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Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

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Ref: Application of Directives EMC-LVD-RED

DG GROW

Application of Directives 2014/53/EU, 2014/35/EU and 2014/30/EU

INTRODUCTION

The purpose of this document is to provide guidance on the date of applicability and their transitional period (if any) for the new Directives of the electrical sector i.e. RED (Directive 2014/53/EU), new LVD (Directive 2014/35/EU) and new EMC (Directive 2014/30/EU).

Scope of RED

The new Radio Equipment Directive (RED) already entered into force (on 11/06/2014). The RED will replace Directive 1999/5/EC – the ‘R&TTE Directive’ - from 13 June 2016. Member States shall transpose the RED into national legislation by 12th June 2016 and apply it from 13th June 2016.

With regard to Directive 1999/5/EC (the R&TTE Directive), the RED has introduced the following changes:

- (1) sound and TV receive-only equipment, which has been excluded from the R&TTE Directive, now falls within the scope of the Directive;
- (2) equipment operating below 9 kHz, which has been excluded from the R&TTE Directive, now falls within the scope of the Directive;
- (3) radio-determination equipment is now clearly included within the scope of the Directive;
- (4) telecom terminal equipment now falls outside the scope of the Directive; this equipment will in future be covered by the LVD/EMC Directive
- (5) custom built evaluation kits destined for professionals to be used solely at research and development facilities for such purposes is explicitly excluded from the RED.

The RED contains the following transitional period (Article 48):

Member States shall not impede, for the aspects covered by this Directive, the making available on the market or putting into service of radio equipment covered by this Directive which is in conformity with the relevant Union harmonisation legislation applicable before 13 June 2016 and which was placed on the market before 13 June 2017.

It is noted that, since the R&TTED can be applicable during the transitional period, the intention is to keep valid, during the above transitional period, the references of the harmonised standards for the R&TTE Directive, as well as the notified bodies notified under the R&TTED.

Scope of NEW LVD/EMCD

The new LVD and the new EMCD entered into force on 18/04/2014 and will be applicable as of 20/04/2016. The new LVD will replace the existing LVD (Directive 2006/95/EC) and the new EMCD will replace the existing EMCD (Directive 2004/108/EC) as of 20/4/2016.

The new LVD and EMCD did not modify the scope of the existing Directives, subject to the following new exception that has been explicitly inserted:

'custom built evaluation kits destined for professionals to be used solely at research and development facilities for such purposes'.

While the revision of LVD/EMCD has not changed their scope, the changes to the scope of the current R&TTE Directive have direct consequences for the scope of the two Directives:

- 1) The new LVD/EMCD will apply to products that have so far been covered by the R&TTE Directive (telecommunication terminal equipment).
- 2) The new LVD/EMCD will no longer apply to products covered by the RED.

GENERAL COMMENT

The RED can apply to products placed on the market on or after 13 June 2016 (not before).

The new LVD/EMCD can apply to products placed on the market on or after 20 April 2016 (not before).

OVERVIEW ON THE APPLICABILITY OF LEGISLATION

1. PRODUCTS WITHIN OLD LVD/EMCD AND CONTINUE TO BE WITHIN NEW LVD/EMCD (EVEN AFTER APPLICABILITY OF RED)

-Products placed on market before 20 April 2016: old LVD/EMCD

-Products placed on market on or after 20 April 2016: new LVD/EMCD

2. PRODUCTS WITHIN R&TTED AND REMAIN WITHIN THE SCOPE OF RED

-Products placed on market before 13 June 2016: R&TTED

-Products placed on market between 13 June 2016 and 12 June 2017: R&TTED or RED

-Products placed on market after 12 June 2017: RED

3. PRODUCTS WITHIN OLD/NEW LVD/EMCD BUT THEN FALL WITHIN RED (AFTER APPLICABILITY OF RED)-FOR EXAMPLE TELEVISION AND SOUND BROADCASTING RECEIVERS

-Products placed on market before 20 April 2016: old LVD/EMCD

-Products placed on market between 20 April 2016 and 12 June 2016 : new LVD/EMCD

-Products placed on market between 13 June 2016 and 12 June 2017: RED or new LVD/EMCD

-Products placed on market after 12 June 2017: RED

4. PRODUCTS WITHIN R&TTED AND THEN OUTSIDE RED-FOR EXAMPLE TERMINAL EQUIPMENT

-Products placed on market before 13 June 2016: R&TTED

-Products placed on market after 12 June 2016: RED is not applicable; new LVD/EMCD, if applicable to the product in question

ANNEX

ABBREVIATIONS

RED: Directive 2014/53/EU

R&TTED: Directive 1999/5/EC

New LVD: Directive 2014/35/EU

Old LVD: Directive 2006/95/EC

New EMCD: Directive 2014/30/EU

Old EMCD: Directive 2004/108/EC