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(Acts whose publication is obligatory)

COMMISSION DIRECTIVE 95/54/EC

of 31 October 1995

adapting to technical progress Council Directive 72/245/EEC on the approximation of the laws of the Member States relating to the suppression of radio interference produced by spark-ignition engines fitted to motor vehicles and amending Directive 70/156/EEC on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers [1], as last amended by Commission Directive 93/81/EEC [2], and in particular Article 13 (2) thereof,

Having regard to Council Directive 72/245/EEC of 20 June 1972 on the approximation of the laws of the Member States relating to the suppression of radio interference produced by spark-ignition engines fitted to motor vehicles [3], as amended by Commission Directive 89/491/EEC [4], and in particular Article 4 thereof,

Whereas Directive 72/245/EEC is one of the separate directives of the EEC type-approval procedure which was established pursuant to Directive 70/156/EEC; whereas, consequently, the provisions laid down in Directive 70/156/EEC relating to vehicle systems, components and separate technical units apply to this Directive;

Whereas, in particular, Articles 3 (4) and 4 (3) of Directive 70/156/EEC require each separate directive to have attached to it an information document incorporating the relevant items of Annex I to that Directive and also a type-approval certificate based on Annex VI thereto in order that type-approval may be computerized;

Whereas Directive 72/245/EEC contained the earliest measures endeavouring to bring about a basic electromagnetic compatibility regarding radio interference, since which time technical progress has increased the complexity and diversity of electrical and electronic equipment;

Whereas, in view of the increasing concern about the technological developments in electrical and electronic equipment and the need to ensure the general compatibility of different electrical and electronic equipment, Council Directive 89/336/EEC [5], as last amended by Directive 93/68/EEC [6], laid down general provisions regarding electromagnetic compatibility for all products;

Whereas Directive 89/336/EEC established the rule that, in so far as protection requirements specified in that Directive were harmonized, its general provisions would not apply or would cease to apply with regard to apparatus covered by specific directives;

Whereas in the field of vehicles, their components and separate technical units, it is necessary to envisage a specific directive within the framework of the system for European type-approval which provides for approvals granted by designated national authorities to harmonized technical requirements;

Whereas Directive 72/245/EEC should become such a specific directive;

Whereas reference is made to electromagnetic compatibility in other directives relating to vehicles, their components and separate technical units, within the framework of Directive 70/156/EEC;

Whereas the technical requirements relating to the radio interference (electromagnetic compatibility) of vehicles, their components and systems should be governed from 1 January 1996 solely by the provisions of Directive 72/245/EEC;

(1) OJ No L 42, 23. 2. 1970, p. 1.
(2) OJ No L 264, 23. 10. 1993, p. 49.
(3) OJ No L 152, 6. 7. 1972, p. 15.
(4) OJ No L 238, 15. 8. 1989, p. 43.
(5) OJ No L 139, 23. 5. 1989, p. 19.
(6) OJ No L 220, 30. 8. 1993, p. 1.

Whereas it is necessary to amend Directive 70/156/EEC to reflect the extension of Directive 72/245/EEC to all vehicle categories;

Whereas it is necessary to refer to Council Directive 72/306/EEC (1), as amended by Directive 89/491/EEC, in order to distinguish between spark and compression ignition engines;

Whereas the measures provided for in this Directive are in accordance with the opinion of the Committee for Adaptation to Technical Progress established by Directive 70/156/EEC,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 72/245/EEC is hereby amended as follows:

1. the title shall be replaced by the following:

   'Council Directive 72/245/EEC of 20 June 1972 relating to the radio interference (electromagnetic compatibility) of vehicles';

2. Article 1 shall be replaced by the following:

   '*Article 1*

   For the purpose of this Directive, "vehicle" means any vehicle as defined in Directive 70/156/EEC.';

3. Article 2 shall be replaced by the following:

   '*Article 2*

   No Member State may refuse to grant EEC type-approval or national type-approval of a vehicle, component or separate technical unit on grounds relating to electromagnetic compatibility if the requirements of this Directive are fulfilled.';

4. Article 3 shall be replaced by the following:

   '*Article 3*

   1. This Directive shall constitute a "specific directive" for the purposes of Article 2 (2) of Council Directive 89/336/EEC (*) with effect from 1 January 1996.

   2. Vehicles, components or separate technical units approved pursuant to this Directive shall be considered to fulfil the provisions of other directives, cited in Annex IV to Council Directive 92/53/EEC (**), which refer to electromagnetic compatibility.

   (*) OJ No L 139, 23. 5. 1989, p. 19.
   (**) OJ No L 225, 10. 8. 1992, p. 1.';

5. The Annexes shall be replaced by the Annex to this Directive.

Article 2

1. With effect from 1 December 1995, Member States may not, on grounds relating to electromagnetic compatibility:

— refuse, in respect of any given type of vehicle, to grant EEC type-approval or national type-approval,

— refuse, in respect of any given type of component or separate technical unit, to grant EEC component or technical unit type-approval, or

— prohibit the registration, sale or entry into service of vehicles,

— prohibit the sale or use of components or separate technical units,

if the vehicles, components or separate technical units comply with the requirements of Directive 72/245/EEC as amended by this Directive.

