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## **Ordinance on Electromagnetic Compatibility (OEMC)**

of 25 November 2015 (Status as of 1 January 2022)

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*The Swiss Federal Council,*

based on Article 3 paragraph 2 letter d of the Electricity Act of 24 June 1902<sup>1</sup> (ELA),

in application of the Telecommunications Act of 30 April 1997<sup>2</sup> (TCA) and the Federal Act of 6 October 1995<sup>3</sup> on Technical Barriers to Trade (TBTA),

*ordains:*

### **Chapter 1    General Provisions**

#### **Art. 1            Subject matter**

<sup>1</sup> This Ordinance applies to equipment that is liable to generate electromagnetic disturbance or whose performance is liable to be affected by such disturbance.

<sup>2</sup> This Ordinance relates to:

- a. the offering, making available on the market, putting into service, installation and use of equipment;
- b. the recognition of testing laboratories and conformity assessment bodies;
- c. the inspection of equipment.

#### **Art. 2            Terms**

<sup>1</sup> In this Ordinance:

- a. *equipment* means any apparatus or fixed installation;
- b. *apparatus* means:
  - 1. any finished appliance or combination of such appliances made available on the market as a single functional unit that is intended for the end-user

AS 2016 119

<sup>1</sup> SR 734.10

<sup>2</sup> SR 784.10

<sup>3</sup> SR 946.51

- and which is liable to generate electromagnetic disturbance or whose performance is liable to be affected by such disturbance,
2. all components or sub-assemblies intended for incorporation by the end-user into such an appliance and which are liable to generate electromagnetic disturbance, or the performance of which is liable to be affected by such disturbance,
  3. a combination of such appliances and, where applicable, other appliances that are mobile and intended to be operated in a range of locations (mobile installation);
- c. *fixed installation* means a particular combination of apparatus and if applicable other appliances that are connected or installed together and which are intended to be used permanently at a predefined location;
  - d. *electromagnetic disturbance* means any electromagnetic phenomenon which may degrade the performance of equipment, such as electromagnetic noise, an unwanted signal or a change in the propagation medium itself;
  - e. *immunity* means the ability of equipment to perform as intended without degradation in the presence of electromagnetic disturbance;
  - f. *offering* means any conduct aimed at making apparatus available on the market, whether by exhibition on premises or at events, display in advertising brochures, catalogues, electronic media or in any other way;
  - g. *making available on the market* means any supply of apparatus for distribution, consumption or use on the Swiss market, whether in return for payment or free of charge;
  - h. *placing on the market* means the first time that an apparatus is made available on the Swiss market;
  - i. *putting into service* means the initial installation and operation of equipment;
  - j. *installation* means making equipment ready for operation;
  - k. *manufacturer* means any natural person or legal entity that manufactures apparatus or has apparatus designed or manufactured, and markets that apparatus under its name or trademark;
  - l. *authorised representative* means any natural person or legal entity established in Switzerland that has received a written mandate from a manufacturer to act on its behalf in relation to specified tasks;
  - m. *importer* means any natural person or legal entity established in Switzerland that places apparatus from abroad on the Swiss market;
  - n. *distributor* means any natural person or legal entity in the supply chain, with the exception of the manufacturer or the importer, that makes an apparatus available on the market;
- <sup>n<sup>bis</sup></sup> <sup>4</sup> *fulfilment service provider* means any natural person or legal entity that, in the course of a business activity, offers any two of the following services: ware-

<sup>4</sup> Inserted by No I of the O of 18 Nov. 2020, in force since 16 July 2021 (AS 2020 6137).

housing, packaging, addressing and shipping of products, without being the owner of such products; not included are postal services under Article 2 letter a of the Postal Services Act of 17 December 2010<sup>5</sup> and any other services involving the movement of goods;

- o.<sup>6</sup> *economic operator* means any manufacturer, authorised representative, importer, distributor, fulfilment service provider or any other natural person or legal entity that is subject to obligations connected with manufacturing, making available on the market or installing products;
- o<sup>bis</sup>.<sup>7</sup> *information society service provider* means any natural person or legal entity that offers an information society service, i.e. any service normally provided for a consideration, at a distance, electronically and at the individual request of a recipient;
- p. *conformity marking* means a marking by which the manufacturer indicates that the apparatus is in conformity with the applicable requirements set out in the Swiss legislation providing for its affixing.

<sup>2</sup> The import of an apparatus for the Swiss market is equivalent to placing on the market.

<sup>3</sup> The offering of an apparatus is equivalent to making it available on the market.

<sup>4</sup> The placing on the market of a second-hand imported apparatus is equivalent to the placing of a new apparatus on the market, unless an identical new apparatus has been placed on the Swiss market.

