

Keith Ashton
SMMT

cc VCA

Mike Lowe
Senior Engineer
Transport Technology and Standards
Department for Transport
Zone 2/06 Great Minster House
76 Marsham Street
LONDON SW1P 4DR
Direct Line: 020 7944 2066
Divisional Enquiries: 020 7944 2078
Fax: 020 7944 2069
email: mike.lowe@dft.gsi.gov.uk

Web Site: www.dft.gov.uk

Our Ref: tts 023 005 003

10 June 2005

Dear Keith,

Implementation of 2004/104/EC

I would like to set out the Departments provisional plans for the implementation of the new Automotive EMC Directive 2004/104/EC (hereafter "*the new Directive*"). I would like to remind your members that other EC Member States may implement the Directive in a different (or more stringent) way and so advice should always be obtained from the relevant authorities in the country where a vehicle is to be registered.

There are three areas to consider - cars, trucks/ buses, and aftermarket components.

1. New Passenger Cars

For vehicles of category M1 (passenger cars) the UK has certain obligations arising from the system of EC Whole Vehicle Type Approval (EC WVTA). The new Directive will be implemented by VCA under an amendment to the 1998 Motor Vehicles (EC Type Approval) Regulations. We will be implementing the new Directive more or less as it stands using the dates specified in the Directive, although there may be some End of Series provisions - which should be discussed in the usual way directly with VCA.

VCA advise me that approvals to the new Directive are already available, alongside the current option of approvals to the existing EMC Directive 95/54/EC, however on 1 July 2006 this will change and new EMC type approvals will have to comply to the new Directive.

Existing vehicles with 95/54/EC approvals will be allowed to continue to be manufactured and registered until 1 January 2009. From this date all passenger cars presented for registration will have to be approved to the new Directive.

The above situation pertains to cars registered under EC WVTA. Currently there are no changes planned to the UK-only regimes of low volume approval and single vehicle approval.

2. New Trucks, Buses and Trailers

As regards vehicles of categories N, M2 or M3, or O, which comprise goods vehicles, buses and minibuses with at least 10 seats, and trailers, the new Directive gives discretion to Member States as to their registration requirements.

At present there are no plans to require these categories of vehicle to meet 2004/104/EC in the UK. However manufacturers should be aware that other Member States may have a different policy. The VCA will be happy to issue EMC approvals to these categories of vehicle if requested.

The only existing EMC-related requirement (which continues to apply) is contained in Regulation 60 of the Road Vehicle (Construction and Use) Regulations 1986 and it is that spark-ignition (petrol, CNG, LPG) trucks or buses are required to meet the technical requirements of Directive 72/245/EEC which covers suppression of radio interference. I understand that compliance with this is checked during GB Goods Vehicle National Type Approval.

3. New Components fitted in the aftermarket

As well as regulating the EMC of newly manufactured vehicles, the new Directive also regulates EMC of new electrical or electronic components that are intended for fitment to a vehicle after registration. These are known as ESA (electrical/electronic sub assemblies). The Directive does not regulate existing (i.e. second-hand) equipment.

The new Directive requires that from 1 July 2006, a manufacturer can no longer obtain a 95/54/EC approval for his ESA and if he wishes to obtain approval, it must be to the new Directive.

From 1 January 2009, new ESAs which are intended for aftermarket fitment to M1 vehicles with EC WVTA must be approved to the new Directive. (If EC WVTA is made mandatory for trucks and buses, then ESAs intended for fitment to these vehicles would also become subject to the requirement for approval).

Currently the Road Vehicles (Construction and Use) Regulations 1986 require that a new ESA intended for fitment to M1 vehicles must be approved to 95/54/EC. However, it goes without saying that approvals to the new Directive would be acceptable instead. There are also various caveats, for instance spare parts for vehicles registered before 1996 are not required to be approved.

At present there are no immediate plans to amend the Construction and Use Regulations, although at some point we expect to bring forward amendments to introduce the 1 January 2009 date after which 95/54/EC approvals are no longer acceptable.

In the meantime, I hope to update the existing DfT EMC Guidance note, which is now in need of revision due to the new Directive. Type approval is no longer required for a non-safety related ESA as long as it has a CE mark for EMC, an approval authority has agreed that the ESA is not safety related, and the manufacturer has declared that the ESA is suitable for automotive fitment.

I would be happy to discuss further if necessary.

Yours sincerely,

Mike Lowe