Australian Government

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Australian Communications and Media Authority

Electromagnetic compatibility, compliance and labelling

Information for suppliers of electrical and electronic devices, vehicles and devices with internal combustion engines in Australia

OCTOBER 2011

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Executive summary

The Australian Communications and Media Authority (the ACMA) is responsible for regulating telecommunications, broadcasting, radiocommunications and the internet. The ACMA has responsibility under the *Radiocommunications Act 1992* for the regulation of electromagnetic compatibility (EMC).

The EMC regulatory arrangements aim to minimise electromagnetic interference from electrical and electronic products, vehicles and devices with internal combustion engines (collectively referred to as '**devices**' throughout this booklet) that may diminish the performance of electrical products or disrupt essential communications. This is increasingly important due to the rapid growth in the use of electronic systems and digital technology in commercial and domestic environments.

The ACMA regulates EMC through the Radiocommunications Labelling (Electromagnetic Compatibility) Notice 2008 as amended (the EMC Labelling Notice) and the Radiocommunications (Electromagnetic Compatibility) Standard 2008 (the EMC Standard). The EMC Standard specifies the technical standards that apply to devices. The EMC Labelling Notice identifies the compliance, labelling and document-keeping requirements that apply to specific devices. It applies certain document-keeping requirements based on the risk of interference from a non-compliant device.

The term '**supplier**' is used throughout this booklet to describe manufacturers and importers of devices in Australia or their Australian authorised agents acting on their behalf. It is important to note that a device that is subject to the EMC regulatory arrangements may also be subject to other ACMA regulatory arrangements. More information can be found on the ACMA website.

The Trans-Tasman Mutual Recognition Arrangement applies to EMC regulation in Australia and New Zealand. As a result, the EMC arrangements within the two countries comprise a common set of technical standards and regulatory processes for products supplied to the Australian and New Zealand markets. The aim of this is to allow free trade of devices between Australia and New Zealand without the need for additional regulatory approval in the importing country. The New Zealand Radiocommunications (Compliance) Notice is available on the Radio Spectrum Management (RSM) website.

The information contained in this booklet is correct at the time of publication. The ACMA has foreshadowed the implementation of a consolidated compliance mark (the RCM) in July 2012 to replace the A-Tick and C-Tick. This booklet will be revised as part of the implementation of the RCM as the consolidated mark.

Disclaimer
This booklet provides general information on requirements for suppliers of radiocommunications devices. It should be read in conjunction with the EMC Labelling Notice.

This information is intended as a guide only and should not be relied on as legal advice or regarded as a substitute for legal advice in individual cases.

EMC regulatory arrangements

What are the EMC regulatory arrangements?

The object of the EMC regulatory arrangements is to prevent the supply or introduction to the Australian market of devices that would have an adverse impact on users of the radiofrequency spectrum or the performance of other electrical/electronic devices.

The EMC regulatory arrangements require suppliers to ensure that devices meet applicable standards and are labelled appropriately before supply to the Australian market.

The EMC regulatory arrangements consist of two legislative instruments:

- The EMC Labelling Notice is the main legislative instrument that specifies the Australian EMC regulatory arrangements. It specifies, among other things, the form and placement of labels, marks and information that must be applied to a device. It also identifies the compliance level required for the device. The EMC Labelling Notice and its associated explanatory statement can be found on the ACMA website.
- The EMC Standard specifies the compliance requirements (that is, technical standards) that have to be met before a compliance label can be applied under the EMC Labelling Notice. The EMC Standard and its associated explanatory statement can be found on the ACMA website.

What do the EMC regulatory arrangements require me to do?

In broad terms, the EMC regulatory arrangements require suppliers to:

- **apply to the ACMA** for permission to use the C-Tick compliance mark. The application form C01 is available on the ACMA website
- **ensure the device complies** with applicable standards
- **collect supporting documentation** as required by the applicable compliance level, which then becomes the compliance records for the device
- **complete and sign a Declaration of Conformity** (a sample declaration), Form C02, is available on the ACMA website
- **apply a label** to the device
- **maintain these compliance records**, including details of changes and supporting documentation if the device is modified.

Suppliers in Australia need to first refer to the EMC Labelling Notice and the EMC Standard to identify the applicable standard for the device and the compliance level required.

Note: The ACMA intends to amend the communications regulatory arrangements in 2012 to introduce a consolidated mark (the Regulatory Compliance Mark—'RCM') for devices and equipment subject to the ACMA's telecommunications, radiocommunications, EMC and EMR/EME compliance and labelling requirements. This booklet, and information published on the ACMA website, will be updated at that time.

Do the EMC regulatory arrangements apply to me?

The EMC regulatory arrangements apply to any person, business or company that is the initial point of supply of electrical and electronic products, and vehicles and devices with internal combustion engines, to the Australian market. This includes:

- manufacturers in Australia of electrical and electronic products, and vehicles and devices with internal combustion engines
- importers in Australia of electrical and electronic products, and vehicles and devices with internal combustion engines
- authorised agents in Australia acting on behalf of manufacturers or importers of electrical and electronic products, and vehicles and devices with internal combustion engines.

The *Radiocommunications Act 1992* contains penalty provisions for incorrect labelling and compliance record-keeping for devices subject to the EMC Labelling Notice. If you are unsure whether a device requires labelling in Australia you should seek your own legal advice.