<sup>5</sup> An importer or distributor is equivalent to a manufacturer if it:

- a. places an apparatus on the market under its own name or its own trademark; or
- b. modifies an apparatus already on the market so that conformity with this Ordinance may be compromised.

<sup>6</sup> The repair of equipment is equivalent to use.

### **Art. 3** Exceptions

This Ordinance does not apply to:

- a. equipment whose electromagnetic compatibility is specifically governed by other legislation;
- b. equipment:
  - 1. which is incapable of generating or contributing to electromagnetic emissions that exceed a level allowing telecommunications installations and other equipment to operate as intended, and
  - 2. which operates without unacceptable degradation in the presence of the electromagnetic disturbance normally consequent on its intended use;

<sup>5</sup> SR 783.0

<sup>6</sup> Amended by No I of the O of 18 Nov. 2020, in force since 16 July 2021 (AS 2020 6137).

<sup>7</sup> Inserted by No I of the O of 18 Nov. 2020, in force since 16 July 2021 (AS 2020 6137).

- c. radio equipment in accordance with Article 2 paragraph 1 letter a of the Ordinance of 25 November 2015<sup>8</sup> on Telecommunications Installations<sup>9</sup> used by radio amateurs, with the exception of the installations made available on the market;
- d. kits which are to be assembled by radio amateurs and equipment made available on the market that are modified by and for radio amateurs;
- e. custom-made test modules used by specialists exclusively in research and development facilities for such purposes;
- f. apparatus used exclusively by the competent federal authorities to carry out tasks in accordance with the Armed Forces Act of 3 February 1995<sup>10</sup>, the Federal Act of 21 March 1997<sup>11</sup> on Measures to Safeguard Internal Security and the Federal Act of 3 October 2008<sup>12</sup> on Responsibilities in the Area of the Civilian Intelligence Service.

#### **Art. 4**            Essential requirements

Equipment must be so designed and manufactured having regard to the state of the art that:

- a. the electromagnetic disturbance generated does not exceed the level above which telecommunications installations under Article 3 letter d TCA or other equipment cannot function as intended;
- b. it has the level of immunity to electromagnetic disturbance to be expected in its intended use that allows it to operate without unacceptable degradation of its intended use.

#### **Art. 5**            Technical standards

<sup>1</sup> The Federal Office of Communications (OFCOM) in agreement with the State Secretariat for Economic Affairs shall designate the technical standards that permit the essential requirements of this Ordinance to be satisfied.

<sup>2</sup> Wherever possible, it shall designate internationally harmonised standards.

<sup>3</sup> It may instruct independent Swiss standards organisations to draw up technical standards, or do so itself.

<sup>4</sup> It shall publish the designated technical standards by reference in the Federal Gazette<sup>13</sup>.

<sup>8</sup> SR **784.101.2**

<sup>9</sup> Name in accordance with Art. 43 para. 1 let. d of the O of 25 Nov. 2015 on Telecommunications Installations, in force since 13 June 2016 (AS **2016** 179).

<sup>10</sup> SR **510.10**

<sup>11</sup> SR **120**

<sup>12</sup> SR **121**

<sup>13</sup> The standards may be viewed free of charge and obtained for a fee from the Swiss Association for Standardisation, Sulzerallee 70, 8404 Winterthur; [www.snv.ch](http://www.snv.ch).

**Art. 6** Fulfilling essential requirements for equipment

<sup>1</sup> Equipment which is in conformity with the technical standards under Article 5 or parts thereof shall be presumed to be in conformity with the essential requirements for the aspects covered by the relevant standards or parts thereof.

<sup>2</sup> In the event of changes to a designated technical standard, OFCOM shall indicate the point in time from which the presumption of conformity stated in paragraph 1 ceases for equipment that complies with the previous standard.

**Art. 7** Conformity assessment bodies<sup>14</sup>

<sup>1</sup> Conformity assessment bodies that draw up reports or issue declarations must:<sup>15</sup>

- a. be accredited in accordance with the Accreditation and Designation Ordinance of 17 June 1996<sup>16</sup>;
- b. be recognised in Switzerland by virtue of international agreements; or
- c. be otherwise qualified under Swiss legislation.

<sup>2</sup> Any person who relies on documents issued by a different body from that mentioned in paragraph 1 above must credibly demonstrate that the testing procedures or assessments and the qualifications of this body satisfy the Swiss requirements (Art. 18 para. 2 TBTA).

## **Chapter 2 Making New Apparatus available on the Market**

### **Section 1 General Requirements**

**Art. 8**

Apparatus may only be made available on the market if it complies with this Ordinance when installed and serviced as normally required and when used for its intended purpose.

