Commission Directive 2004/104/EC of 14 October 2004 adapting to technical progress Council Directive 72/245/EEC relating to the radio interference (electromagnetic compatibility) of 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 (Text with EEA relevance)

ANNEX I U.K.

REQUIREMENTS TO BE MET BY VEHICLES AND ELECTRICAL/ ELECTRONIC SUBASSEMBLIES FITTED TO A VEHICLE

3. APPLICATION FOR EC TYPE-APPROVAL U.K.

3.1. Approval of a vehicle type U.K.

3.1.1. The application for approval of a vehicle type, with regard to its electromagnetic compatibility pursuant to Article 3(4) of Directive 70/156/EEC shall be submitted by the vehicle manufacturer.

3.1.2. A model for the information document is given in Annex IIA.

3.1.3. The vehicle manufacturer shall draw up a schedule describing all relevant vehicle electrical/electronic systems or ESAs, body styles[(1)], variations in body material[(1)], general wiring arrangements, engine variations, left-hand/right-hand drive versions and wheelbase versions. Relevant vehicle electrical/electronic systems or ESAs are those which may emit significant broadband or narrowband radiation and/or those which are involved in immunity-related functions (see paragraph 2.1.12 of this Annex) of the vehicle.

3.1.4. A representative vehicle shall be selected from this schedule for the purpose of being tested, in mutual agreement between the manufacturer and the competent authority. This vehicle shall represent the vehicle type (see Appendix 1 to Annex IIA). The choice of vehicle shall be based on the electrical/electronic systems offered by the manufacturer. One or more vehicles may be selected from this schedule for the purpose of being tested if it is considered by mutual agreement between the manufacturer and the competent authority that different electrical/electronic systems are included which are likely to have a significant effect on the vehicle's electromagnetic compatibility compared with the first representative vehicle.

3.1.5. The choice of the vehicle(s) in conformity with paragraph 3.1.4 is limited to vehicle/ electrical/electronic system combinations intended for actual production.

3.1.6. The manufacturer may supplement the application with a report from tests, which have been carried out. Any such data provided may be used by the approval authority for the purpose of drawing up the type-approval certificate.

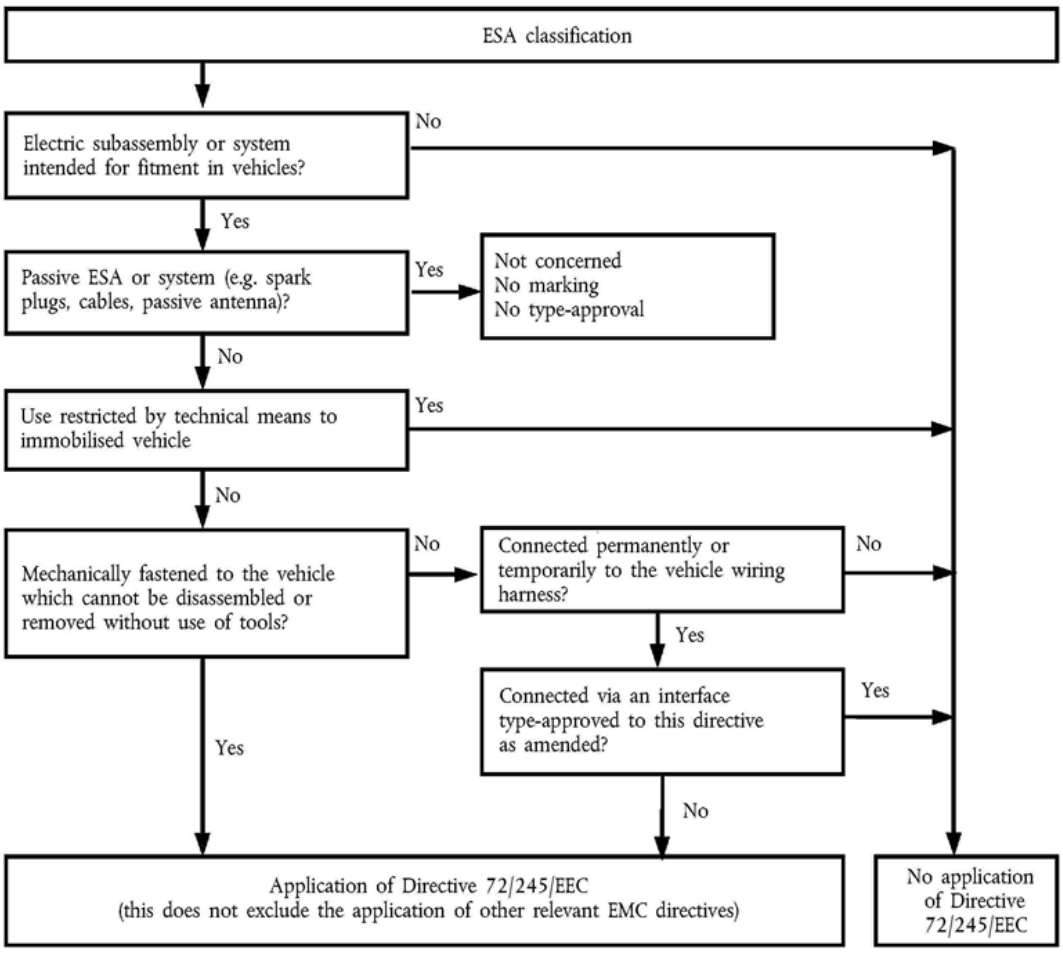
3.1.7. If the technical service responsible for the type-approval test carries out the test itself, then a vehicle representative of the type to be approved, according to paragraph 3.1.4 shall be provided.