Which devices are subject to the EMC regulatory arrangements?

The EMC regulatory arrangements apply to all electrical and electronic products, and vehicles and devices with internal combustion engines, that are covered by the scope of an applicable standard, unless specifically listed in the exemptions in Schedule 2 of the EMC Labelling Notice.

The range of devices covered by the EMC Labelling Notice includes, but is not limited to:

- industrial, scientific and medical (ISM) equipment
- TV and radio receivers, and audio/visual equipment
- electrical lighting and similar equipment
- household appliances, motor-operated equipment and tools
- vehicles (including road vehicles, off-road vehicles and boats) with electric or internal combustion engines
- information technology equipment.

What devices are exempt from the EMC regulatory arrangements?

There are a range of devices that have no requirements under the EMC regulatory arrangements. These are highlighted in Schedule 2 of the EMC Labelling Notice.

What about goods supplied to New Zealand?

Under the Trans-Tasman Mutual Recognition Arrangement (TTMRA) between Australia and New Zealand, goods subject to the TTMRA that can be legally sold in one country may legally be sold in the other country. The TTMRA applies to goods subject to EMC regulation in Australia and New Zealand.

The ACMA and the RSM of the New Zealand Ministry of Economic Development work jointly to harmonise electromagnetic compatibility regulatory arrangements to achieve the objectives of the TTMRA. The RSM provides advice for suppliers to the New Zealand market, particularly on how to meet the New Zealand standards and labelling regime. Suppliers in New Zealand should contact the RSM to obtain information about the New Zealand arrangement.

Compliance arrangements

What standards apply to my device?

All devices that fall within the scope of the mandated standards listed in Schedule 1 of the EMC Labelling Notice must comply with the EMC regulatory arrangements. The standards listed on the ACMA website cover a wide range of devices and deal with various technical matters associated with device performance, including EMC.

If the device is within the scope of one of the standards listed in Part 2 of the list of standards on the ACMA website, that standard should be used as the applicable standard.

If the device is not within the scope of any of the standards listed in Part 2 of the list of standards on the ACMA website, the supplier must use one of the standards listed in Part 1 of the list as the applicable standard.

The ACMA recognises European Norm (EN), International Electrotechnical Commission (IEC), International Special Committee on Radio Interference (CISPR) and Australian/New Zealand standards (AS/NZS) as listed on the ACMA website.

Within the listed standards, the ACMA has only mandated the following EMC aspects:

- EMC phenomenon of emitted disturbance associated with:
  - conducted (continuous and intermittent) radiofrequency disturbance
  - radiated radiofrequency disturbance
- the scope, test procedures and requirements associated with the EMC phenomenon.

Other EMC phenomena such as immunity, electrostatic discharge (ESD), harmonics, flicker and voltage fluctuations on mains power supply are not mandated by the ACMA.

Immunity standards are not mandatory under the Australian EMC regulatory arrangements. However, manufacturers are encouraged to consider immunity during their device design, especially if they are planning to export devices, as there may be a requirement in overseas countries.

Electrical devices sold in Australia may be required to comply with electrical safety requirements administered by other regulatory authorities. Information about electrical regulators in Australia is in the Contact details section of this booklet.

If more than one standard seems to apply to my device, how do I know which standard applies?

Devices must meet the requirements of an applicable standard listed on the ACMA website. If the device falls within the scope of more than one standard in Part 2 of the list of standards, the supplier should choose the standard that more closely matches the primary function of the device.

What happens if standards are amended or replaced?

Devices must meet the requirements of a standard listed on the ACMA website that is applicable to it on the day the device is manufactured or imported. A standard is applicable until the expiry date listed for that standard.

A transition period exists when an applicable standard is amended or replaced. For devices manufactured or imported during the transition period, the supplier may

choose which version of the standard to use (the old version or the amended/replaced version). For devices manufactured or imported after the end of the transition period, only the amended or replaced standard may be used.

The transition periods and conditions are stated in Part 6 of the EMC Labelling Notice. For IEC, AS/NZS or CISPR standards, the period is two years. For EN standards, the period is stated in the Official Journal of the European Union entry for the standard.

What happens if an existing device is labelled as compliant under an expired standard?

A supplier may continue to label an existing device with the C-Tick (or RCM) compliance label even though a standard has been amended or replaced and the old standard has expired. This means that the supplier is not required to re-test a device to the amended or replacement standard as long as the device is labelled as compliant with a standard that applied when it was manufactured or imported.

However, these arrangements do not apply where:

- the device is subsequently modified
- another importer begins importing that device after the old standard has expired.

In the second case listed above, the new supplier must ensure the device complies with the new standard. The original supplier does not need to re-test the device.

What are compliance levels?

The EMC Labelling Notice specifies the requirements for three compliance levels. Each level corresponds to the extent of evidence required to prove compliance of devices to an applicable standard. The compliance level, in a given instance, relates to the risk associated with non-compliance with an applicable standard. In simple terms, the greater the higher the compliance level, the greater the risk presented by a non-compliant device.

There are three compliance levels:

1. **Compliance level one** (‘low-risk’ devices)
2. **Compliance level two** (‘medium-risk’ devices)
3. **Compliance level three** (‘high-risk’ devices).

A compliance level one device (low-risk) is one that is neither a medium- nor a high-risk device.

