



Notification Number: 2012/121/UK

## The Electromagnetic Disturbance from Apparatus Regulations 2012

Date received : 22/02/2012

End of Standstill : 23/05/2012

### Message

Message 001

Communication from the Commission - SG(2012) D/5550

Directive 98/34/EC

Notificación - Oznámení - Notifikation - Notifizierung - Teavitamine - Γνωστοποίηση - Notification - Notification - Notifica - Pieteikums - Pranešimas - Bejelentés - Notifika - Kennisgeving - Zawiadomienie - Notificação - Hlásenie-Obvestilo - Ilmoitus - Anmälan - Нотификация : 2012/0121/UK - Notificare.

No abre el plazo - Nezahtuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Nao inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - Не се предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201200550.EN)

#### 1. Structured Information Line

MSG 001 IND 2012 0121 UK EN 22-02-2012 UK NOTIF

#### 2. Member State

UK

#### 3. Department Responsible

Department for Business, Innovation and Skills  
Knowledge and Innovation Group  
1 Victoria Street, London, SW1H 0ET.

Email: 9834@bis.gsi.gov.uk.

#### 3. Originating Department

The Office of Communications (Ofcom)  
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London  
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United Kingdom

#### **4. Notification Number**

2012/0121/UK - X00M

#### **5. Title**

The Electromagnetic Disturbance from Apparatus Regulations 2012

#### **6. Products Concerned**

Any finished appliance or combination of appliances made commercially available as a single functional unit, intended for the end user and liable to generate electromagnetic disturbance, or the performance of which is liable to be affected by such disturbance and which generates, or is designed to generate, or is liable to generate fortuitously, electromagnetic energy at frequencies not exceeding 3,000 gigahertz and includes—  
(a) components or sub-assemblies intended for incorporation into an apparatus by an end-user, which are liable to generate electromagnetic disturbance, or the performance of which is liable to be affected by such disturbance;  
(b) mobile installations defined as a combination of apparatus and, where applicable, other devices, intended to be moved and operated in a range of locations.

#### **7. Notification Under Another Act**

- The proposed Regulation on EMC provides for enforcement powers against products previously placed on the market and thus outside the scope of Directive 2004/108/EC.

Additionally it makes provision for special measures for the duration of the Olympic Games and Paralympics games to be held in 2012 to ensure the protection of public telecommunications networks and receiving and transmitting stations being used for safety purposes.

Therefore in addition to notification under Directive 98/34, notification is also made by way of this notification pursuant to Article 4(2) of Directive 2004/108/EC on electromagnetic compatibility.

Article 4(2) of Directive 2004/108/EC on electromagnetic compatibility makes provision for any Member State to make special measures concerning the putting into service or use of equipment:

- (a) measures to overcome an existing or predicted electromagnetic compatibility problem at a specific site;
- (b) measures taken for safety reasons to protect public telecommunications networks or receiving or transmitting stations when used for safety purposes in well-defined spectrum situations.

For further details see the "explanatory document to the draft Electromagnetic Disturbance from Apparatus Regulations 2012".

#### **8. Main Content**

The proposed regulations will regulate the use of equipment causing harmful interference to wireless radio communications and are designed to cover circumstances where excessive levels of electromagnetic disturbance is caused by equipment which has already been placed on the market or put into service. These new regulations make reference to requirements contained in Directive 2004/108/EC (the "EMC Directive").



Equipment in the United Kingdom is required to comply with the Electromagnetic Compatibility Regulations 2006 (S.I. 2006 No. 3418) (the “EMC Regulations”) which implement the EMC Directive. The EMC Regulations set out a number of requirements (the “essential requirements”) with which equipment must conform before it can be placed on the market or put into service in the United Kingdom.

The proposed regulations are to be made by Ofcom (the United Kingdom communications regulator) under the power set out in section 54(1) of the U.K. Wireless Telegraphy Act. 2006 (the “WTA”). Equipment is defined in these regulations and then requirements are prescribed for that equipment. The prescribed requirements are requirements which Ofcom think fit for the purpose of ensuring the use of specified equipment does not cause undue electromagnetic disturbance. Equipment is referred to as “apparatus” in these regulations and the definition of apparatus has been based on the definition in the EMC Regulations. The operation of enforcement provisions under the WTA are dependent on such secondary legislation.

The proposed new regulations will make provision for the following two requirements:

- (i) equipment used in and around the Olympic and Paralympic Games venues must not cause electromagnetic disturbance with wireless telegraphy used for public safety purposes (regardless of whether it exceeds a level of electromagnetic energy permissible under the essential requirements); and
- (ii) equipment used within the United Kingdom, must not cause electromagnetic disturbance with wireless telegraphy (this only applies to equipment emitting a level of electromagnetic energy in excess of the level permissible under the essential requirements).

Non-compliance with either of the two requirements in the proposed regulations is a ground for the giving of a notice prohibiting the use of the offending apparatus under section 55 of the WTA. The WTA contains an appeal procedure for persons served with a notice.

## **9. Brief Statement of Grounds**

Ofcom is the United Kingdom’s regulatory authority for electronic communications networks and services. At present, Ofcom is unable to take enforcement action in certain circumstances to stop the use of equipment causing harmful interference to radio communications as a result of excessive levels of electromagnetic disturbance.

Ofcom considers that is particularly important in respect of the London 2012 Olympic Games and Paralympic Games (the “Games”) so as to ensure the communications systems, which will be used for public safety (e.g. crowd control) are not at risk of being compromised by electromagnetic disturbance from any equipment in or near the vicinity of the Games venues.

Ofcom is seeking to implement national measures to overcome this gap in our enforcement powers.

## **10. Reference Documents - Basic Texts**

References of the Basic Texts: Explanatory document to the draft Electromagnetic Disturbance from Apparatus Regulations 2012

## **11. Invocation of the Emergency Procedure**

No



**12. Grounds for the Emergency**

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**13. Confidentiality**

No

**14. Fiscal measures**

No

**15. Impact assessment**

-

**16. TBT and SPS aspects**

TBT aspect

No - The draft has no significant impact on international trade

SPS aspect

No - The draft has no significant impact on international trade

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