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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-

AS 2016 119

<sup>1</sup> SR 734.10

<sup>2</sup> SR 784.10

<sup>3</sup> SR 946.51

- user 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:

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

warehousing, 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.

**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