



**EUROPEAN COMMISSION**

Internal Market DG

FUNCTIONING AND IMPACT OF THE INTERNAL MARKET. COORDINATION. DATA PROTECTION  
**Internal Market: functioning and co-ordination**

Brussels, 15.10.2001  
MARKT/A1/PAC/sn D(2001)

## **FOURTH CONSULTATION OF THE BUSINESS TEST PANEL**

### **Proposals to modify the Directive on Electro-magnetic Compatibility**

#### **INTRODUCTION**

The Business Test Panel was consulted on a series of proposals to amend the Directive on Electro-magnetic Compatibility. Companies were asked inter alia to provide their views on the likely impact of the proposed changes, their familiarity with and use of the Guidelines on the operation of the Directive, the role of competent authorities and the anticipated administrative relief or burdens arising from the proposed changes. They were also invited to comment on how legislation could be best drafted so as to minimise new burdens and reduce complex procedures and on the operation of the Business Test Panel.

The questionnaire was distributed to companies in late June and early July by national coordinators and replies were forwarded to the Commission in late July and August.

#### **MAIN CONCLUSIONS**

- The consultation covers 566 businesses based in 10 Member States. Almost 38% (216 out of 566) of those consulted reported that they were affected by the proposed changes to the Directive.
- In terms the type of company affected by the proposals, almost 33% (71) may be classified as small businesses (0-50 employees) while 26% (57) are medium sized (50- 250) and the remaining 41% (88) are large companies.
- Businesses engaged in production (either directly or indirectly) of EMC products constituted close to 70% of those who replied to the questionnaire and a number of these forwarded detailed observations on both the application of the Directive and the consequences of the proposed amendments.

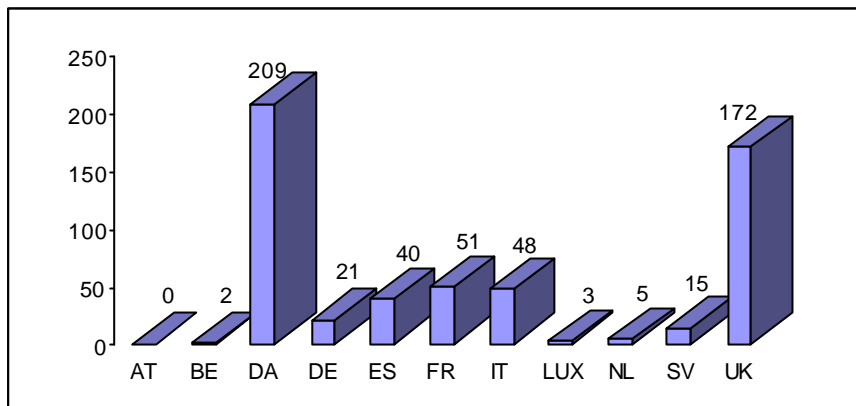
Rue de la Loi 200, B-1049 Bruxelles / Wetstraat 200, B-1049 Brussel - Belgium. Telephone: (32-2)299 11 11.  
Office: C107 5/14. Telephone: direct line (32-2)296.09.28. Fax: (32-2)296.0950.

[http://europa.eu.int/comm/internal\\_market/](http://europa.eu.int/comm/internal_market/)  
E-mail: Peter.Curran@cec.eu.int

