
STATUTORY INSTRUMENTS

2005 No. 281

The Electromagnetic Compatibility Regulations 2005

PART 1

PRELIMINARY

Protection requirements

5.—(1) 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 and 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 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,but 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.