2. With effect from 1 January 1996, Member States:

— shall no longer grant EEC vehicle type-approval, EEC component type-approval or EEC separate technical unit type-approval, and

— may refuse to grant national type-approval,

for any type of vehicle, component or separate technical unit on grounds relating to electromagnetic compatibility, if the requirements of Directive 72/245/EEC, as amended by this Directive, are not fulfilled.

3. Paragraph 2 shall not apply to vehicle types approved before 1 January 1996 pursuant to Directive 72/306/EEC nor to any subsequent extensions to these approvals.

4. With effect from 1 October 2002, Member States:

— shall consider certificates of conformity which accompany new vehicles in accordance with the provisions of Directive 70/156/EEC to be no longer valid for the purposes of Article 7 (1) of that Directive,

— may refuse the registration, sale or entry into service of new vehicles which are not accompanied by a

(1) OJ No L 190, 20. 8. 1972, p. 1.

certificate of conformity in accordance with Directive 70/156/EEC, and

— may refuse the sale and entry into service of new electrical/electronic sub-assemblies as components or separate technical unit,

if the requirements of this Directive are not fulfilled.

5. With effect from 1 October 2002 the requirements of Directive 72/245/EEC, relating to electrical/electronic sub-assemblies as components or separate technical units, as amended by this Directive, are applicable for the purposes of Article 7 (2) of Directive 70/156/EEC.

6. Notwithstanding paragraphs 2 and 5, for the purposes of replacement parts, Member States shall continue to grant EEC type approval and to permit the sale and entry into service of components or separate technical units intended for use on vehicle types which have been approved before 1 January 1996 pursuant to either Directive 72/245/EEC or Directive 72/306/EEC and, where applicable, subsequent extensions to these approvals.

Article 3

Item No 10 of Part I of Annex IV to Directive 70/156/EEC shall be amended to include an 'X' in each of the columns for vehicle category 0 under the heading 'Applicability'.

Article 4

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 1 December 1995. They shall forthwith inform the Commission thereof.

When Member States adopt these provisions, these shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such reference shall be adopted by Member States.

2. Member States shall communicate to the Commission the texts of the main provisions of national law which they adopt in the field covered by this Directive.

Article 5

This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Communities*.

Article 6

This Directive is addressed to the Member States.

Done at Brussels, 31 October 1995.

For the Commission
Martin BANGEMANN
Member of the Commission

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ANNEX I

REQUIREMENTS TO BE MET BY VEHICLES AND ELECTRICAL/ELECTRONIC SUB-ASSEMBLIES FITTED TO A VEHICLE

1. Scope

1.1. This Directive applies to the electromagnetic compatibility of vehicles covered in Article 1, being vehicles or trailers (hereinafter referred to as vehicle(s)) as supplied by the vehicle manufacturer and to components or separate technical units intended for fitment in vehicles.

2. Definitions

2.1. For the purposes of this Directive:

2.1.1. 'Electromagnetic compatibility' means the ability of a vehicle or component(s) or separate technical unit(s) to function satisfactorily in its electromagnetic environment without introducing intolerable electromagnetic disturbances to anything in that environment.

2.1.2. 'Electromagnetic disturbance' means any electromagnetic phenomenon which may degrade the performance of a vehicle or component(s) or separate technical unit(s). An electromagnetic disturbance may be electromagnetic noise, an unwanted signal or a change in the propagation medium itself.

2.1.3. 'Electromagnetic immunity' means the ability of a vehicle or component(s) or separate technical unit(s) to perform without degradation of performance in the presence of specified electromagnetic disturbances.

2.1.4. 'Electromagnetic environment' means the totality of electromagnetic phenomena existing at a given location.

2.1.5. 'Reference limit' means the nominal level to which type approval and conformity of production limit values are referenced.

2.1.6. 'Reference antenna' for the frequency range 20 to 80 MHz: means a shortened balanced dipole being a half wave resonant dipole at 80 MHz, and for the frequency range above 80 MHz: means a balanced half wave resonant dipole tuned to the measurement frequency.

2.1.7. 'Broadband emission' means an emission which has a bandwidth greater than that of a particular measuring apparatus or receiver.

2.1.8. 'Narrowband emission' means an emission which has a bandwidth less than that of a particular measuring apparatus or receiver.

2.1.9. 'Electrical/electronic system' means (an) electrical and/or electronic device(s) or set(s) of devices together with any associated electrical connections which form part of a vehicle but which are not intended to be type approved separately from the vehicle.

2.1.10. 'Electrical/electronic sub-assembly' (ESA) means an electrical and/or electronic device or set(s) of devices intended to be part of a vehicle, together with any associated electrical connections and wiring, which performs one or more specialized functions. An ESA may be approved at the request of a manufacturer as either a 'component' or a 'separate technical unit (STU)' (see Directive 70/156/EEC, Article 2).

2.1.11. 'Vehicle type' in relation to electromagnetic compatibility means vehicles which do not differ essentially in such respects as:

2.1.11.1. the overall size and shape of the engine compartment;

2.1.11.2. the general arrangement of the electrical and/or electronic components and the general wiring arrangement;