### **Section 2 Apparatus**

**Art. 9** Conformity assessment procedure

<sup>1</sup> The manufacturer must demonstrate that the apparatus conforms to the essential requirements of this Ordinance on the basis of one of the following conformity assessment procedures:

- a. an internal production control (Annex 2);

<sup>14</sup> Amended by No I of the O of 18 Nov. 2020, in force since 1 Jan. 2021 (AS **2020** 6137).

<sup>15</sup> Amended by No I of the O of 18 Nov. 2020, in force since 1 Jan. 2021 (AS **2020** 6137).

<sup>16</sup> SR **946.512**

- b. a type examination with subsequent verification of conformity to type on the basis of an internal production control (Annex 3).

<sup>2</sup> The manufacturer may choose to restrict the application of the procedure under paragraph 1 letter b to some aspects of the essential requirements of this Ordinance provided the procedure under paragraph 1 letter a is applied to the other aspects of the essential requirements.

#### **Art. 10**            Technical documentation

<sup>1</sup> The manufacturer shall draw up the technical documentation before the apparatus is placed on the market and shall keep it up-to-date. The technical documentation must:

- a. make it possible to assess the conformity of the apparatus with the essential requirements of this Ordinance; and
- b. demonstrate that the apparatus conforms with the aforementioned requirements.

<sup>2</sup> It shall list the applicable requirements and cover the design, manufacture and operation of the apparatus insofar as they are relevant to the assessment.

<sup>3</sup> The technical documentation must include an adequate analysis and assessment of risks.<sup>17</sup>

<sup>4</sup> The technical documentation must contain at least the following elements, where applicable:

- a. a general description of the apparatus;
- b. conceptual design and manufacturing drawings and schemes of components, sub-assemblies, circuits, etc.;
- c. descriptions and explanations necessary for the understanding of those drawings and schemes and the operation of the apparatus;
- d. a list of the technical standards in accordance with Article 5 that have been applied in full or in part, and, where standards have not been applied, descriptions of the solutions adopted to meet the essential requirements of this Ordinance, including a list of other relevant technical specifications applied. In the event of partly applied technical standards in accordance with Article 5, the technical documentation shall specify the parts which have been applied
- e. results of design calculations made, tests carried out, etc.;
- f. the test reports.

<sup>5</sup> If the technical documentation is not provided in an official Swiss language or in English, OFCOM may require that all or some of the documents be translated into one of those languages.

<sup>17</sup> Amended by No I of the O of 18 Nov. 2020, in force since 1 Jan. 2021 (AS 2020 6137).

**Art. 11** Declaration of conformity

<sup>1</sup> The declaration of conformity shall be issued by the manufacturer or by its authorised representative according to the template in Annex 4. It confirms that compliance with the essential requirements has been demonstrated, and shall be continuously updated.

<sup>2</sup> The declaration of conformity must be issued in an official Swiss language or in English or translated into one of those languages.

<sup>3</sup> If the apparatus is subject to more than one set of regulations that requires a declaration of conformity, only one declaration need be issued. A dossier comprising several individual declarations is equivalent to a single declaration.

**Art. 12** Safeguarding the declaration of conformity and technical documentation

<sup>1</sup> The manufacturer, its authorised representative or, if neither of these persons is established in Switzerland, the importer must be able to produce a copy of the declaration of conformity and the technical documentation for ten years from the date of the placing on the market.

<sup>2</sup> Where a series of apparatus is placed on the market, this period begins on the date when the last apparatus in the series concerned was placed on the market.

<sup>3</sup> The fulfilment service provider is subject to the obligation in paragraph 1 if:

- a. the manufacturer and its authorised representative is not established in Switzerland; and
- b. the importer imports the apparatus for its own personal use.<sup>18</sup>

**Art. 13** Conformity marking, information for identification and traceability

<sup>1</sup> Each apparatus must bear the conformity marking in accordance with Annex 1 point 1 or the foreign conformity marking in accordance with Annex 1 point 2.

<sup>2</sup> The conformity marking must be affixed visibly, legibly and indelibly to the apparatus or to its data plate. Where that is not possible or not warranted on account of the nature of the apparatus, it shall be affixed to the packaging and to the accompanying documents

<sup>3</sup> Every apparatus must be labelled according to model, production series, serial number or other suitable details such that it is clearly identifiable. If the size or nature of apparatus makes this impossible, this information must be provided on the packaging or in a document accompanying the apparatus.

<sup>4</sup> The manufacturers must indicate its name, registered trade name or registered trademark and the postal address at which it may be contacted on every apparatus. If this is impossible, this information must be provided on the packaging or in a document accompanying the apparatus. The address must indicate a single point at which the

<sup>18</sup> Inserted by No I of the O of 18 Nov. 2020, in force since 16 July 2021 (AS 2020 6137).

manufacturer can be contacted. The contact details must be in a language easily understood by end users.