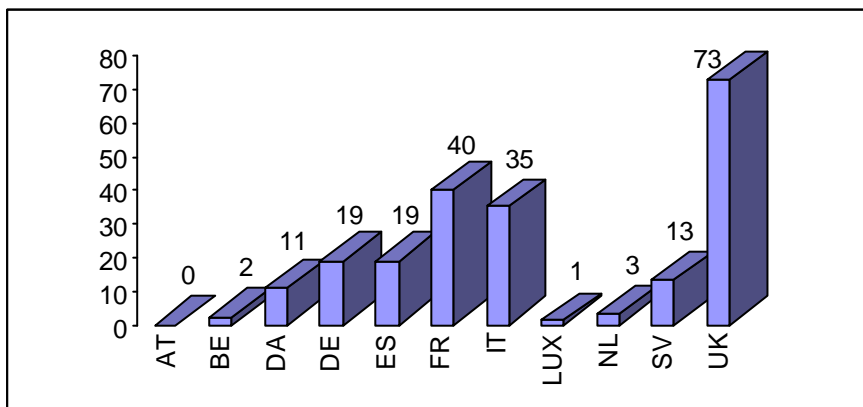
- Both businesses which are primarily involved in the production of EMC products (for direct sale to customers and to business to business) and those which are primarily involved in the sale of these products were affected by the proposals in broadly similar numbers.
- Businesses generally perceived the proposed changes as likely to lead to simplifying their operation and the overall regulatory environment. Only a small percentage – 10% viewed the proposed changes as likely to complicate their operations.
- 2 of the 3 proposed changes to the Directive were viewed as beneficial by over 50% of businesses. A large proportion (24%) of businesses felt that the changes would not have any direct effect.
- Businesses continue to have difficulties in quantifying anticipated compliance costs and possible reductions in administrative burdens. Only a small number of companies attempted to provide details and their estimates varied considerably between Member States.
- Businesses expressed a strong preference for reducing the role of and recourse to competent authorities even though only about two thirds of businesses indicated that they have used them from time to time.
- A significant number (81%) of businesses are aware of the Guidelines on the operation of the Directive and two thirds of those who are familiar with them considered the Guidelines useful.
- Businesses generally have a positive view of the role of the Business Test Panel but would like to see some changes to enhance its capacity – online distribution of questionnaires, a clearer format for questions, wider and rapid diffusion of results and more opportunity to express views.
- Relatively few businesses availed of the opportunity to provide observations under Part F which invited comments on how to improve the provisions of the draft amendment in order to minimise burdens and compliance costs while achieving the objectives of the legislation.

# 1. PARTICIPANTS IN THE CONSULTATION

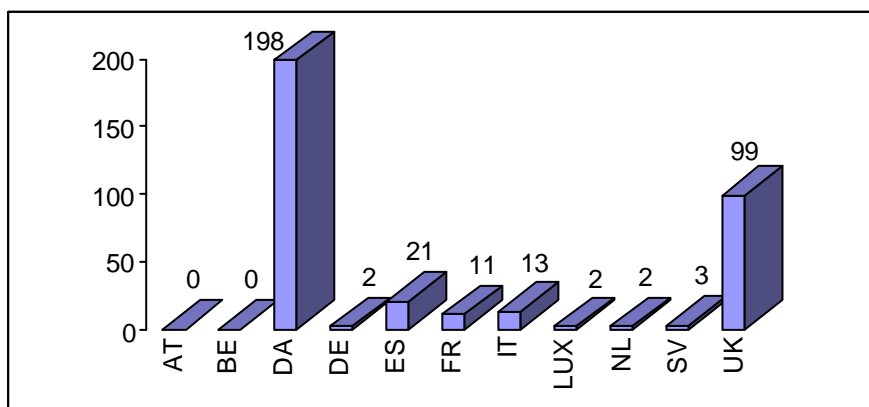
## 1.1. Total number of businesses participating by Member State (total 566)



## Number of Businesses affected by proposals (total 216 – 38%)



## Number of Businesses not affected by the proposals (total 350 – 62%)



### 1.2. Size of Businesses affected by the proposals per Member State

	AT	BE	DA	DE	ES	FR	IT	LUX	NL	SV	UK	total
<b>1-9</b>		-	5	-	2	6	2	-	-	5	1	21
<b>10-49</b>		-	5	1	6	10	7	1	-	5	15	50
<b>50-250</b>		-	1	3	7	13	13	-	2	-	18	57
<b>250-500</b>		1	-	1	1	2	5	-	1	-	2	13
<b>500+</b>		1	-	14	3	9	8	-	-	3	37	75
<b>Total</b>		<b>2</b>	<b>11</b>	<b>19</b>	<b>19</b>	<b>40</b>	<b>35</b>	<b>1</b>	<b>3</b>	<b>13</b>	<b>73</b>	<b>216</b>