A compliance level two device (medium-risk) is one that is not a high-risk device and contains one or more of the following:

- a switch mode power supply
- a transistor switching circuit
- a microprocessor
- a commutator
- a slip ring motor
- an electronic device operating in a switching or non-linear mode.

A battery-powered device is not a medium-risk device unless the ACMA has declared it to be so.

Note: Rectifier diodes are not considered to be electronic devices operating in a switching or non-linear mode for the purposes of the definition of a medium-risk device.

A compliance level three device (high-risk) is one described as 'Group 2 ISM equipment' in AS/NZS CISPR 11:2004 (2nd edition). Examples of compliance level three devices include microwave ovens, induction cookers, RF welding machines, arc welding machines and electrodischarge machining (EDM) equipment.

What is a battery-powered device?

'Battery-powered device' has a particular meaning—that is, a device that is battery operated and not capable of being connected to an external power supply.

A battery-powered device is intended to include any device where the battery is housed internally within the device. Examples include items such as battery-operated toys, calculators and wristwatches.

A device that connects to a power source that is external to the device does not meet the definition of a battery-powered device.

A factsheet on battery-powered devices is available on the ACMA website.

What are the requirements of each compliance level?

If an applicable standard applies to a device, the supplier must:

- prepare a description of the device
- ensure the device complies with the applicable standard
- meet the specific requirements for the compliance level of the device.

The compliance level requirements are set out below.

Compliance level one—low-risk device

There are no additional record-keeping requirements for a compliance level one device that complies with an applicable standard and is not labelled.

If the supplier chooses to label the low-risk device, they must complete and sign a Declaration of Conformity for the device.

Compliance level two—medium-risk device

To comply with compliance level two, the supplier must:

- establish conformity of the device with an applicable standard either by:
  - obtaining a test report from a testing body
  - obtaining a Technical Construction File
- complete and sign a Declaration of Conformity for the device
- if applicable, have explanatory documentation that specifies correct installation and operation procedures to minimise the possibility that a device will be installed or operated incorrectly.

Compliance level three—high-risk device

To comply with compliance level three, the supplier must:

- establish conformity of the device with an applicable standard either by:
  - obtaining an accredited test report from an accredited testing body
  - obtaining a Technical Construction File
- complete and sign a Declaration of Conformity for the device

- if applicable, have explanatory documentation that specifies correct installation and operation procedures to minimise the possibility that a device will be installed or operated incorrectly.

The difference between compliance levels two and three is that all test reports for compliance level three must be accredited test reports obtained from an accredited testing body.

What is a variant?

A variant is a version of a device that is not identical to the original device, but is not sufficiently different from the original device to affect its radiofrequency emissions.

What are additional requirements for variants?

A variant of a device that already meets a compliance level does not need to be reassessed against the requirements of the compliance level. However, the supplier must prepare a written statement for inclusion in the compliance record that:

- identifies the original device and its variant
- describes the differences between the original device and its variant
- provides a technical rationale for the conformity of the variant.

If the variant is a higher compliance level than the original device, it will need to be assessed at the higher compliance level.

Who should test my device?

Compliance level one and two devices can be tested by any testing body, including by an in-house testing body.

Compliance level three devices are required to be tested by an accredited testing body or have a Technical Construction File (including a report from a competent body). Compliance level three covers equipment from group two industrial, scientific and medical equipment, as per AS/NZS CISPR 11:2004 (2nd edition).

An accredited testing body is one that has been accredited by the National Association of Testing Authorities (NATA) or by a NATA mutual recognition agreement (MRA) partner.

There are a number of overseas laboratories that have been accredited through a MRA with NATA. Suppliers should contact NATA for current details of MRA partners or accredited testing bodies (see Contact details).

The ACMA suggests that the supplier checks the accreditation of the laboratory when arranging for the testing of a device, as not all laboratories hold accreditation for all standards. Although non-accredited reports may be acceptable for compliance level two devices, they do not hold the same level of authority as an accredited report.

The test report must show:

- the tests conducted
- the results of the tests, including test data
- whether the results of the tests show that the device meets the applicable standard.

The supplier accepts total responsibility for device conformity and needs to make a commercial decision on the level of testing required. When making the decision, the supplier should keep in mind the interference potential of the device.

In all cases, the ACMA reserves the right to ask for more evidence of conformity, if considered necessary.

There are a number of companies that NATA has accredited for various EMC standards. Contact details for the accredited testing bodies are available from the NATA website.

The ACMA will use NATA-accredited testing as the benchmark and, in the event of device conformity being questioned, will accept NATA-accredited test data as final in any determination of whether the device complies.

Can I use an overseas test report?

A test report from an overseas test laboratory is acceptable where the device has been tested to the relevant applicable standard. The applicable standards are listed on the ACMA website.

Test reports from overseas laboratories must be written in English.

Compliance using a Technical Construction File

What is a Technical Construction File?

A Technical Construction File (TCF) is a collection of documents, in English, that includes a report produced by a competent body assessing a device against the requirements of an applicable standard, in which the report:

- identifies the device assessed
- identifies the applicable standard against which the device was assessed
- includes a statement by the competent body that, in its opinion, the device complies with the applicable standard.

The TCF is an alternative to testing for suppliers to demonstrate compliance for levels two or three. To use the TCF route, suppliers must apply to a competent body for a report assessing the TCF. A TCF can be particularly useful where:

- testing is impractical because of the physical characteristics of the device or its location
- devices are marketed as a number of variants
- a supplier holds relevant technical information from a competent body.