3.1.8. The vehicle manufacturer must provide a statement of frequency bands, power levels, antenna positions and installation provisions for the installation of RF-transmitters, even if the vehicle is not equipped with RF-transmitter at time of type-approval. This should cover all mobile radio services normally used in vehicles. This information must be made publicly available following the type-approval.

Vehicle manufacturers must provide evidence that vehicle performance is not adversely affected by such transmitter installations.

3.2. Approval of a type of electrical/electronic subassembly (ESA) U.K.

3.2.1. Applicability of this Directive to ESA:



3.2.2. The application for approval of a type of ESA with regard to its electromagnetic compatibility pursuant to Article 3(4) of Directive 70/156/EEC shall be submitted by the vehicle manufacturer or by the manufacturer of the ESA or his/her authorised representative.

3.2.3. A model for the information document is given in Annex II B.

3.2.4. The manufacturer may supplement the application with a report from tests which have been carried out. Any such data provided may be used by the approval authority for the purpose of drawing up the type-approval certificate. For equipment intended for installation in a vehicle, the manufacturer may supplement the application with the manufacturer's Declaration of Conformity in line with the provisions of Directive 99/5/EC or Directive 89/336/EEC, the EMC test report and the instruction for the user giving guidance for installation of such equipment in vehicles.

3.2.5. If the technical service responsible for the type-approval test carries out the test itself, then a sample of the ESA system representative of the type to be approved shall be provided, if necessary, after discussion with the manufacturer on, for example, possible variations in the layout, number of components, number of sensors. If the technical service deems it necessary, it may select a further sample.

3.2.6. The sample(s) must be clearly and indelibly marked with the manufacturer's trade name or mark and the type designation.

3.2.7. Where applicable, any restrictions on use should be identified. Any such restrictions must be included in Annexes II B and/or III B.

3.2.8. ESAs which are brought to the market as spare parts need no type-approval if they are obviously marked as a spare part by an identification number and if they are identical and from the same manufacturer as the corresponding original equipment manufacturer (OEM) part for an already type-approved vehicle.

3.2.9. Components sold as aftermarket equipment and intended for the installation in motor vehicles need no type-approval if they are not related to immunity-related functions (Annex I, 2.1.12). In this case a Declaration of Conformity according to the procedures of Directive 89/336/EEC or 1999/5/EC must be issued. Part of this declaration must be that the ESA fulfils the limits defined in paragraphs 6.5, 6.6, 6.8 and 6.9 of Annex I to this Directive.

During a transition period of four years after coming into force of this Directive the responsible for placing on the market of such a product has to submit all relevant information and/or a sample to a technical service which will determine if the equipment is immunity-related or not. The result of the inspection shall be available within three weeks and not require additional testing. A document according to the example given in Annex III C shall be issued by the technical service within the same period. Member States shall report, by a date three years from the entry into force of this Directive, any cases of refusals on safety grounds. Based on the practical experience with this requirement and based on the reports submitted by Member States, it will be decided, according to the procedure referred to in Article 13 of Directive 70/156/EEC, and before the end of the transition period, if this document is still required in addition to the Declaration of Conformity.

(**1**) If applicable.