### 1.3. Business Sector by Member State

	AT	BE	DA	DE	ES	FR	IT	LUX	NL	SV	UK	total
Manufacturing Industry	-	2	9	14	12	24	29	-	2	9	55	154
Services	-	-	4	2	5	10	3	1	2	1	20	48
Construction	-	-	-	-	-	5	-	-	-	-	2	7
Other	-	-	-	3	-	6	4	-	-	1	1	15
Retail/ Distribution	-	-	1	2	-	2	1	-	-	2	3	11
<b>Totals</b>	<b>-</b>	<b>2</b>	<b>14</b>	<b>21</b>	<b>17</b>	<b>47</b>	<b>37</b>	<b>1</b>	<b>4</b>	<b>13</b>	<b>81</b>	<b>235</b>

### 1.4. Trade pattern –Export Import within EU

The vast majority of businesses consulted are involved in intra Community trade.

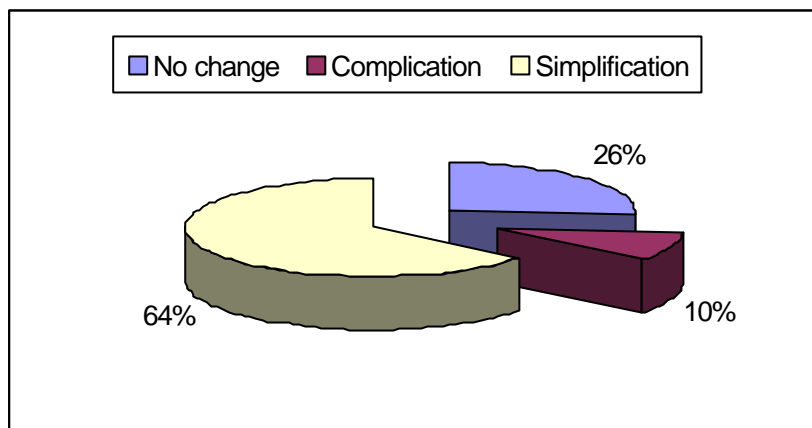
	AT	BE	DA	DE	ES	FR	IT	LUX	NL	SV	UK	total
<b>Yes</b>	-	2	9	19	16	39	33	1	3	13	63	198
<b>No</b>	-	-	2	-	1	1	2	-	-	-	10	16

### 1.5. Reasons why Businesses were affected by the proposals

- 166 businesses reported that they were producers of EMC products.
- 137 businesses indicated that they were primarily engaged in the sale of EMC products.

## 2. VIEWS ON PROPOSALS

### 2.1. Overall Impact of Proposal to incorporate the main elements (scope, definition, EMC assessment) of the EMC Guidelines into the EMC Directive



		Simplification	Complication	No change
<b>Austria</b>				
<b>Belgium</b>	(2)	2	-	-
<b>Denmark</b>	(11)	7	1	3
<b>France</b>	(40)	25	1	10
<b>Germany</b>	(19)	13	-	5
<b>Italy</b>	(35)	21	5	6
<b>Luxembourg</b>	(1)	1	-	-
<b>Netherlands</b>	(3)	2		
<b>Spain</b>	(19)	14	1	2
<b>Sweden</b>	(13)	10	-	3
<b>United Kingdom</b>	(73)	33	11	22
<b>Totals</b>	<b>198</b>	<b>128</b>	<b>19</b>	<b>51</b>

About 64% of businesses (in general) view the proposal to incorporate the main elements of the EMC Guidelines as one which should result in simplification. This view is strongly represented by businesses in Sweden, Germany, France, Spain and to lesser extents in Italy and the United Kingdom.

The data shows also that there are wide variations between the same sectors across Member States. For example, in the United Kingdom, only 24 of the 53 businesses classified as

manufacturers of EMC products see the proposal as leading to simplification while for businesses in the services sector in the United Kingdom, the proportion is smaller – 6 out of 25. In France, Spain, Italy and Sweden the trend is somewhat different.

