
STATUTORY INSTRUMENTS

1992 No. 2372

The Electromagnetic Compatibility Regulations 1992

PART I
PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Electromagnetic Compatibility Regulations 1992, and shall come into force on 28th October 1992.

Repeal and disapplication

2.—(1) Section 12A of the Wireless Telegraphy Act 1949(1) and section 78 of the Telecommunications Act 1984(2) are hereby repealed.

(2) The regulations made under section 10(3) of the said Act of 1949 listed in Schedule 1 hereto, to the extent that they impose electromagnetic compatibility requirements which must be complied with if relevant apparatus is to be supplied, used or taken into service, are hereby disapplied(4): provided that nothing in these Regulations shall disapply the said regulations to the extent that they impose requirements concerning radio frequency spectrum planning or the implementation of Community obligations.

(3) For the avoidance of doubt, it is hereby declared that nothing in paragraph (2) above affects—

- (a) the applicability of the regulations so listed to the use in service of relevant apparatus; or
- (b) the power to make regulations under the said section 10 applying to such use.

Interpretation

3.—(1) In these Regulations, “the EMC Directive ” means Council Directive 89/336/EEC on the approximation of the laws of the Member States relating to electromagnetic compatibility(5), as amended by—

- (a) Article 9.4 of the Telecommunications Terminal Equipment Directive(6); and
- (b) Council Directive 92/31/EEC(7).

(2) In these Regulations—

“the 1949 Act ” means the Wireless Telegraphy Act 1949;

(1) 1949 c. 54; section 12A was inserted by section 78 of the Telecommunications Act 1984 (c. 12). The power to make regulations under section 12A was never exercised, nor was the section extended to the Isle of Man or the Channel Islands.

(2) 1984 c. 12.

(3) Section 10 was amended by section 89 of 1984 c. 12.

(4) Certain of the regulations made under section 10 apply to the Isle of Man and the Channel Islands. These Regulations do not apply to those islands and thus nothing herein affects the application of those regulations thereto.

(5) OJNo.L139, 23.5.89, p.19.

(6) Article 9.4 deleted Article 10.4 of the EMC Directive.

(7) OJNo.L126, 12.5.92, p.11.

- “the 1984 Act ” means the Telecommunications Act 1984;
- “affixed ” in relation to the CE mark or any inscription liable to be confused therewith means affixed to one of the items mentioned in regulation 33(2) below or to any other item such that it is referable to any apparatus;
- “authorised representative ” means a person established within the Community appointed by the manufacturer (whether or not established in the Community) to act on his behalf in fulfilling his obligations under the EMC Directive;
- “BAPT ” shall be construed in accordance with regulation 62(c) below;
- “business ” includes a profession and an undertaking, and a supply in the course of a business includes any supply by a business;
- “CAA ” shall be construed in accordance with regulation 62(b) below;
- “CE mark ” has the meaning given in regulation 33(7) below;
- “the Commission ” means the Commission of the European Communities;
- “the Community ” means the European Economic Community;
- “competent body ” shall be construed in accordance with regulation 45 below;
- “conformity assessment requirements ” shall be construed in accordance with regulation 31 below;
- “consumer ” includes an industrial or commercial consumer;
- “DRA ” shall be construed in accordance with regulation 62(a) below;
- “EC declaration of conformity ” has the meaning given in regulation 34(1) below;
- “EC type-examination certificate ” in relation to the EC type-examination route to compliance in respect of radiocommunication transmission apparatus means an EC type-examination certificate issued by—
- (a) a United Kingdom notified body pursuant to regulation 64 below; or
 - (b) a notified body of a member State other than the United Kingdom pursuant to Article 10.5 of the EMC Directive;
- “the EC type-examination route to compliance ” in relation to radiocommunication transmission apparatus shall be construed in accordance with regulation 31(b) below;
- “educational electronic equipment ” has the meaning given by regulation 8(2) below;
- “electrical apparatus ” shall be construed in accordance with regulation 7(2) below;
- “enforcement authority ” shall be construed in accordance with regulation 73 below;
- “end user ” means the consumer and, where the manufacturer makes apparatus for his own use, such manufacturer who first uses electrical apparatus for the purpose for which it is designed, but excludes a manufacturer who uses the apparatus by incorporating it into other apparatus;
- “immunity ” means immunity to electromagnetic disturbance;
- “kit ” means a collection of all or substantially all the necessary components, for supply as a single commercial unit, required for the construction of an item of electrical apparatus and intended for such use, whether or not accompanied by instructions;
- “manufacture ” means manufacture in the course of a business, and includes—
- (a) assembly;
 - (b) finishing;
 - (c) reconditioning;