The TCF is prepared in two parts. The first part is prepared by the supplier and should contain sufficient information for a competent body to issue a technical assessment of the device. The information may include a technical description of the device, claims by the supplier for device conformity and supporting evidence. This information is submitted to a competent body with a statement from the supplier declaring that there is no outstanding application to another competent body for the device. The competent body will then assess the device and TCF against the applicable standard, and issue a report stating that the device complies with an applicable standard as appropriate.

If a competent body finds that the claims of the supplier for conformity of a device to an applicable standard cannot be verified, the competent body must advise the applicant in writing of the reasons for its decision.

Competent bodies cannot issue a statement against an application:

- where the application is not in writing
- where an applicant for a competent body statement has not provided information that is relevant to the assessment of the TCF.

Contact details of accredited competent bodies are available from the NATA website.

What should a TCF contain?

A TCF should contain at least:

- a signed report by the competent body
- an adequate description of the device to be marketed under the TCF
- a technical rationale for the use of the TCF route
- a statement of the steps taken to manage the emissions characteristics of the device, including reference to standard applied in part or in full
- a technical description of the device
- all technical reports relevant to the device
- all reports issued by the competent body.

The documentation contained in a TCF must be in English.

Record-keeping obligations

What are compliance records?

A compliance record consists of information compiled by a supplier that supports the declaration that a device complies with the applicable standard. The range and extent of the information will depend on the compliance levels (that is, compliance level one, two or three) that apply to the device.

What information is required to describe the device?

In broad terms, a description of a device must include sufficient information for a person to determine whether the particular device is the same as the device for which a Declaration of Conformity, test report or statement by a competent body was prepared.

The description of the device:

- must include the current model number for the device and, if relevant, any related model numbers for the device
- must include the version of any software or firmware incorporated into or supplied with the device where changes in the software or firmware may affect the compliance of the device with the EMC standard
- may include a photograph(s) of the device showing its internal and external aspects (including printed circuit boards).

What is a Declaration of Conformity?

A Declaration of Conformity is a document signed by the supplier that asserts that the device meets the applicable standard. A person who holds a senior position in the company or organisation should sign the declaration. The person signing the declaration must sight the evidence that supports the declaration and be satisfied that the evidence contained within the compliance records is sufficient to demonstrate compliance.

A sample Declaration of Conformity, Form C02, is on the ACMA website. The Declaration of Conformity may be in the form set out on the ACMA website, or suppliers may create their own forms; however, these must contain, as a minimum, all of the information listed in Form C02.

The Declaration of Conformity must be kept with the compliance records and may be in electronic form.

Does each new device or modification to a device require a new set of compliance records?

Each new device requires a new set of compliance records. If the device is a modified version, or part of a 'family', of the original device, the gathered information can be held together as the compliance records for that family of devices.

Where changes to a compliant model are made, the supplier must make a new Declaration of Conformity. The supplier, in addition to making the new declaration, must make a written statement:

- identifying the modified device
- identifying the modification
- describing the differences between the modified device and the unmodified device.

This statement must be signed by the supplier.

The supplier must ensure that the modified device is tested against the requirements of each applicable standard relevant to the modification at the appropriate compliance level, as well as keep a record of the results of each test carried out.

The supplier must not apply the C-Tick compliance label to the modified device unless it meets the requirements of the applicable standard at the required compliance level.

Do I need the original test report?

It is not necessary to hold the original test report with the compliance records.

However, if the test report is a copy, the copy (including photographs) must be of sufficient quality to allow the device covered by the test report to be identified.

Where do I keep the compliance records?

The ACMA does not specify a location for the storage of the compliance records.

Compliance records must be available in English and stored at a location, or locations, that will allow retrieval within the notification period prior to an audit being carried out. The compliance records must be made available to the ACMA, for audit or investigation purposes, on written advice from the ACMA. Currently the notification period is 10 working days.

Can I store my compliance records electronically?

The ACMA auditor can view the information in electronic form, provided it meets all the requirements for compliance records, including appropriate signatures on test reports. If, as a result of the initial audit, a more in-depth audit is required, the compliance records must be provided to the ACMA auditor in the format specified by the ACMA.

How long should I keep the compliance records?

The compliance records for a device must be retained for five years after the supplier ceases to supply the device in Australia.

What happens if a device has already been C-Ticked by someone else?

If an importer or authorised agent in Australia wishes to supply a device identical to that already on the Australian market, the importer or authorised agent in Australia must obtain the appropriate documentation to establish and keep their own compliance records, and subsequently apply compliance labels to each device they supply.

Each importer or authorised agent in Australia is responsible for ensuring that the imported device it supplies complies with an applicable standard.

It is possible for an importer or other person to act as an agent for many importers of the same device. In this case, depending on the agency agreement, the agent may establish and maintain the compliance records relevant to the device.

What should I do if I transfer responsibility for a device?

Where a supplier transfers responsibility for a device to another supplier, the new supplier, if not already registered with the ACMA to use the C-Tick compliance mark, must apply to the ACMA to use the C-Tick. The ACMA will issue a new supplier code number to the new supplier.

