



EUROPEAN COMMISSION  
ENTERPRISE DIRECTORATE-GENERAL

New Approach Industries, Tourism and CSR  
**Mechanical, Electrical and Telecom Equipment**

Brussels, 30<sup>th</sup> March 2007

**M/404 EN**

**STANDARDISATION MANDATE TO CEN, CENELEC AND ETSI FOR HARMONISED  
STANDARDS ACCORDING TO THE ELECTRO MAGNETIC COMPATIBILITY (EMC)  
DIRECTIVE 2004/108/EC**

**PURPOSE**

The purpose of is to update standards harmonised to EMC Directive 89/336/EEC<sup>1</sup> by referencing EMC Directive 2004/108/EC which supersedes and repeals the former.

**JUSTIFICATION**

This mandate derives from Article 6 of Directive 2004/108/EC and the fact that as from 20 July 2007 EMC Directive 89/336/EEC will be repealed by Directive 2004/108/EC.

Directive 2004/108/EC, Article 14, second Paragraph, which states that “*References to Directive 89/336/EEC shall be construed to this Directive and should be read in accordance with the correlation table...*” applies only to references contained in EU legislative texts, and not to references contained within harmonised standards, or to the publication of references to harmonised standards in the Official Journal of the European Union (OJEU).

The scope and essential requirements remain the same in the new directive and as such the technical content of the harmonised standards remain as they are.

EMC Directive 89/336/EEC will be repealed as of 20 July 2007 and references to this “old” Directive 89/336/EEC will have no legal meaning after this date.

Before 20 July 2007 Directive 2004/108/EC cannot be applied by Member States and thus cannot confer a presumption of conformity prior to this date. This Directive does not contain any clause enabling the harmonised standards under Directive 89/336/EEC to

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<sup>1</sup> Council Directive of 3 May 1989 on the approximation of the laws of the Member States relating to electromagnetic compatibility (89/336/EEC, OJ L 139, 23.5.1989, p. 19) as last amended by Directive 93/68/EEC (OJ L220, 30.08.1993)

automatically give a presumption of conformity to the new Directive. A new mandate is therefore required so allowing a publication of a list of references under Directive 2004/108/EC prior to its coming into force.

It is understood that many harmonised standards under Directive 89/336/EEC give references to this Directive in the informative annexes. This does not interfere with potential for their application in order to provide a presumption of conformity to the new Directive. In recognition of this and the impossibility to change all references prior to the date of coming into force of Directive 2004/108/EC it is considered not necessary (as a unique exception) for the informative annexes to be amended prior to the publication of references to the new Directive.

### **DESCRIPTION OF MANDATED WORK**

- Update the text of existing EMC harmonised standards to be applied after 20 July 2007
- Provide a list of references of titles for publication in the OJEU of those harmonised standards giving a presumption of conformity to Directive 2004/108/EC for application after 20 July 2007;
- Update the references in the informative annexes to Directive 2004/108/EC as part of the work of the maintenance teams over a five year period.

This mandate does not repeal the current EMC mandates under Directive 89/336/EEC<sup>2</sup>. All references in these mandates are to be taken as reference to Directive 2004/108/EC.

### **RECOMMENDATIONS**

In carrying out the mandate, appropriate coordination and liaison with relevant activities and organizations shall be established at international, European and national levels.

### **PROPOSED SCHEDULE**

Within one month after the acceptance of this mandate, CEN, CENELEC and ETSI shall present the time schedule envisaged for its execution to the Commission.

Within two months after the acceptance of this mandate, CEN, CENELEC and ETSI shall deliver a list of relevant elements of EMC harmonised standards to be reviewed and amended.

Before 15 July 2007 CEN, CENELEC and ETSI shall provide the first list of references of EMC harmonised standards for publication under Directive 2004/108/EC.

Within five years all references in the informative annexes to Directive 89/336/EEC shall be amended to read Directive 2004/108/EC.

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<sup>2</sup> Mandates BC-T-353, BC/CLC-03/88, BC/CLC-02/92, BC/CLC/03/0000/98-3, BC-IT-82, M/282, M/313, M/359, M/358,

## **ALIGNMENT WITH OTHER INTERNATIONAL WORK**

Where appropriate, alignment with equivalent activities in the ITU and in ISO/IEC should be ensured.