b, c etc. under each cost heading.
For the human resource costs, please indicate the **estimated time** that your staff have spent on EMCD compliance activities relating to a specific product. You may do so either in full-time equivalent (FTE) or specify the man days.
Definition of a full-time equivalent (FTE). 1 FTE is a person working full-time on EMCD compliance. For example, if a product engineer worked for 12 months on EMCD-compliance for 20% of their time, indicate 0.2 FTEs.

	Costs in EUR (enter the estimated costs)	Human resources (enter FTE or man days)	N/A / Don't know
1. Familiarisation with the legal obligations (internally or hire a lawyer)			
2. Costs of development (EMC relevant)			
a. Risk assessment and mitigation of the risks			
b. Costs of purchasing the relevant standards			
c. Costs of engineering			
d. Costs of the pre-testing (internally/third party)			
3. Conformity assessment to produce the technical file			

a. Documentation			
b. Laboratory tests (internally/third party)			
c. Involvement of a NB (if applicable)			
4. Compliance costs during the production process			
a. EMC relevant measures (shielding, ….)			
b. Include information to the user			
c. Markings (traceability, identification, CE-marking, …)			
d. Ensuring that the manufacturing process and its monitoring ensure compliance with the technical documentation			
5. Costs of keeping the technical documentation updated for 10 years			
a. Including changes			
b. Keeping for 10 years			
6. Costs of an authorized representative if applicable			
Other costs, please specify			

57. Do you wish to make any general comments on the nature and scale of the costs of compliance with the EMCD? If yes, please use the box below:

*** 58. To what extent would you carry out testing to check for disturbance and immunity even if there was no EMC Directive (nor any national similar legislation) (e.g. for risk and reputational management reasons).**

- Yes, to a large extent
- Yes, to some extent
- No
- Don't know

59. If possible, can you provide the percentage of the costs you currently incur that would be required anyway due to your normal business practices to check for disturbance?

**Note - the purpose is to check what are the Business as Usual (BaU) Costs, even in the absence of the EMC Directive.*

% Business as Usual (BaU) Costs*

60. To what extent have the EMC Directive's requirements also resulted in substantive costs, such as the costs related to research and development or engineering costs?

61. Please provide detail if possible as to the level of estimated substantive costs in EUR (best estimates are fine, as detailed costings may be difficult).

*** 62. To what extent have the following benefits been achieved as a result of the EMCD's implementation?**

	1 Strong benefits	2 Some benefits	3 Neutral	4 Some disbenefits	5 Major disbenefits	6 Don't know	Please explain the nature of any benefits of the Directive:
Reducing the incidence of electromagnetic disturbance leading to the incorrect functioning of electrical equipment							
Regulating the application of good engineering practices for fixed installations							

Improving harmonised standards on electromagnetic compatibility	○	○	○	○	○	○	
Strengthening electromagnetic immunity	○	○	○	○	○	○	
Other, please specify	○	○	○	○	○	○	

*** 63. Overall, to what extent do you think the benefits outweigh the costs (or vice versa) deriving from the EMCD?**

- ○ The benefits largely outweigh the costs
- ○ The benefits slightly outweigh the costs
- ○ The benefits are equal to the costs
- ○ The costs slightly outweigh the benefits
- ○ The costs largely outweigh the benefits
- ○ Don't know

*** 64. To what extent have the EMCD's requirements resulted in administrative burdens for market surveillance authorities (MSAs)?**

Note: administrative burdens may arise for example due to testing administrative compliance with the EMCD of specific products (e.g. checking the declaration of conformity, reviewing the technical file, reviewing laboratory testing results) and testing substantive EMCD compliance (e.g. testing the product's compliance with the essential requirements and against harmonised standards in the case of an EC-type examination).

- ○ High level of burden
- ○ Some degree of burden
- ○ No burden at all
- ○ Don't know.

*** 65. Do you have any information or examples as regards the costs of testing products for EMCD compliance by market surveillance authorities?**

- ○ Yes
- ○ No
- ○ Don't know

66. If yes, please provide any information or examples of the costs of testing products for EMCD compliance by market surveillance authorities:

67. Thank you for completing the questionnaire.

Should you be willing to take part in an interview, please leave your contact details below:

Name:

Email:

68. If you have developed a policy paper or conducted additional research that is relevant to the evaluation of the EMC Directive, please either upload it here or send to: mwhittle@cses.co.uk (copy GROW-EMCD-EVAL@ec.europa.eu).

Upload file...

Note – your personal data will be processed in full accordance with the General Data Protection Regulation (EU) 2016/679 (GDPR) and with the rules pertaining to the collection and processing of personal data by EU institutions (Regulation (EU) 2018/1725 [1]).

[1] Regulation (EU) 2018/1725 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data.

Your responses have been registered!

Click here to view your responses

Thank you for taking the time to complete the survey, your input is valuable to us.