The new supplier must ensure that the device is compliant before labelling it. The new supplier must label the device with its own C-Tick compliance label indicating its involvement, including its own supplier identification. For more information about the

acceptable methods of supplier identification, refer to Labelling requirements in this booklet. The new supplier must also ensure the availability of the compliance records applicable to the device, and sign and hold a Declaration of Conformity for the device.

The new supplier is responsible for the compliance of all devices supplied from the date that it takes control. The old supplier may be responsible for the maintenance of all previously supplied devices and the maintenance of compliance records for the device, unless the responsibility for these issues is specifically dealt with in the legal arrangement between the old and new supplier. The ACMA recommends that both parties seek legal advice on their responsibilities.

Labelling requirements

Should my device be labelled?

Suppliers of devices (other than compliance level one devices) covered by the EMC Labelling Notice must affix a compliance label to their device before it can be supplied. Labelling is optional for compliance level one devices.

The compliance label comprises two parts—a compliance mark and information to identify the supplier of the device to the ACMA. Suitable options for supplier identification are detailed under What are the acceptable methods of supplier identification in Australia? in this booklet.

What are the compliance marks?

There are two compliance marks that can be used to indicate compliance with the EMC regulatory arrangements:

- C-Tick mark
- Regulatory Compliance Mark (RCM).

What is the C-Tick compliance label?

The C-Tick compliance label consists of the C-Tick compliance mark and the supplier identification.

For example:

In the example, the supplier identification depicted is the Supplier Code Number (SCN) issued by the ACMA.

Suppliers of devices scoped by a standard listed in the EMC Standard must affix a compliance label to their device before supplying it in Australia.

For devices that are required to comply with the Telecommunications Labelling (Customer Equipment and Customer Cabling) Notice, the supplier may use only the A-Tick to indicate compliance with EMC, if the device complies with both the EMC requirements and the applicable telecommunications requirements.

The C-Tick compliance label indicates that the supplier of the device asserts that it complies with all applicable standards. The SCN establishes a traceable link between a device and the supplier responsible for placing it on the Australian market.

Note: The ACMA intends to amend the communications regulatory arrangements in 2012 to introduce a consolidated mark (the Regulatory Compliance Mark—'RCM') for devices and equipment subject to the ACMA's telecommunications, radiocommunications, EMC and EME compliance and labelling requirements. This booklet, and information published on the ACMA website, will be updated at that time.

What is the C-Tick?

The C-Tick mark is a regulatory compliance trademark registered to the ACMA under the *Trade Marks Act 1995* and is a protected symbol under the Radiocommunications Act. It is an offence under the Radiocommunications Act to use the C-Tick for any purpose without permission from the ACMA.

The C-Tick compliance mark is the symbol specified in Schedule 3 of the EMC Labelling Notice. No variation to the specified form is permitted.

Permission to use the C-Tick mark cannot be transferred to another party without the prior approval of the ACMA.

Who can use the C-Tick compliance mark?

The C-Tick compliance mark is a protected symbol and is only to be used in accordance with conditions laid down by the ACMA in Australia and the RSM in New Zealand.

A company or person wishing to use the C-Tick compliance mark for the first time must make a written application to the ACMA using Form C01 on the ACMA website. The application may be in the form set out on the ACMA website, or suppliers may create and submit their own forms; however, these must contain, as a minimum, all of the information listed in Form C01. The completed application must be returned to the ACMA by mail, facsimile or email (contact details are on the form). No fee is required.

The ACMA will only grant permission to use the C-Tick compliance mark to manufacturers or importers in Australia, or their Australian agent. On receipt of a satisfactory application, the ACMA will issue the applicant with permission to use the nominated compliance marks and a SCN as identification. The SCN issued by the ACMA is prefixed by the letter 'N'.

The application for permission to use the C-Tick compliance mark also registers the supplier to use the A-Tick compliance mark. Suppliers only need to register once with the ACMA. Registration will allow you to use both the A-Tick and C-Tick compliance marks, where appropriate, together with your supplier identification.

An electronic version of the C-Tick compliance mark is available for download, free of charge, from the ACMA website.

Suppliers in New Zealand should contact RSM to obtain further information about registration to use the C-Tick compliance mark in New Zealand.

What is the Regulatory Compliance Mark (RCM) compliance label?

The RCM compliance label consists of the RCM and the supplier identification.

For example:

In the example, the supplier identification depicted is the SCN issued by the ACMA. (Supplier code numbers issued by Standards Australia do not use an N prefix and will therefore be just numbers.)

The RCM is an alternative mark to the C-Tick. Suppliers in Australia who intend to use the RCM should register in accordance with AS/NZS 4417.1 and complete the relevant application form to notify the ACMA.

Note: The ACMA intends to amend the communications regulatory arrangements in 2012 to introduce a consolidated mark (the Regulatory Compliance Mark—'RCM') for devices and equipment subject to the ACMA's telecommunications, radiocommunications, EMC and EME compliance and labelling requirements. This booklet, and information published on the ACMA website, will be updated at that time.

What is the RCM?

The Regulatory Compliance Mark (RCM) is a trademark owned by Australian and New Zealand regulators. The design and use of the RCM is legally protected by registration in Australia and New Zealand. The RCM is used to indicate compliance with all sections of AS/NZS 4417 that are applicable to the device. These are:

- AS/NZS 4417.1—general rules for use of the mark
- AS/NZS 4417.2—specific requirements for electrical safety regulatory applications
- AS/NZS 4417.3—specific requirements for electromagnetic compatibility regulatory applications
- AS/NZS 4417.4—specific requirements for radio apparatus regulatory applications.