<sup>5</sup> If the manufacturer is not based in Switzerland, every apparatus must also bear the names, registered trade name or the registered trademark of the importer and the postal address at which it can be contacted. If this is impossible, this information must be provided on the packaging for the apparatus or in an accompanying document. The contact details must be in a language easily understood by end users.

<sup>6</sup> If the manufacturer and its authorised representative are not based in Switzerland and the importer imports the apparatus for its own personal use, each apparatus must also must indicate the name, registered trade name or registered trademark of the fulfilment service provider and the postal address at which it may be contacted. If this is impossible, this information must be provided on the packaging or in a document accompanying the apparatus. The contact details must be in a language easily understood by end users.<sup>19</sup>

#### **Art. 14** Further information

<sup>1</sup> Every apparatus must carry the following information:

- a. details of specific precautions that must be taken when assembling, installing, maintaining or using the apparatus, in order to ensure that the essential requirements of this Ordinance are met when using the apparatus;
- b. clear details of restrictions on use if the conformity of the apparatus with the essential requirements of this Ordinance is not guaranteed in residential areas.

<sup>2</sup> The information in accordance with paragraph 1 letter b must if applicable be provided on the packaging as well.

<sup>3</sup> The information required to enable apparatus to be used in accordance with its intended purpose must be included in the instructions accompanying the apparatus.

<sup>4</sup> The information must be provided in an understandable manner in the official language of the point of sale. In bilingual places, it must be provided in both official languages.

### **Section 3** **Apparatus intended for Incorporation in a Fixed Installation**

#### **Art. 15**

<sup>1</sup> Apparatus that is made available on the market and which may be incorporated in fixed installations is subject to all the regulations applicable to apparatus in this Ordinance.

<sup>19</sup> Inserted by No I of the O of 18 Nov. 2020, in force since 16 July 2021 (AS 2020 6137).



<sup>2</sup> Apparatus intended for incorporation into a fixed installation but which are otherwise not made available on the market is exempt from Articles 4, 8–12, 13 paragraph 1 and 14.

<sup>3</sup> In addition to the information mentioned in Article 13 paragraphs 3–6, the documentation accompanying apparatus referred to in paragraph 2 must contain the following information:<sup>20</sup>

- a. identification of the fixed installation into which it is to be incorporated and its electromagnetic compatibility characteristics;
- b. the precautions to be taken for the incorporation of the apparatus into the installation in order not to compromise the conformity of that installation.

## **Section 4      General Obligations of Economic Operators**

### **Art. 16            Obligations to identify**

<sup>1</sup> At OFCOM's request, economic operators shall identify:

- a. any economic operator which has supplied them with apparatus;
- b. any economic operator to which they have supplied apparatus.

<sup>2</sup> They must be able to produce the information referred to in paragraph 1 for 10 years from the time of being supplied with or supplying the apparatus.

### **Art. 17            Transport and storage obligations**

Importers or distributors shall ensure that, while apparatus is under their responsibility, its storage or transport conditions do not jeopardise its compliance with the essential requirements of this Ordinance.

### **Art. 18            Obligations to take action**

<sup>1</sup> Manufacturers and importers that consider or have reason to believe that apparatus that they have placed on the market does not comply with this Ordinance must immediately take the required corrective measures to bring the apparatus into conformity of, or, if required, to withdraw or recall the same.

<sup>2</sup> Distributors that consider or have reason to believe that apparatus that they have made available on the market does not comply with this Ordinance must ensure that the required corrective measures are immediately taken to bring the apparatus into conformity, or, if required, to withdraw or recall the same.

<sup>3</sup> Where the apparatus presents a risk, the manufacturers, authorised representatives, importers and distributors must also immediately notify OFCOM to that effect, giving details, in particular, of the non-compliance and of any corrective measures taken.<sup>21</sup>

<sup>20</sup> Amended by No I of the O of 18 Nov. 2020, in force since 16 July 2021 (AS **2020** 6137).

<sup>21</sup> Amended by No I of the O of 18 Nov. 2020, in force since 16 July 2021 (AS **2020** 6137).

<sup>4</sup> Where the apparatus presents a risk, the fulfilment service providers must also immediately notify OFCOM to that effect, giving details, in particular, of the non-compliance and of any corrective measures taken, unless the manufacturer or its authorised representative is based in Switzerland and the importer has imported the apparatus for its own personal use.<sup>22</sup>

#### **Art. 19**            Obligations to cooperate

<sup>1</sup> In response to a justified request from OFCOM, economic operators must send it all the information and documents required to demonstrate the conformity of the apparatus with this Ordinance.

<sup>2</sup> The information and documents must be provided in paper or electronic form in a language that OFCOM can easily understand.