### Impact of proposals by size of Business

Size		Simplification	Complication	No change
<b>1-9</b>	(21)	17	1	3
<b>10-49</b>	(50)	26	8	12
<b>50-250</b>	(57)	35	2	12
<b>250-500</b>	(13)	7	1	5
<b>500+</b>	(75)	43	7	19
<b>Total</b>	<b>198</b>	<b>128</b>	<b>19</b>	<b>51</b>

(No answer 18)

### 3. BUSINESS PERCEPTIONS OF EACH PROPOSAL

**Proposal 1** is concerned with the possible repeal of the mandatory involvement of Competent bodies whenever harmonised standards are not or only partly used before a product is placed on the market.

**Proposal 2** deals with the position of fixed installations which will be subject to a specific compliance regime but these will be exempt from CE marking requirements and conformity assessment procedures.

**Proposal 3** will exempt one-off equipment incorporated to a fixed installation from the provisions of the Directive.

#### 3.1. Overall perception of the three proposals:

Perceived as	Proposal 1 (201)	Proposal 2 (204)	Proposal 3 (205)
<b>a benefit</b>	<b>115 (57%)</b>	<b>81 (40%)</b>	<b>108 (52%)</b>
<b>a burden</b>	<b>13 (7%)</b>	<b>25 (12%)</b>	<b>14 (7%)</b>
<b>no change/ not affected</b>	<b>73 (36%)</b>	<b>98 (48%)</b>	<b>83 (40%)</b>

Proposals 1 and 3 received the most support and attracted the least opposition.

The relatively high and consistent number of businesses which declared that they were either unaffected by the proposals or that the latter are not going to alter their regulatory environment to any appreciable extent may be cause for further reflection.

**See Annex 1: Details of the views on proposals by Member State.**

**4. PERCEPTIONS ON POSSIBLE COSTS AND BENEFITS ARISING FROM PROPOSALS**

**4.1. Businesses** were first asked to indicate whether any or each of the proposals would result in some form of administrative relief or new burdens. For the purposes of illustrating the type of replies received, we provide details in this provisional report, from businesses in the UK, Sweden, Spain and France (145 of 216).

**Proposal 1**

	<b>UK</b>	<b>Sweden</b>	<b>Spain</b>	<b>France</b>	<b>Total</b>
No relief	23	7	4	16	50
Relief	28	3	5	12	48
No new burden	29	6	-	24	59
New burden	8	2	3	2	15

**Proposal 2**

	<b>UK</b>	<b>Sweden</b>	<b>Spain</b>	<b>France</b>	<b>Total</b>
No relief	34	5	3	17	59
Relief	17	2	6	12	37
No new burden	31	6	2	16	55
New burden	13	-	-	2	15

**Proposal 3**

	<b>UK</b>	<b>Sweden</b>	<b>Spain</b>	<b>France</b>	<b>Total</b>
No relief	25	4	2	17	48
Relief	15	4	3	13	35
No new burden	26	5	3	16	50
New burden	13	1	-	-	14

The data generally bears out the findings in 3.1 above which indicates a slight preference for proposals 1 and 3 and illustrates the incomplete nature of replies by business.

## 4.2. Additional costs

Businesses associated the following additional costs with the three proposals:

		Proposal 1	Proposal 2	Proposal 3
<b>United Kingdom</b>	Additional training	21	16	11
	New investment	2	1	1
	Reorganisation of Work	1	1	1
<b>Sweden</b>	Additional training	5	3	4
	New investment	1	-	-
	Reorganisation of Work	1	-	-
<b>Spain</b>	Additional training	4	2	2
	New investment	-	1	1
	Reorganisation of Work	2	2	2
<b>France</b>	Additional training	8	7	3
	New investment	5	-	-
	Reorganisation of Work	2	-	-

## 4.3. Scale of costs

In the United Kingdom the cost of additional training is estimated at between € 1,600-8,000 (£ 1,000-£ 5,000), new investment could generate costs of up to €32,000 (£ 20,000) while necessary reorganisation might cost between €4,800-16,000 (£ 3,000-10,000).

In Sweden, the cost of additional training is put at between €210-1,050 (SEK 1,995-9,975) while businesses which might have to bear additional expenditure in relation to all three types of cost, estimate that up to €10,500 (SEK 99,750) may be required.

In Spain, additional training costs are estimated at €3,000 (500,000 ). All three types of costs could be up to between €30,000-60,000 (5-10 million ).