(d) modification which substantially alters the electromagnetic compatibility characteristics of the apparatus;

but does not include repair or the assembly of relevant apparatus from a kit; and cognate expressions shall be construed accordingly;

“medical device ” has the meaning given by regulation 22 below;

“notified body ” shall be construed in accordance with regulation 61 below;

“presumption of conformity ” shall be construed in accordance with regulation 32 below;

“protection requirements ” has the meaning given by regulation 5 below;

“RA” shall be construed in accordance with regulation 62(d) below;

“radio amateur apparatus ” means wireless telegraphy apparatus designed or adapted for use in the amateur service, but excludes citizen’s band apparatus, and in this definition—

(a) “amateur service ” has the meaning given by Article 1, definition 53, of the 1990 edition of the Radio Regulations annexed to the International Telecommunication Convention 1982⁽⁸⁾ pursuant to Articles 43 and 83 of that Convention; and

(b) “citizen’s band apparatus ” means wireless telegraphy apparatus designed or adapted exclusively for the provision of voice radiocommunication in the frequency bands 26.960 MHz to 27.410 MHz and 27.60125 MHz to 27.99125 MHz;

“radiocommunication transmission apparatus ” has the meaning given by regulation 59(2) below;

“radio frequency spectrum ” means that part of the electromagnetic spectrum at frequencies not exceeding 3,000 GHz; and requirements of regulations made under section 10 of the 1949 Act shall be taken to concern radio frequency spectrum planning if they concern the frequency allocation for any apparatus (whether wireless telegraphy apparatus or other apparatus which operates by emitting electromagnetic radiation in the radio frequency spectrum) and the necessary characteristics of any signal or emission authorised by such regulations;

“relevant apparatus ” shall be construed in accordance with regulation 6 below;

“responsible person ” in relation to relevant apparatus means—

(a) the manufacturer thereof;

(b) the manufacturer’s authorised representative; or

(c) where the manufacturer is not established in the Community and he has not appointed an authorised representative, the person who supplies the relevant apparatus;

“the standards route to compliance ” in relation to relevant apparatus other than radiocommunication transmission apparatus shall be construed in accordance with regulation 31(a)(i) below;

“supply ” means the first making available of relevant apparatus for a consumer in the Community including, without limiting the generality of the foregoing, offering to supply, agreeing to supply, exposing for supply and possessing for supply such apparatus, and cognate expressions shall be construed accordingly; provided, however, that relevant apparatus shall not be regarded as having been supplied by reason only of its having been displayed at a trade fair or exhibition or advertised for supply when not available for supply;

“system ” means an item of equipment, or a combination of items of equipment, containing—

(a) electrical components;

(b) electronic components; or

⁽⁸⁾ The International Telecommunication Convention (Cmnd.9557) was adopted by the International Telecommunication Union at Nairobi on 6th November 1982, and was ratified by the United Kingdom on 15th November 1984.

(c) both (a) and (b).

and includes a kit but excludes any such equipment containing a medical device;

“technical certificate ” in relation to the technical construction file route to compliance in respect of relevant apparatus other than radiocommunication transmission apparatus means a technical certificate issued by —

(a) a United Kingdom competent body pursuant to regulation 51 below; or

(b) a competent body of a member State other than the United Kingdom pursuant to Article 10.2 of the EMC Directive;

“technical construction file ” shall be construed in accordance with regulation 43 below;

“the technical construction file route to compliance ” in relation to relevant apparatus other than radiocommunication transmission apparatus shall be construed in accordance with regulation 31(a)(ii) below;

“technical report ” in relation to the technical construction file route to compliance in respect of relevant apparatus other than radiocommunication transmission apparatus means a technical report issued by—

(a) a United Kingdom competent body pursuant to regulation 50 below; or

(b) a competent body of a member State other than the United Kingdom pursuant to Article 10.2 of the EMC Directive;

“telecommunications terminal equipment ” means terminal equipment within the meaning of Article 1.2, as qualified by Article 1.3, of the Telecommunications Terminal Equipment Directive in respect of which a common technical regulation is in force pursuant to Article 6.2 of that Directive;

“Telecommunications Terminal Equipment Directive ” means Council Directive 91/263/EEC on the approximation of the laws of the Member States concerning telecommunications terminal equipment, including the mutual recognition of their conformity⁽⁹⁾;

“test apparatus ” has the meaning given by regulation 9(2) below;

“United Kingdom competent body ” shall be construed in accordance with regulation 46 below;

“United Kingdom notified body ” shall be construed in accordance with regulation 62 below; and

“wireless telegraphy ”, “wireless telegraphy apparatus ” and “station for wireless telegraphy ” have the meanings given respectively by section 19(1) of the 1949 Act.