<sup>3</sup> At OFCOM's request, economic operators and information society service providers shall cooperate on any measures taken to eliminate the risks posed by apparatus which they have placed on the market. This obligation also applies to the authorised representative for the apparatus covered by its mandate.<sup>23</sup>

### **Chapter 3    Fixed Installations**

#### **Art. 20**

<sup>1</sup> Fixed installations must be installed according to the recognised engineering practices and respecting the information on the intended use of their components with a view to meeting the essential requirements of this Ordinance.

<sup>2</sup> The recognised engineering practices must be documented by the person who assembled the installation. This documentation shall be given to the owner of the fixed installation.

<sup>3</sup> The owner must retain the documentation for as long as the installation is in operation. It shall make it available to OFCOM on request.

### **Chapter 4    Putting Equipment into Service and Using Equipment**

#### **Art. 21**

<sup>1</sup> Equipment that has been put into service must comply with this Ordinance. It must be properly installed and maintained and used for its intended purpose.

<sup>2</sup> When putting equipment into service or using the same, the manufacturer's instructions must be followed.

<sup>22</sup> Inserted by No I of the O of 18 Nov. 2020, in force since 16 July 2021 (AS **2020** 6137).

<sup>23</sup> Amended by No I of the O of 18 Nov. 2020, in force since 16 July 2021 (AS **2020** 6137).

<sup>3</sup> If a service provider puts equipment into service, it must comply with the recognised engineering practices.

<sup>4</sup> When equipment is repaired, the essential requirements must be met.

## **Chapter 5    Exhibition and Demonstration of Equipment**

### **Art. 22**

<sup>1</sup> Any person who exhibits or demonstrates equipment which does not meet the requirements for being made available on the market or being put into service must clearly indicate that the equipment in question does not comply with the regulations and may not be made available on the market or put into service.

<sup>2</sup> Demonstrations may be carried out only if appropriate measures have been taken to prevent electromagnetic disturbance.

## **Chapter 6    Making Second-Hand Equipment available on the Market**

### **Art. 23**

<sup>1</sup> Second-hand equipment may be made available on the market only if it meets the requirements in force at the time it was first made available on the market.

<sup>2</sup> Second-hand equipment in which important components have been modified for its operation are subject to the same provisions as new equipment.

## **Chapter 7    Inspection**

### **Art. 24            Principles**

<sup>1</sup> OFCOM shall inspect whether equipment that is made available on the market, put into service, installed or used complies with this Ordinance.

<sup>2</sup> For this purpose, it shall carry out sample tests. It shall also conduct an inspection if it has reason to believe that equipment does not comply with this Ordinance.

<sup>3</sup> In order to confirm compliance with this Ordinance, OFCOM shall have access free of charge to the places where the equipment is located. It may require that apparatus be handed over free of charge.

<sup>4</sup> It may request the Federal Office for Customs and Border Security (FOCBS)<sup>24</sup> to provide information on imports of apparatus for a specific period.

<sup>24</sup> The name of this administrative unit was changed on 1 Jan. 2022 pursuant to Art. 20 para. 2 of the Publications Ordinance of 7 Oct. 2015 (SR 170.512.1) (AS 2021 589). This change has been made throughout the text.

<sup>5</sup> If the FOCBS encounters apparatus in the course of its normal activities that it suspects, on the basis of a checklist from OFCOM, does not comply with this Ordinance, it shall obtain a sample and send it immediately to OFCOM.

#### **Art. 25** Powers

<sup>1</sup> OFCOM is authorised to request from the economic operators, the service provider responsible for the putting equipment into service or from the owner of a fixed installation the documentation and information that it requires to fulfil its inspection obligation. It shall allow an appropriate period for the documentation and information to be provided.

<sup>2</sup> With regard to the inspections, operators and users must disclose the following:

- a. the documentation in their possession relating to the equipment; and
- b. information to identify the person responsible for making the equipment available on the market, the owner, or the operator.

<sup>3</sup> If there is reason to assume that a fixed installation does not comply with the regulations in force, and in particular in cases of disturbance, OFCOM may request the owner to demonstrate that the installation meets the essential requirements of this Ordinance.

#### **Art. 26** Tests by a body

<sup>1</sup> OFCOM shall arrange for a body that meets one of the requirements of Article 7 paragraph 1 letters a–c or to test equipment if:<sup>25</sup>

- a. the tests carried out by OFCOM suggest that the equipment does not meet the essential requirements; and
- b. the request is made by the person responsible for making the apparatus available on the market or the owner of a fixed installation.

<sup>2</sup> Before it arranges for an apparatus to be tested, it shall consult the person responsible for making it available on the market. Before it arranges for a fixed installation to be tested, it shall consult the owner thereof.

<sup>3</sup> The costs of the tests by the body shall be paid by the person responsible for making the apparatus available on the market or the owner of the fixed installation if the tests show that the fixed installation does not meet the requirements.