A new version of AS/NZS 4417 is currently being prepared. In the case of radiocommunications, EMC and EME, the draft revised version of AS/NZS 4417 will only refer to the ACMA's regulatory arrangements and will not purport to describe the rules for the use of the mark for the purposes of complying with ACMA requirements.

Can I use the RCM?

The RCM may be used to indicate EMC compliance. If the RCM is used as a replacement for the C-Tick compliance mark, the device must comply with the other applicable regulations—such as electrical safety—that are covered by the RCM Standard AS/NZS 4417. The various parts of this standard specify the conditions for using the RCM for the different regulatory regimes. The RCM Standard is available from the SAI Global website.

More information about the conditions of use of the RCM is in the RCM Standard AS/NZS 4417. Suppliers who intend to use the RCM must register with the RCM Registrar. Where the RCM is used to indicate compliance with EMC regulations, the supplier must advise the ACMA of their intention to use the RCM and the supplier identification information to be used.

What are the acceptable methods of supplier identification in Australia?

The acceptable methods of supplier identification in Australia are:

- the SCN provided by the ACMA or Standards Australia following receipt of application
- the supplier's business name and business address in Australia
- the supplier's business name registered on the national business register

- the supplier's personal name and the address in Australia of the supplier's place of business
- the supplier's Australian Company Number (ACN)
- the supplier's Australian Registered Body Number (ARBN)
- the supplier's Australian Business Number (ABN)
- the supplier's Australian registered trademark.

If the trademark option is to be used, the supplier must hold a copy of the Australian trademark registration certificate, including a true representation of the trademark with their compliance records.

What are the labelling requirements for compliant devices?

Scale and visibility of compliance label

The compliance mark shall be legible and visible to the unaided eye and no smaller than three millimetres (3 mm) in height. The supplier identification characters must be no less than one millimetre (1 mm) in height.

The label may be reproduced in any colour, provided that visibility is assured through either contrast with the background colour or marking in relief (for example, moulding or engraving).

Placement of compliance label

Suppliers have the choice of either applying a compliance label to the surface of the device or electronically if the device has a built-in electronic display.

In addition, the label may be placed on promotional material associated with the device.

Surface labelling

The compliance mark and supplier identification should be a permanent feature placed on the device, ideally as close as possible to the model identification. The label must be applied to a surface of the device that is readily accessible to the user. If the supplier identification information is displayed on the external surface of the device, the label must be applied to the device in a way that does not obscure that information.

The label should be durably applied by any suitable means including printing, painting, moulding, etching or engraving.

If it is not practical to apply a label to the external surface of the device or it is not displayed using the built-in electronic display, it must be applied to the following items associated with the device:

- the external surface of the packaging used for the device
- the documentation (operating instructions, warranty or guarantee certificates) that accompanies the device when it is used by the consumer.

If a label has to be applied to the external surface of the packaging used for a device, it must:

- be clearly visible
- occupy an area that is greater than one per cent of that external surface.

Suppliers that do not apply a label to the surface of the device are required to maintain records detailing the reasons why and where the label was subsequently applied. This requirement does not apply to suppliers that label electronically.

Electronic labelling

The supplier of a device that has a built-in display has the option of displaying the compliance label electronically on the built-in display rather than on the surface of the device.

Electronic labelling is only an option if the device has a built-in display. Displays that connect to the device, but are external to the device, are not built-in.

Suppliers that choose to use electronic labelling are required to explain in the documentation that accompanies the device how the electronic label can be viewed.

What are the labelling requirements for low-risk devices?

The supplier of a low-risk device—also called a 'compliance level one' device (as defined in section 1.4 of the EMC Labelling Notice)—may decide whether or not to apply a label to that device. However, suppliers of low-risk devices must ensure the device complies with the applicable standard, regardless of their decision to label it.

Who is responsible for applying labels to a device?

Devices manufactured in Australia

The Australian manufacturer, or an authorised agent, must label devices manufactured in Australia. Any person who applies labels must be authorised to do so either by the ACMA or by a registered supplier. People who apply labels without such authorisation may be subject to prosecution for the misuse of a protected symbol. Copies of this authorisation should be kept by the person applying labels and with the compliance records.

Devices manufactured overseas

The importer, or an authorised agent in Australia, must ensure that devices manufactured overseas are labelled accordingly. This can be achieved by labelling the device on its arrival in Australia or the supplier may authorise the overseas manufacturer to apply the label on its behalf. Copies of this authorisation must be kept with the compliance records. Suppliers should take adequate precautions to ensure that their compliance label is not misused by the overseas manufacturer.

Suppliers in New Zealand should contact the RSM for further information about who is responsible for applying labels to devices manufactured in New Zealand or devices manufactured overseas.

Can imported devices be labelled by the overseas manufacturer?

Devices may be labelled at any stage before being supplied to the Australian market, providing the supplier has authorised this action. The ACMA recognises that it may be more cost-effective for many imported devices to be labelled at the time of manufacture rather than at the time of importation. Suppliers must provide a written authorisation to the original manufacturer of the device. Copies of this authorisation must be kept with the compliance records.

Suppliers in New Zealand should contact the RSM for further information (see Contact details).

What is an agency agreement?