(3) For the purposes of these Regulations—

(a) “electromagnetic compatibility ” (EMC) is the ability of relevant apparatus to function satisfactorily in its electromagnetic environment without introducing intolerable electromagnetic disturbance to anything in that environment;

(b) the EM characteristics of relevant apparatus comprise—

(i) the propensity of that apparatus to generate electromagnetic disturbance; and

(ii) the adequacy of the immunity of that apparatus to external electromagnetic disturbance; and

(c) a reference to an applicable EM characteristic of relevant apparatus is a reference to—

(i) in the case of apparatus to which regulations 23 to 27 below apply, any EM characteristic thereof which falls within the scope of these Regulations;

(ii) in the case of any other apparatus, any EM characteristic thereof.

⁽⁹⁾ OJNo.L128, 23.5.91, p.1.

(4) In these Regulations, “applicable EMC standard”, “harmonised standard”, “recognised national standard” and “transposed harmonised standard” shall be construed in accordance with regulation 38 below.

(5) For the purpose of these Regulations, an electromagnetic environment is the totality of electromagnetic phenomena existing at a given location, and accordingly—

(a) a reference to the immediate electromagnetic environment in relation to educational electronic equipment or test apparatus (“disturbance permissible apparatus”) is a reference to a sufficient space for that apparatus to—

(i) operate as intended, where the object of the study or test as the case may be is that it should generate electromagnetic disturbance;

(ii) be subjected to electromagnetic disturbance, where the object of the study or test as the case may be is that it should be the victim of electromagnetic disturbance,

without preventing other relevant apparatus (other than any apparatus involved in the study or test) from operating as intended; and in this definition, “sufficient space” means a space no greater in size than is reasonably necessary having regard to all the circumstances, to enable the disturbance permissible apparatus to be so operated or so subjected, and, without prejudice to the generality of the foregoing, having regard in particular to the steps which might reasonably be taken to insulate the site at which the disturbance permissible apparatus is being used against the escape of emissions therefrom;

(b) a reference to a sealed electromagnetic environment is a reference to an electromagnetic environment which prevents relevant apparatus therein from causing electromagnetic disturbance to relevant apparatus outside that electromagnetic environment and, without prejudice to the generality of the foregoing, includes an anechoic chamber, an electromagnetic anechoic room or a Faraday cage; and

(c) a reference to the usual electromagnetic environment of apparatus is a reference to—

(i) where the apparatus is manufactured or supplied for the purpose of being used at a specific location, the totality of electromagnetic phenomena which exist at that location under normal circumstances at the time when it is first used; or

(ii) where sub-paragraph (i) above does not apply, the totality of electromagnetic phenomena which might reasonably be expected to exist at the usual range of locations at which that relevant apparatus might reasonably be expected to be used, having regard to all the circumstances, and, without prejudice to the generality of the foregoing, in particular to—

(aa) the electromagnetic phenomena associated with that relevant apparatus and other relevant apparatus which might reasonably be expected to be in sufficient proximity to the first mentioned relevant apparatus to be affected thereby; and

(bb) any indication by the manufacturer or supplier of the applications for which the first-mentioned relevant apparatus is suitable.

(6) For the purpose of these Regulations, relevant apparatus other than a kit is taken into service when it is first used by the person who assembled it or the person who imported it and cognate expressions shall be construed accordingly; provided, however, that relevant apparatus shall not be regarded as having been taken into service by reason only of its having been operated by or on behalf of the manufacturer at a trade fair or exhibition or by a supplier for demonstration purposes.

Electromagnetic disturbance

4.—(1) In these Regulations, “electromagnetic disturbance” means, subject to paragraphs (2) to (6) below, any electromagnetic phenomenon which is liable to degrade the performance of relevant apparatus.

(2) Without prejudice to the generality of paragraph (1) above, the following phenomena shall be regarded as electromagnetic disturbance (being phenomena expressly stated to be such in Article 1.2 of the EMC Directive):—

- (a) electromagnetic noise;
- (b) unwanted signals; and
- (c) changes in the propagation medium.