<sup>4</sup> OFCOM may arrange for the tests to be carried out by a body if it is unable to carry out the test itself. In this case, the person responsible for making an apparatus available on the market that does not meet the essential requirements, or the owner of the fixed installation that does not meet these requirements shall be charged the same costs as would have applied if OFCOM had carried out the test itself. Paragraphs 2 and 3 do not apply.

<sup>25</sup> Amended by No I of the O of 18 Nov. 2020, in force since 1 Jan. 2021 (AS 2020 6137).

**Art. 27** Measures

<sup>1</sup> If the inspection shows that regulations in this Ordinance are being violated, after hearing the person responsible for placing the apparatus on the market, the user or the owner of the equipment, OFCOM shall order appropriate measures.

<sup>2</sup> If it becomes apparent that equipment causes or is susceptible to disturbance, OFCOM may in particular:

- a. prohibit it from continuing to be made available on the market;
- b. order its recall, confiscation or forfeiture;
- c. prohibit or restrict its further use; or
- d. order the equipment to be adapted.

<sup>3</sup> It may publish information on these measures or make such information available on the internet.

<sup>4</sup> OFCOM may inform the public of the technical non-conformity of an apparatus, in particular if it is not possible to identify all the economic operators or if such persons are too numerous. To this end, it shall publish the following information in particular on the internet or in another form:

- a. the measures taken;
- b. the intended use of the apparatus;
- c. the information that allow it to be identified, such as the manufacturer, brand and type;
- d. photographs of the apparatus and its packaging;
- e. the date of the decision on non-conformity.

<sup>5</sup> It may participate in international databases for the exchange of information between market supervisory authorities and record therein the information referred to in paragraph 4.<sup>26</sup>

**Chapter 8** Disturbance**Art. 28**

<sup>1</sup> If requested to do so, OFCOM shall attempt to ascertain the cause of disturbance.

<sup>2</sup> To ascertain the cause of disturbance, OFCOM shall have access to all equipment free of charge.

<sup>3</sup> OFCOM decides on the measures to be taken to remedy the disturbance, and if applicable on the allocation of the costs of such measures.

<sup>26</sup> Inserted by No I of the O of 18 Nov. 2020, in force since 1 Jan. 2021 (AS 2020 6137).

## Chapter 9 Fees

### Art. 29

<sup>1</sup> OFCOM shall charge fees for:

- a. the rulings that it issues in fulfilment of its inspection obligation if it is found that provisions this Ordinance have not been complied with;
- b. the costs incurred in ascertaining the cause of disturbance, which shall be paid by the operator of equipment causing or liable to disturbance if the disturbance is caused by the fact that the equipment:
  1. does not correspond to the state of the art,
  2. was not put into service in accordance with the manufacturer's instructions or the recognised engineering practices; or
  3. has been used in contravention of the restrictions on use (Art. 14 para. 1 let. b).

<sup>2</sup> The fees are calculated on the basis of the time expended. The hourly rate amounts to 210 Swiss francs.

<sup>3</sup> The fee charged for ascertaining the cause of disturbance is at least 175 francs. No charge is made for travelling time.

<sup>4</sup> In addition, the General Fees Ordinance of 8 September 2004<sup>27</sup> applies.

## Chapter 10 Final Provisions

### Art. 30 Repeal and amendment of existing legislation

<sup>1</sup> The Ordinance of 18 November 2009<sup>28</sup> on Electromagnetic Compatibility is repealed.

<sup>2</sup> and <sup>3</sup> ...<sup>29</sup>

### Art. 31 Commencement

This Ordinance comes into force on 20 April 2016.

<sup>27</sup> SR 172.041.1

<sup>28</sup> [AS 2009 6243, 2014 4159]

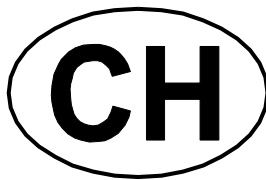
<sup>29</sup> The amendments may be consulted under AS 2016 119.

*Annex I*<sup>30</sup>  
(Art. 13 para. 1)

**Conformity marking**

**1. Swiss conformity marking**

- 1.1 The Swiss conformity marking comprises the two Latin capital letters “C” and “H” together as “CH”. The letters must be appear within an elliptical shape; the main axis of the ellipse is horizontal.



Minimum dimensions:	
Height of the ellipse	7.2 mm
Width of the ellipse	11 mm
Height of the letters	5 mm
Width of the letters	2.5 mm
Diameter of the line	0.6 mm

- 1.2 In the case of any enlargement of the conformity marking, these proportions must be retained.

**2. Foreign conformity marking**

- 2.1 The use of the conformity marking set out in Annex II to Regulation (EC) No 765/2008<sup>31</sup> is permitted. The illustration below is for information purposes only.