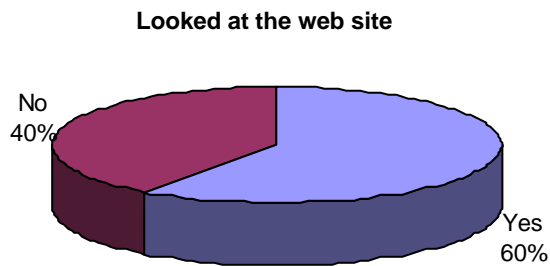
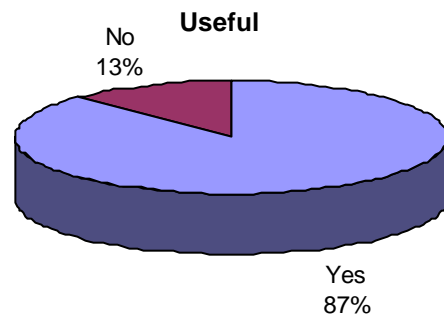
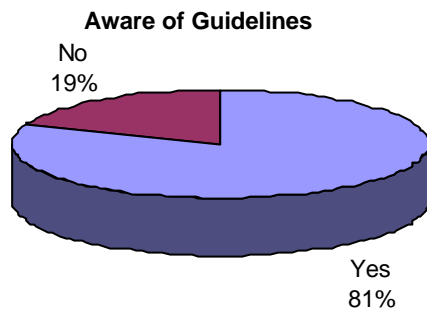
In France, additional training costs are estimated at €800, and new investment costs at up to €100,000.

## 5. VIEWS ON AND USE OF THE EMC GUIDELINES

Businesses were asked if they were aware of the EMC guidelines which are available on the web site of Enterprise DG, if they had looked at the information and if they found the guidelines useful.

### 5.1. Summary of findings

**154** businesses indicated that they were aware of the guidelines and **126** of these considered them useful while 18 indicated the contrary. When asked if businesses have looked at the web site, **97** indicated that they had while **65** declared that they had not done so.



## 5.2. Detailed findings by Member State

	Aware of Guidelines		Useful		Looked at the web site	
	Yes	No	Yes	No	Yes	No
<b>Austria</b>	-	-	-	-	-	-
<b>Belgium</b>	2	-	2	-	1	1
<b>Denmark</b>	4	7	3	1	2	9
<b>France</b>	26	8	22	6	23	14
<b>Italy</b>	24	9	23	-	18	10
<b>Luxembourg</b>	-	1	-	-	-	1
<b>Germany</b>	15	1	14	1	-	-
<b>NL</b>	1	2	1	-	-	-
<b>Sweden</b>	17	2	8	2	8	7
<b>United Kingdom</b>	65	6	54	8	45	23
<b>Totals</b>	<b>154</b>	<b>36</b>	<b>127</b>	<b>18</b>	<b>97</b>	<b>65</b>

## 6. USE OF NOTIFIED BODIES/ COMPETENT AUTHORITIES

Businesses were asked if they had made use of or had recourse to national bodies/authorities when launching EMC products etc.

### 6.1. Summary of findings

136 indicated that they had used such bodies while 64 reported that they had not.

### 6.2. Detailed findings by Member State

	Use of Notified Bodies/ Competent Authorities	
	Yes	No
<b>Austria</b>	-	-
<b>Belgium</b>	1	1
<b>Denmark</b>	1	10
<b>France</b>	31	6
<b>Germany</b>	10	3
<b>Italy</b>	25	10
<b>Luxembourg</b>	-	1
<b>Netherlands</b>	1	1
<b>Spain</b>	7	8
<b>Sweden</b>	9	3
<b>United Kingdom</b>	51	21
<b>Totals</b>	<b>136</b>	<b>64</b>

See Annex 2 for further details.

## 7. PREFERRED OPTIONS IN RELATION TO NOTIFIED/ COMPETENT BODIES

Businesses were asked to indicate (from three preferences) the conformity assessment procedure they considered most beneficial to them.

