



Radiocommunications (Electromagnetic Compatibility) Standard 2017

The Australian Communications and Media Authority makes the following standard under subsection 162(1) of the *Radiocommunications Act 1992*.

Dated: 18 December 2017

Nerida O'Loughlin
[signed]
Member

Brendan Byrne
[signed]
~~Member~~/General Manager

Australian Communications and Media Authority

Part 1—Preliminary

1 Name

This is the *Radiocommunications (Electromagnetic Compatibility) Standard 2017*.

2 Commencement

This standard commences at the start of the day after it is registered on the Federal Register of Legislation.

Note: The Federal Register of Legislation may be accessed at www.legislation.gov.au.

3 Authority

This standard is made under subsection 162(1) of the Act.

4 Repeal of the *Radiocommunications (Electromagnetic Compatibility) Standard 2008*

The *Radiocommunications (Electromagnetic Compatibility) Standard 2008* (F2008L00261) is repealed.

5 Background

- (1) This standard applies to devices, as provided by section 9, and is made for the performance of those devices.
- (2) This standard consists of requirements that are necessary or convenient for the following purposes:
 - (a) containing interference to radiocommunications;
 - (b) containing interference to any uses or functions of devices.

Part 2—Interpretation

6 Definitions

- (1) In this standard:

applicable industry standard, in relation to a device, has the meaning given by section 8.

commencement day means the day on which this standard commences.

list of standards has the meaning given by subsection (2).

Official Journal period, in relation to an applicable industry standard that is amended or replaced, means the period:

- (a) commencing on the day the applicable industry standard is amended or replaced;
and

- (b) ending on the date of cessation of presumption of conformity mentioned from time to time in the Official Journal of the European Union for the applicable industry standard.

Note 1: At the date of making this Notice, the Official Journal of the European Union was published on the European Union Law website <http://eur-lex.europa.eu>.

Note 2: A number of other expressions used in this standard are defined in the Act and the *Radiocommunications (Interpretation) Determination 2015*, including the following:

- (a) ACCC (see section 5 of the Act);
- (b) ACMA (see section 5 of the Act);
- (c) Act (see section 4 of that determination);
- (d) Australia (see section 5 of the Act);
- (e) device (section 5 and subsection 9(1) of the Act);
- (f) import (see section 5 of the Act);
- (g) supply (see section 5 of the Act).

Note 3: See paragraph 3(2)(g) of the *Radiocommunications (Interpretation) Determination 2015*, which is made under subsection 64(1) of the *Australian Communications and Media Authority Act 2005*, for the application of that determination to this standard.

- (2) The **list of standards** is the list, in existence from time to time, that comprises each document that meets the following criteria:

- (a) the title of the document is in a list published on the web address <http://www.acma.gov.au/standards/emc>;
- (b) the document consists of, or includes, requirements that are necessary or convenient for the following purposes:
 - (i) containing interference to radiocommunications;
 - (ii) containing interference to any uses or functions of devices; and
- (c) the document was created by:
 - (i) Standards Australia;
 - (ii) International Electrotechnical Commission;
 - (iii) European Committee for Electrotechnical Standardization;
 - (iv) European Committee for Standardization;
 - (v) European Telecommunications Standards Institute; or
 - (vi) another standards development organisation.

Note: A copy of a document created by Standards Australia could, at the date of making this Notice, be obtained for a fee from SAI Global's website at <https://infostore.saiglobal.com/>, or could be viewed at an office of the ACMA or ACCC on prior request and subject to licensing conditions.

A copy of a document created by the International Electrotechnical Commission could, at the date of making this Notice, be obtained for a fee from the International Electrotechnical Commission's website at <http://www.iec.ch>, or could be viewed at an office of the ACMA or ACCC on prior request and subject to licensing conditions.

A copy of a document created by a body mentioned in subparagraph (2)(c)(iii), (iv) or (v) could, at the date of making this Notice, be obtained for a fee from any of the National Committees which are listed at <https://www.cenelec.eu/dyn/www/f?p=web:5>, or could be viewed at an office of the ACMA or ACCC on prior request and subject to licensing conditions.

If a copy of a document created by another standards development organisation is not otherwise freely available, the ACMA intends to obtain a copy for viewing on request and subject to licensing conditions.

7 References to other instruments

In this standard, unless the contrary intention appears:

- (a) a reference to any other legislative instrument is a reference to that other legislative instrument as in force from time to time; and
- (b) a reference to any other kind of instrument or writing is a reference to that other instrument or writing as in force or in existence from time to time.

Note 1: For references to Commonwealth Acts, see section 10 of the *Acts Interpretation Act 1901*; and see also subsection 13(1) of the *Legislation Act 2003* for the application of the *Acts Interpretation Act 1901* to legislative instruments.