- 2.2 When affixing this conformity marking, the general principles set out in Article 30 of Regulation (EC) No 765/2008 must be respected.

<sup>30</sup> Revised by No I of the O of 18 Nov. 2020, in force since 1 Jan. 2021 (AS 2020 6137).  
<sup>31</sup> Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealed Regulation (EEC) No 339/93 of the Council, version in accordance with OJ L 218, of 13.8.2008, p. 30.

*Annex 2*  
(Art. 9 para. 1 let. a)

## **Internal production control (Module A)**

- 1** The internal production control is the conformity assessment procedure by which the manufacturer fulfils the obligations in points 2, 3, 4 and 5 of this Annex and ensures and declares on its own sole responsibility that the apparatus concerned satisfies the requirements of this Ordinance that apply to it.
- 2 Assessment of electromagnetic compatibility**
  - 2.1** The manufacturer must perform an electromagnetic compatibility assessment of the apparatus, on the basis of the relevant phenomena, with a view to meeting the essential requirements of this Ordinance.
  - 2.2** The electromagnetic compatibility assessment shall take account of all normal intended operating conditions. Where the apparatus is capable of taking different configurations, the electromagnetic compatibility assessment shall confirm whether the apparatus meets the essential requirements set out in this Ordinance in all the possible configurations identified by the manufacturer as representative of its intended use.
- 3 Technical documentation**

The manufacturer shall draw up the technical documentation in accordance with Article 10.
- 4 Manufacture**
  - 4.1** The manufacturer shall take all measures necessary so that the manufacturing process and its monitoring ensure the compliance of the manufactured apparatus with the technical documentation referred to in Article 10 and with the essential requirements set out in this Ordinance.
  - 4.2** The manufacturer shall take appropriate account of any changes in apparatus design or characteristics and changes in the harmonised standards or in other technical specifications by reference to which conformity of apparatus is declared.
- 5 Conformity marking and declaration of conformity**
  - 5.1** The manufacturer shall affix the conformity marking to each individual apparatus that satisfies the requirements applicable under this Ordinance.
  - 5.2** The manufacturer shall issue a written declaration of conformity for each apparatus model.



**6      Authorised representative**

- 6.1      The manufacturer's obligations mentioned in point 5 may be fulfilled by its authorised representative on the manufacturer's behalf and under its responsibility provided such obligations are specified in a mandate.
- 6.2      The design and manufacture of apparatus and drawing up the technical documentation may not be delegated to the authorised representative.

*Annex 3*  
(Art. 9 para. 1 let. b)

## **Type examination, followed by conformity to type based on an internal production control**

### **I Type examination (Module B)**

**1** The type examination is the part of the conformity assessment procedure in which a conformity assessment body examines the technical design of an apparatus and certifies that it satisfies the essential requirements of this Ordinance.

**2** A type examination is carried out by assessing the adequacy of the technical design of the apparatus through examination of the technical documentation referred to in point 3, without examination of a specimen (design type). It may be restricted to some aspects of the essential requirements as specified by the manufacturer or its authorised representative.

### **3 Request for a type examination**

**3.1** The request for a type examination must be submitted by the manufacturer to a single conformity assessment body of its choice.

**3.2** The request shall specify the aspects of the essential requirements for which examination is requested and shall include:

- a. the name and address of the manufacturer and, if the request is submitted by the authorised representative, the agent's name and address as well;
- b. a written declaration that same request has not been submitted to any other conformity assessment body;
- c. the technical documentation referred to in Article 10.

**4** The conformity assessment body shall examine the technical documentation to assess the adequacy of the technical design of the apparatus in relation to the aspects of the essential requirements for which examination is requested.

**5** The conformity assessment body shall issue an evaluation report that records the activities undertaken in accordance with point 4 and their outcomes. Without prejudice to its obligations vis-à-vis OFCOM, the conformity assessment body shall release the content of that report, in full or in part, only with the agreement of the manufacturer.

### **6 Type examination certificate**

**6.1** Where the type meets the requirements of this Ordinance that apply to the apparatus concerned, the conformity assessment body shall issue a type examination certificate to the manufacturer. The certificate shall contain the name and address of the manufacturer, the conclusions of the examination, the aspects of the essential requirements covered by the examination, the conditions (if any) for its validity and the necessary data for identification of the approved type. The type examination certificate may have one or more annexes attached

- 6.2 The type examination certificate and its annexes shall contain all relevant information to allow the conformity of manufactured apparatus with the examined type to be evaluated and to allow for in-service control.
- 6.3 Where the type does not satisfy the applicable requirements of this Ordinance, the conformity assessment body shall refuse to issue a type examination certificate and shall inform the applicant accordingly, giving detailed reasons for its refusal

