

**GUIDELINES ON THE APPLICATION OF COUNCIL  
DIRECTIVE 89/336/EEC OF 3 MAY 1989 ON THE APPROXIMATION OF THE  
LAWS OF THE MEMBER STATES RELATING TO ELECTROMAGNETIC  
COMPATIBILITY  
(DIRECTIVE 89/336/EEC AMENDED BY DIRECTIVES  
91/263/EEC, 92/31/EEC, 93/68/EEC, 93/97/EEC)**

EXTRACT ONLY – FULL TEXT

[http://ec.europa.eu/enterprise/electr\\_equipment/emc/guides/english.pdf](http://ec.europa.eu/enterprise/electr_equipment/emc/guides/english.pdf)

### 5.3 Passive-EM equipment

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<sup>21</sup> OJ No L 128, 23.5.1991, amended by Directive 93/68/EEC, OJ No L 220, 30.8.1993.

<sup>22</sup> OJ No L 290, 24.11.1993.

<sup>23</sup> CENELEC/ETSI Annex II of their report R0BT-001/ETR 238 of Oct. 1995 discusses the specific and non-specific EMC phenomena.

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The Directive applies to apparatus liable to cause electromagnetic disturbances or whose normal operation may be affected by such disturbances (see chapter 3).

In this context, electromagnetically passive (passive-EM) equipment, defined below, is **excluded** from the scope of the EMC Directive, since it is considered not liable to cause or be susceptible to disturbances.

To facilitate the practical interpretation of this clause, the general definition of passive-EM equipment is given hereafter, together with practical criteria and illustrative examples.

#### 5.3.1 Definition and examples

Equipment is considered a passive-EM equipment if, when used as intended (without internal protection measures such as filtering or shielding) and **without any user intervention**, it does not create or produce any switching or oscillation of current or voltage and is not affected by electromagnetic disturbances.

The immediate application of the definition enables the exclusion, for example of the following equipment from the application of the EMC Directive, on the clear understanding that they include no active electronic part:

- cables and cabling systems<sup>24</sup>, cables accessories.
- equipment containing only resistive loads without any automatic switching device; e.g. simple domestic heaters with no controls, thermostat, or fan.
- batteries and accumulators.