



Position Paper on the framework for CE Marking and WEEE concerning automotive LED retrofit lighting

LightingEurope believes that the Electromagnetic Compatibility Directive 2014/30/EU (EMCD) imposes CE marking obligations for off-road automotive LED retrofit lighting, as long as these are likely to generate electromagnetic disturbance. These obligations are applicable to producers in accordance with national legislation transposing the EMCD.

LightingEurope also notes that the current relevant EU and national legislation is ambiguous and that manufacturers differ in their interpretation and application of the relevant CE marking legislation to automotive LED retrofit light sources.¹

After having exchanged views, LightingEurope members have reached the consensus that a CE marking requirement for LED retrofit light sources can be derived from the relevant laws. It remains of course the responsibility of each company to interpret and apply the relevant legislation to their products; this paper outlines the common understanding of LightingEurope members based on the evaluation of the applicable legislation by our member experts. We acknowledge however that the time required to implement any product change, plus the fact that products that have already been placed on the market may linger in the supply chains for an unpredicted period, will lead to a rolling substitution that will require time.

Once a UNECE type-approval for automotive LED retrofits becomes applicable, the CE marking obligations become obsolete, as UNECE type-approved automotive lighting falls within the exemptions to the EMC Directive. Please note that local (national) type-approval legislation may deviate from these provisions.

In general, this type of lighting is not subject to the EU WEEE Directive 2012/19 obligations.

Legal framework for CE marking

Obligation without UNECE type-approval

The obligations concerning the Declaration of Conformity of the EMCD apply to off-road automotive LED retrofits because:

- Art. 3.2.10 of UNECE Regulation 10 on electromagnetic compatibility excludes

¹ LightingEurope calls for an approval of the proposals on a UNECE type-approval for automotive LED replacements; see our position: LightingEurope, Position Paper on automotive LED retrofit lighting (Brussels, 5 December 2018).

- automotive lighting that has not been UNECE type-approved.
- The scope of the EMCD covers for the electromagnetic compatibility requirements for light sources that have not been regulated elsewhere.²

This is made clear by the [Communication of the European Commission](#) on the application of the EMCD and/or vehicle regulation to aftermarket equipment (Brussels, 15 January 2016). It clearly states that EMCD Declaration of Conformity requirements do not apply **only** if the product is subject to UNECE type-approval. As there is no obligation for UNECE type-approval under UNECE Regulation 10, we conclude that the EMCD requirements apply to automotive LED retrofits, including the CE marking obligations in the EMCD.

Exemption for UNECE type-approved lighting

The CE marking obligation will become obsolete as soon as automotive LED retrofits obtain a UNECE type-approval under UNECE Regulation 10. EMCD only applies in the absence of an UNECE type-approval under UNECE Regulation 10.

Obligations concerning Electronic Waste

Directive 2012/19/EU on the treatment of waste from electrical and electronic equipment (WEEE) states in Article 2 3. (b) that the Directive shall not apply to equipment which is *“specifically designed and installed as part of another type of equipment that is excluded from or does not fall within the scope of this Directive, which can fulfil its function only if it is part of that equipment.”*

Retrofit LED lights are parts (or built-in) in the sense of WEEE. Not only original parts of an equipment can be “parts” or built-in, but also such parts that are built in the equipment in any phase of its entire lifespan.

Equipment intended for the transport of persons and goods is excluded from the scope of WEEE Directive 2012/19.

Contact

For further information on this topic, please contact Dominik Flikweert, Senior Policy Officer, through dominik.flikweert@lightingeurope.org.

LightingEurope is the voice of the lighting industry, based in Brussels and representing 30 companies and national associations. Together these members account for over 1,000 European companies, a majority of which are small or medium-sized. They represent a total European workforce of over 100,000 people and an annual turnover exceeding 20 billion euro. LightingEurope is committed to promoting efficient lighting that benefits human comfort, safety and wellbeing, and the environment. LightingEurope advocates a positive business and regulatory environment to foster fair competition and growth for the European lighting industry. More information is available at www.lightingeurope.org.

² European Commission, Communication on the application of the EMCD and/or vehicle regulation to aftermarket equipment (Brussels, 15 January 2016), p. 2.