An agency agreement is an agreement between a supplier in Australia and another person in Australia, under which the other person takes responsibility for part or all of the compliance requirements of a device supplied to the Australian market.

Suppliers can meet their labelling obligation by either labelling the device themselves or by entering into an agency agreement with another person who labels the device.

Agency agreements for the purposes of the EMC regulatory arrangements are agreements between people with an obligation to label and a separate entity, under which the separate entity agrees to take responsibility for labelling. An agent taking responsibility for labelling a device also must retain and maintain the compliance records for the device.

Given the potentially severe consequences arising from a prosecution for failing to label, the ACMA takes the issue of agency agreements very seriously. The agency agreement must address all aspects of the responsibility to label and must be laid down in clear and unambiguous language. The ACMA recommends that both parties to an agency agreement seek independent legal advice on the content of that agreement.

There is no defined form of agency agreement. Agency agreements can be stand-alone documents of a form agreed to by the parties involved or incorporated into other agreements between those parties. A copy of the agency agreement must be kept with the compliance records of the device. A further copy of the agency agreement should be held by each party mentioned in the agreement.

Information about issues that must be considered in making an agency agreement between people importing or manufacturing goods for supply to the Australian market, subject to the ACMA compliance arrangements, is on the ACMA website.

Other regulatory arrangements

What other regulatory arrangements may apply?

The ACMA also has compliance and labelling arrangements for:

- radiocommunications—applies to certain radiocommunications devices (transmitters)
- telecommunications—applies to telecommunications customer equipment and customer cabling
- EMR/EME—applies only to portable or mobile radiocommunications transmitters with integral antennae.

More information on these regulatory arrangements is available on the ACMA website.

The ACMA has also published general information booklets on the above regulatory arrangements, which are available on the ACMA website.

What if my device requires the A-Tick label?

In Australia, the A-Tick label is used to show compliance with the regulatory arrangements for telecommunications customer equipment and customer cabling. The C-Tick label is used to show compliance with the EMC, EMR and radiocommunications regulatory arrangements.

Devices may be required to comply with one or more of the above regulatory arrangements (for example, a modem must comply with both telecommunications and EMC regulatory requirements). Where a device is subject to both the EMC and telecommunications regulatory arrangements, there is no requirement to label the device with both the C-Tick compliance mark and the A-Tick compliance mark—the A-Tick mark is adequate for indicating compliance with all applicable regulatory arrangements.

Note: The ACMA intends to amend the communications regulatory arrangements in 2012 to introduce a consolidated mark (the Regulatory Compliance Mark—'RCM') for devices and equipment subject to the ACMA's telecommunications, radiocommunications, EMC and EMR/EME compliance and labelling requirements. This booklet, and information published on the ACMA website, will be updated at that time.

The A-Tick compliance mark is an accepted compliance mark in New Zealand for products falling within the scope of clause 4(a) of the Radiocommunications (Regulatory Harmonisation) Notice, available on the RSM website. However, it is not accepted as an indication that the product is suitable for connection to New Zealand's telephone network. New Zealand-based suppliers should contact RSM to obtain further information about its regulatory arrangement on telecommunications (see Contact details).

Enforcement

Will the ACMA inspect the compliance records?

Although the compliance and labelling arrangements are based on industry self-regulation, the ACMA complements this with a supplier audit program for all suppliers. An enforcement program is a critical way of managing risk and is a commitment by the ACMA to support responsible suppliers.

How does the ACMA decide who is to be audited?

Suppliers are selected for audit in several ways. These include any of the following:

- a random selection from the registered supplier database
- receipt of a written complaint
- devices identified at retail outlets
- devices identified through advertising material
- interference to communications.

When a supplier is selected for audit, the ACMA will provide written notice to the supplier at least 10 working days before the proposed date of the audit. The auditor will examine the documents that form the compliance records. When the auditor is satisfied that all the documentation and reports are correct, the supplier will be given an audit completion statement. This statement does not indicate compliance of the device(s). It only means that the compliance records are complete.

Where an auditor requires further evidence of device conformity, additional information will be requested. This may include producing additional documentation or submitting three randomly selected samples of the device for testing by an accredited laboratory in Australia. The testing will be at the supplier's expense.

In the event of device conformity being questioned, the ACMA will use NATA-accredited testing as the benchmark for all compliance levels.

What offences exist?

Offences outlined in the Radiocommunications Act include but are not limited to:

- using the C-Tick compliance mark without permission
- supplying unlabelled devices for sale or use (where the device is required to be labelled)
- selling or labelling non-compliant devices for sale or use
- making a false Declaration of Conformity
- failing to meet the record-keeping obligations (establish and maintain compliance records).

If a supplier is unsure whether an act constitutes an offence, they should seek legal advice.

What penalties apply?

The Radiocommunications Act specifies the penalties, including fines, that apply to the supply of a device that does not comply with the EMC Labelling Notice.

It is very important that suppliers make every effort to ensure a device is compliant at the time it is first imported and that all subsequent devices imported are also compliant.