### Summary of the findings

Only **16** opted to retain the current (compulsory) procedure while the remaining 165 were divided between voluntary consultation (86) and procedures which do not involve a notified/competent body (79). Medium and larger sized businesses expressed a clear preference for limiting the role of competent bodies for example, in the UK of the 50 businesses in excess of 50 employees which replied, only 4 wished to retain current procedures. This trend is also reflected among comparable French and Italian companies where only 2 out of 30 and 1 out of 25 respectively wished to retain the status quo.

### Details on Preferred options

	<b>Compulsory consultation</b>	<b>Voluntary consultation</b>	<b>No role for competent authority/ notified body</b>
<b>Austria</b>			
<b>Belgium</b>		2	
<b>Denmark</b>		3	8
<b>France</b>	5	22	12
<b>Germany</b>	1	6	8
<b>Italy</b>	2	17	14
<b>Netherlands</b>		2	1
<b>Spain</b>		6	7
<b>Sweden</b>	2	8	3
<b>United Kingdom</b>	6	20	26
<b>Total</b>	<b>16</b>	<b>86</b>	<b>79</b>

## ANNEX 1

### OVERALL PERCEPTION OF PROPOSALS BY MEMBER STATES

		Proposal 1	Proposal 2	Proposal 3
<b>Austria</b>				
<b>Belgium</b> (2)	<b>Benefit</b>	<b>1</b>		<b>2</b>
	No change	1	1	
	Not affected		1	
<b>Denmark</b> (11)	<b>Benefit</b>	<b>7</b>	<b>6</b>	<b>6</b>
<b>France</b> (40)	<b>Benefit</b>	<b>27</b>	<b>22</b>	<b>28</b>
	<b>Burden</b>	<b>4</b>	<b>4</b>	<b>3</b>
	No change	5	4	2
	Not affected	3	10	7
<b>Germany</b> (19)	<b>Benefit</b>	<b>11</b>	<b>8</b>	<b>9</b>
	No change	1	1	1
	Not affected	5	9	8
<b>Italy</b> (35)	<b>Benefit</b>	<b>16</b>	<b>9</b>	<b>14</b>
	<b>Burden</b>	<b>1</b>	<b>3</b>	<b>1</b>
	No change	6	11	5
	Not affected	6	5	7
<b>Luxembourg</b> (1)	<b>Benefit</b>	<b>1</b>	<b>1</b>	<b>1</b>
<b>Netherlands</b> (3)	<b>Benefit</b>	<b>1</b>	<b>2</b>	<b>1</b>
	No change	2	1	1
<b>Spain</b> (19)	<b>Benefit</b>	<b>9</b>	<b>8</b>	<b>11</b>
	<b>Burden</b>	<b>2</b>	<b>1</b>	
	No change	3	3	2
	Not affected	4	7	6
<b>Sweden</b> (13)	<b>Benefit</b>	<b>11</b>	<b>7</b>	<b>9</b>
	<b>Burden</b>		<b>1</b>	<b>1</b>
	No change	1	3	2
	Not affected	1	2	1
<b>United</b> (73)	<b>Benefit</b>	<b>31</b>	<b>19</b>	<b>27</b>

<b>Kingdom</b>	<b>Burden</b>	<b>6</b>	<b>15</b>	<b>8</b>
	No change	20	14	15
	Not affected	16	22	23

The data shows clear differences between businesses based in the different Member States. For example, in Germany businesses do not anticipate the imposition of further administrative burdens while a consistent number of their United Kingdom counterparts anticipate that burdens will arise in relation to all three proposals.

## ANNEX 2

### USE OF NOTIFIED BODIES BY SIZE OF BUSINESS (SOME EXAMPLES)

Size	DE		FR		IT		UK	
	Yes	No	Yes	No	Yes	No	Yes	No
<b>1-9</b>			3	3				1
<b>10-49</b>	-	1	10	-	5	4	7	7
<b>50-250</b>	4	1	9	3	8	5	14	4
<b>250-500</b>	-	1	1	-	5	-	1	1
<b>500+</b>	6	-	8	-	7	-	29	21
<b>Total</b>	<b>10</b>	<b>3</b>	<b>31</b>	<b>6</b>	<b>25</b>	<b>9</b>	<b>51</b>	<b>34</b>