## **7 Obligations to take action**

- 7.1 The conformity assessment body shall keep itself apprised of any changes in the generally acknowledged state of the art; if there is any indication that the approved type may no longer comply with the applicable requirements of this Ordinance, it shall determine whether such changes require further investigation. If so, the conformity assessment body shall inform the manufacturer accordingly
- 7.2 The manufacturer shall inform the conformity assessment body that holds the technical documentation relating to the type examination certificate of any modifications to the approved type that may affect the conformity of the apparatus with the essential requirements of this Ordinance or the conditions for the validity of the certificate. Such modifications shall require additional approval in the form of an addition to the original type examination certificate

## **8 Obligations to provide information**

- 8.1 Each conformity assessment body shall inform OFCOM of the type examination certificates and/or any additions thereto that it has issued or withdrawn and shall provide OFCOM periodically or on request with a list of certificates and/or additions thereto to that it has refused, suspended or otherwise restricted in any other way.
  - 8.2 Each conformity assessment body shall inform the other conformity assessment bodies of any type examination certificates and/or any additions thereto that it has refused, suspended or otherwise restricted in any other way, and shall notify them on request of any such certificates and/or additions thereto that it has issued.
  - 8.3 OFCOM and the other conformity assessment bodies may, on request, obtain a copy of the type examination certificates and/or additions thereto. OFCOM shall on request be provided with a copy of the technical documentation and the results of the examinations carried out by the conformity assessment body. The conformity assessment body shall keep a copy of the type examination certificate, its annexes and additions, as well as the technical file including the documentation submitted by the manufacturer, until the expiry of the validity of that certificate.
- 9** The manufacturer shall retain a copy of the type examination certificate, its annexes and additions and the technical documentation for ten years after the apparatus has been placed on the market of the apparatus for submission to OFCOM.

- 10 The manufacturer's authorised representative may submit the request referred to in point 3 and fulfil the obligations set out in points 7 and 9, provided they are specified in a mandate.

## **II Conformity to type based on internal production control (Module C)**

- 1 Conformity to type based on an internal production control is the part of a conformity assessment procedure in which the manufacturer fulfils the obligations set out in points 2 and 3 and ensures and under its responsibility declares that the apparatus concerned conforms to the type described in the type examination certificate and satisfies the applicable requirements of this Ordinance.

### **2 Manufacture**

- 2.1 The manufacturer shall take all the measures required to ensure that the production process and its monitoring guarantee the conformity of the manufactured apparatus with the approved type described in the type examination certificate and with the applicable requirements of this Ordinance.
- 2.2 The manufacturer shall take appropriate account of any changes in apparatus design or characteristics and changes in the harmonised standards or in other technical specifications by reference to which conformity of apparatus is declared.

### **3 Conformity marking and declaration of conformity**

- 3.1 The manufacturer shall affix the conformity marking to each individual apparatus that is in conformity with the type described in the type examination certificate and satisfies the applicable requirements of this Ordinance
- 3.2 The manufacturer shall issue a written declaration of conformity for each apparatus model.

### **4 Authorised representative**

- 4.1 The manufacturer's obligations mentioned in point 3 may be fulfilled by its authorised representative on the manufacturer's behalf and under its responsibility provided such obligations are specified in a mandate.
- 4.2 The design and manufacture of apparatus and drawing up the technical documentation may not be delegated to the authorised representative.

*Annex 4*  
(Art. 11 para. 1)

## Template for the declaration of conformity

<sup>1</sup> The declaration of conformity for an apparatus that bears the Swiss conformity marking in accordance with Annex 1 point 1 must be issued according to the following template:

### **Title: declaration of conformity**

1. Apparatus model/product (product, type, batch or serial number):
2. Name and address of the manufacturer or its authorised representative established in Switzerland:
3. The manufacturer bears sole responsibility for issuing this declaration of conformity:
4. The object of the declaration (identification of apparatus allowing traceability; it may include a colour image of sufficient clarity where necessary for the identification of the apparatus):
5. The object of the declaration described above is in conformity with the applicable legislation in Switzerland:
6. References to the relevant technical standards used, including the date of the standard, or references to the other technical specifications, including the date of the specification, in relation to which conformity is declared:
7. If applicable: the conformity assessment body ... (name, identification number) performed ... (description of measure) and the issued following certificate: ...
8. Additional details:  
Signed for and on behalf of:  
(Place and date of signature):  
(Name, function) (Signature):

<sup>2</sup> The declaration of conformity for an apparatus that bears the foreign conformity marking in accordance with Annex 1 point 2 must be issued according to the template in Annex IV of Directive 2014/30/EU<sup>32</sup>.

<sup>32</sup> Directive 2014/30/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to electromagnetic compatibility, version according to OJ. L 96, of 26.2.2014, p. 79.