Contact details

Regulators

Australian Communications and Media Authority

Any questions about the Radiocommunications Labelling Notice or the radiocommunications regulatory arrangements in Australia should be directed to the ACMA:

Telephone: 1300 850 115
Facsimile: 02 6219 5275
Website: www.acma.gov.au
Email: comply.label@acma.gov.au

If you would like to update your contact details on the ACMA registered supplier database, please advise the Compliance Operations Section of the ACMA:

Email: SCN@acma.gov.au

Radio Spectrum Management Group, New Zealand

Any questions about the arrangements in New Zealand should be directed to RSM:

Telephone:

- in New Zealand: Free-phone 0508 RSM INFO (0508 776 463)
- international callers: +64 3 962 2603

Facsimile: +64 4 499 0797
Website: www.rsm.govt.nz
Email: info@rsm.govt.nz

Standards development organisations

All the applicable standards for the EMC arrangements can be found on the ACMA website.

Applicable EMC standards are available from Standards Australia or Standards New Zealand. Contact details are listed below.

Standards Australia

Australian standards, handbooks and other documents developed by Standards Australia are printed and distributed under license by SAI Global Limited.

For information on the development of standards:

Standards Australia Limited
Telephone: (02) 9237 6000
Facsimile: (02) 9237 6020
Website: www.standards.org.au
Email: mail@standards.org.au

For information on the sale and distribution of standards:

SAI Global InfoStore
Telephone: 131 242
Facsimile: 1300 65 49 49
Website: http://infostore.saiglobal.com/store/
Email: sales@saiglobal.com

Standards New Zealand

New Zealand (NZS) and Joint Australian/New Zealand (AS/NZS) standards may be purchased from Standards New Zealand.

For information on the sale and distribution in either printed or electronic form:

Standards New Zealand
Telephone: +64 4 498 5990
Facsimile: +64 4 498 5994
Website: www.standards.co.nz
Email: mailto:enquiries@standards.co.nz

Accreditation bodies

National Association of Testing Authorities, Australia and International Accreditation New Zealand

The ACMA has appointed the National Association of Testing Authorities, Australia (NATA), and International Accreditation New Zealand (IANZ) has been appointed in New Zealand as accreditation bodies to accredit test laboratories and competent bodies for EMC standards. Accredited test reports or assessments by competent bodies must carry the NATA or IANZ logo. Test reports made by an overseas laboratory that has been accredited for the relevant standards by an overseas accreditation body with a mutual recognition agreement (MRA) with NATA or IANZ are also accepted. The report should be endorsed with the respective logo of the accreditation body.

More information is available from:

NATA
Telephone: 1800 621 666
Facsimile: (02) 9743 5311
Website: www.nata.asn.au

IANZ
Telephone: +64 9 525 6655
Facsimile: +64 9 525 2266
Website: www.ianz.govt.nz

Electrical regulators

In addition to EMC, a device may have to meet other requirements, such as electrical safety requirements. Contact details for electrical safety requirements are listed below.

Australia

Electrical Regulatory Authorities Council (ERAC)
ERAC is the body responsible for liaison between the technical and safety electrical regulatory authorities of Australian states/territories and New Zealand. For the latest contact details for electrical regulators, visit the ERAC website.

New Zealand

Energy Safety
Energy Safety is the part of the Ministry of Economic Development, which monitors and encourages compliance with the laws relating to energy safety. For the latest contact details, visit the Energy Safety website.

Other regulatory agencies and industry organisations

Australia

Devices covered by other Commonwealth, state or territory laws that are administered by the following regulatory bodies are exempted from the EMC scheme.

Civil Aviation Safety Authority

Any equipment fitted to an aircraft and required for the safe operation of that aircraft must be approved by the Civil Aviation Safety Authority (CASA) and must comply with certain minimum operational performance specifications. For the latest contact details, visit the CASA website.

Department of Defence

Devices used by the Defence Force for military operations must meet Commonwealth Department of Defence requirements and are exempt from the EMC arrangements. For the latest contact details, visit the Department of Defence website.

Department of Infrastructure and Transport

Motor vehicle emissions and noise standards are generally regulated by the Commonwealth Department of Infrastructure, Transport, Regional Development and Local Government. For the latest contact details, visit the Department of Infrastructure and Transport website.

Federal Chamber of Automotive Industries

In December 1997, the Federal Chamber of Automotive Industries (FCAI), which represents vehicle manufacturers and importers in Australia, endorsed a code of practice setting limits for both emissions and immunity requirements for vehicles supplied by FCAI members. For the latest contact details, visit the FCAI website.

Truck Industry Council

The Truck Industry Council (TIC), which represents truck manufacturers and importers in Australia, created a code of practice setting limits for both emissions and immunity requirements for vehicles supplied by TIC members. For the latest contact details, visit the Truck Industry Council website.

Therapeutic Goods Administration

The Therapeutic Goods Administration (TGA) is part of the Australian Government's Department of Health and Ageing. The TGA carries out a range of assessment and monitoring activities to ensure therapeutic goods available in Australia are of an acceptable standard, with the aim of giving the Australian community access, within a reasonable time, to therapeutic advances. TGA specifies safety and performance requirements for all medical devices, including specific electrical safety, emissions and immunity requirements for electrically powered medical devices.

Medical devices requiring entry in the Australian Register of Therapeutic Goods must meet TGA requirements and are exempt from the EMC Labelling Notice requirements.

Devices that are excluded by the TGA may fall under the ACMA's EMC regulatory arrangements. For the latest contact details, visit the TGA website.

New Zealand

Suppliers should contact the RSM to obtain further information about devices that are exempted from the EMC scheme in New Zealand.

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