Note 2: All Commonwealth Acts and legislative instruments are registered on the Federal Register of Legislation.

Note 3: For references to an applicable industry standard, see Note 1 at the end of subsection 8(1).

Note 4: For paragraph (b), see section 314A of the Act.

8 Applicable industry standard

- (1) In this standard, subject to subsections (2), (3) and (4), the ***applicable industry standard***, for a device, has the meaning determined using the following table:

Item	If...	the applicable industry standard for the device is...
1	a document in column 2 of Part 2 of the list of standards is expressed to apply to the device	that document
2	item 1 does not apply to the device	any of the documents mentioned in column 2 of Part 1 of the list of standards

Note 1: An applicable industry standard is incorporated as in force at the times mentioned in section 11.

Note 2: See the Note to subsection 6(2) for information about how a copy of an applicable standard can be obtained.

Note 3: Column 7 of the list of standards gives a manufacturer or importer of a device guidance about whether a particular standard listed in column 2 of Part 1 and 2 of the list of standards may apply to a device they manufacture or import.

Note 4: If an applicable standard mentioned in item 2 of the table in subsection 8(1) has passed its expiry date, information in column 10 of the list of standards may give details about a standard that replaces the applicable industry standard (***replacement standard***), including the name and commencement date of the replacement standard.

- (2) A document in column 2 of Part 1 and 2 of the list of standards is not an ***applicable industry standard*** if the expiry date mentioned in the document has passed.
- (3) For item 1 of the table in subsection (1), if more than one document in column 2 of Part 2 of the list of standards is identified as an ***applicable industry standard*** for a device, the manufacturer or importer of the device may choose 1 of those documents to be the applicable industry standard for the device.

- (4) If:
- (a) a document is in column 2 of the list of standards; and
 - (b) subsection (1) has the effect that, apart from this subsection, the document is a applicable industry standard for a device; and
 - (c) remarks in column 10 of the list of standards in relation to the document modify the application or requirements of the document;
- the ***applicable industry standard*** for the device is the document as modified by those remarks.

Part 3—Application and requirements

9 Application

This standard applies to a device that is manufactured in, or imported into, Australia for supply unless the device is mentioned in Schedule 2 to the *Radiocommunications (Electromagnetic Compatibility) Labelling Notice 2017*.

10 Requirement

Subject to section 11, a device must comply with an applicable industry standard for the device, as in force on:

- (a) if the device was manufactured in Australia – the day the device was manufactured; and
- (b) if the device was imported into Australia – the day the device was imported.

Note: A device must comply with an applicable industry standard for the device only to the extent that that standard includes requirements that relate to interference with radiocommunications or to any uses or functions of devices.

11 Transition periods – choice of applicable industry standard

- (1) In this standard, if an applicable industry standard is amended or replaced, there is a ***transition period*** in relation to the applicable industry standard, being a period of:
 - (a) if the applicable industry standard is created by the European Committee for Electrotechnical Standardization – the Official Journal period; or
 - (b) in any other case – two years commencing on the day that applicable industry standard is amended or replaced.
- (2) If a device is manufactured or imported during a transition period in relation to an applicable industry standard, the manufacturer or importer of the device may choose whether the applicable industry standard for the device is:
 - (a) the applicable industry standard as in force immediately before the commencement of the transition period; or
 - (b) either:
 - (i) if the applicable industry standard was amended – the applicable industry standard as in force at the commencement of the transition period; or
 - (ii) if the applicable industry standard was replaced by a new applicable industry standard – the new applicable industry standard as in force at the commencement of the transition period.

- (3) If:
- (a) a transition period overlaps with another transition period in relation to an applicable industry standard; and
 - (b) a device is manufactured or imported during the period of overlap; the manufacturer or importer of the device may choose whether the applicable industry standard for the device is:
 - (c) the applicable industry standard as in force immediately before the commencement of the earliest of those transition periods; or
 - (d) either:
 - (i) if, in relation to one or more of those transition periods, the applicable industry standard was amended – the applicable industry standard as in force at the commencement of the earliest of those transition periods; or
 - (ii) if, in relation to one or more of those transition periods, the applicable industry standard was replaced by a new applicable industry standard – a new applicable industry standard as in force at the commencement of any one of those transition periods.

Part 4—Savings and transitional arrangements

12 Transitional arrangements in relation to the previous standard

If a device is manufactured or imported before the commencement day, and the device complies with the *Radiocommunications (Electromagnetic Compatibility) Standard 2008* as in force immediately before the commencement day, the device is taken to comply with this standard.