(3) Without prejudice to the generality of paragraph (1) above and in addition to the phenomena regarded as electromagnetic disturbance pursuant to paragraph (2) above, the phenomena and effects listed in Schedule 2 hereto may be regarded as electromagnetic disturbance.

(4) A signal or emission which is a necessary function, or consequence of the operation, of relevant apparatus shall not be taken to be electromagnetic disturbance if, in relation to that apparatus, that signal or emission is permitted, and does not exceed the limits specified, by—

- (a) the applicable EMC standard;
- (b) a condition of the technical report or technical certificate;
- (c) where the apparatus is radiocommunication transmission apparatus—
 - (i) a condition of the EC type-examination certificate; or
 - (ii) a term, provision or limitation of—
 - (aa) a licence granted under section 1 of the 1949 Act; or
 - (bb) regulations made under that section; or
- (d) where the apparatus is—
 - (i) radiocommunication transmission apparatus; or
 - (ii) apparatus other than wireless telegraphy apparatus which operates by emitting electromagnetic radiation in the radio frequency spectrum,
 - any relevant provisions of regulations made under section 10 of the 1949 Act concerning radio frequency spectrum planning or the implementation of Community obligations.

(5) For the purposes of these Regulations, a nuclear electromagnetic pulse (NEMP) shall not be regarded as electromagnetic disturbance.

(6) Without prejudice to the generality of the foregoing provisions of this regulation, for the purposes of these Regulations, the performance of relevant apparatus shall be taken to be degraded if any of the following types of interference with its function occur—

- (a) permanent, temporary or intermittent—
 - (i) total loss of function;
 - (ii) significant impairment of function; or
- (b) where the apparatus is information storage or retrieval equipment, destruction or corruption of information stored thereby.

Protection requirements

5.—(1) In these Regulations, a reference to “protection requirements” in relation to relevant apparatus is a reference to the requirements set out in the following provisions of this regulation.

- (2) Subject to paragraphs (3) to (5) below, relevant apparatus shall be so constructed that—
- (a) the electromagnetic disturbance it generates does not exceed a level allowing other relevant apparatus to operate as intended; and
 - (b) it has a level of intrinsic immunity which is adequate to enable it to operate as intended, when it is—
 - (i) properly installed and maintained; and
 - (ii) used for the purpose for which it was intended.
- (3) Nothing in paragraph (2) above shall be taken to require relevant apparatus, not being apparatus specifically designed for use at a given location, to be constructed in such a manner as to—
- (a) prevent the generation of electromagnetic disturbance to; or
 - (b) provide for intrinsic immunity to electromagnetic disturbance generated by, other relevant apparatus which would not reasonably be expected to be present in its usual electromagnetic environment.
- (4) Without prejudice to the generality of paragraph (2)(a), the electromagnetic disturbance generated by relevant apparatus shall—
- (a) not exceed a level allowing radio and telecommunications equipment to operate as intended; and
 - (b) be such as not to hinder the use of apparatus of any of the descriptions listed in Schedule 3 hereto (being descriptions listed in the illustrative list of the principal protection requirements in Annex III of the EMC Directive) where that apparatus is constructed in such a way that it has an adequate level of immunity in its usual electromagnetic environment so as to allow its unhindered operation taking into account the levels of electromagnetic disturbance generated by relevant apparatus complying with applicable EMC standards.
- (5) Without prejudice to the generality of paragraph (2)(b)—
- (a) relevant apparatus shall be constructed in such a way that it has an adequate level of immunity in its usual electromagnetic environment so as to allow its unhindered operation taking into account the levels of electromagnetic disturbance generated by other relevant apparatus which might reasonably be expected to be present in that environment which complies with the protection requirements; and
 - (b) whether the level of intrinsic immunity of relevant apparatus is adequate is to be considered having regard to all the circumstances of the case, and, without prejudice to the generality of the foregoing, in particular to—
 - (i) the level of performance reasonably expected of that apparatus having regard to its function or intended function;
 - (ii) any specification for an acceptable level of degradation of performance provided to the end user by the manufacturer;
 - (iii) the consequences of degradation of performance,provided that nothing in this sub-paragraph shall authorise a level of intrinsic immunity which could permit the operation of the apparatus to be dangerous (either to persons or property) in any reasonably foreseeable circumstances.
- (6) The information required to enable use in accordance with the intended purpose of the relevant apparatus must be contained in the manufacturer's instructions accompanying the apparatus.