

Information on labelling and record-keeping

Electromagnetic compatibility requirements—for suppliers of electrical and electronic devices, vehicles and devices with internal combustion engines in Australia

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Contents

Other regulatory arrangements	2
Trans-Tasman Mutual Recognition Arrangement	2
1. EMC regulatory arrangements	3
What are the EMC regulatory arrangements?	3
To whom do the EMC regulatory arrangements apply?	4
Which devices are subject to the EMC regulatory arrangements?	4
Which devices are exempt from the EMC regulatory arrangements?	4
What about goods supplied to New Zealand?	4
2. Labelling, testing and record-keeping requirements	6
Labelling requirements	6
What are the labelling requirements?	6
What is a compliance label?	6
The requirements for durability and legibility issues like font and symbol size are addressed in the EMC Labelling Notice.	7
Who may apply a compliance label?	7
Where do I apply the label?	7
What is a compliance mark?	7
Who can use the RCM?	8
What are the current arrangements for first-time suppliers?	8
What are the transitional arrangements for all ACMA-registered suppliers?	8
What are the requirements for the compliance label?	9
What if my device is also subject to telecommunications requirements?	9
Who is responsible for applying labels to a device?	10
Can imported devices be labelled by the overseas manufacturer?	10
What is an agency agreement?	10
How does an agent register under the new labelling arrangements?	11
What happens if someone else has already labelled a device with the compliance label?	12
What should I do if I transfer responsibility for a device?	12
Testing requirements	13
What standards apply to my device?	13
If more than one standard seems to apply to my device, how do I know which is relevant?	13
What happens if standards are amended or replaced?	13
What happens if an existing device is labelled as compliant under an expired standard?	14
What are compliance levels?	14
What is a battery-powered device?	15
What are the requirements of each compliance level?	15
What is a variant?	16
Where can I have my device tested?	16
Can I use an overseas test report?	17
Can I show compliance through a Technical Construction File?	17

Contents (Continued)

What should a TCF contain?	18
Record-keeping requirements	18
What are the record-keeping obligations for EMC devices?	18
Does a modification to a device require a new set of compliance records?	20
Do I need the original test report?	20
Where do I keep the compliance records?	20
Can I store my compliance records electronically?	21
How long should I keep the compliance records?	21
3. Enforcement	22
Will the ACMA inspect the compliance records?	22
What offences exist?	22
What penalties apply?	22
4. Contact details	24
Regulators	24
Australian Communications and Media Authority	24
Radio Spectrum Management Group, New Zealand	24
Standards development organisations	24
Standards Australia	24
Standards New Zealand	24
Accreditation bodies	25
National Association of Testing Authorities, Australia and International Accreditation New Zealand	25
Electrical regulators	25
Australia	25
New Zealand	25
Other regulatory agencies and industry organisations	25
Australia	25
New Zealand	26
Other contacts	26

Introduction

The Australian Communications and Media Authority (the ACMA) is responsible for regulating telecommunications, broadcasting, radiocommunications and the internet. The ACMA has regulatory arrangements for equipment used in the supply of telecommunications, radiocommunications and broadcasting services.

Under the *Radiocommunications Act 1992*, the ACMA is responsible for regulating electromagnetic compatibility (EMC). The instruments through which the ACMA manages the EMC regulatory arrangements is 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 regulatory arrangements aim to minimise electromagnetic interference from electrical and electronic devices, vehicles and devices with internal combustion engines (collectively referred to as '**devices**' throughout this booklet) that may diminish the performance of electrical devices 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.

This booklet provides information on the regulatory arrangements for the supply of electrical and electronic devices, and vehicles and devices with internal combustion engines. It outlines the steps that must be taken prior to such items being supplied to the Australian market.

The booklet is intended for manufacturers and importers in Australia of electrical and electronic devices, and vehicles and devices with internal combustion engines, or authorised agents in Australia acting on behalf of manufacturers and importers. Manufacturers, importers and their agents are collectively referred to as '**suppliers**' throughout this booklet.

The regulatory arrangements for electrical and electronic devices, vehicles and devices with internal combustion engines require that suppliers ensure that these items comply with mandatory standards before they are supplied to the Australian market. The arrangement imposes labelling and record-keeping requirements on suppliers. Before applying the label, suppliers must ensure that the device complies with any applicable standards that are outlined in the EMC Labelling Notice and the EMC Standard. This booklet explains how to identify the standards.

The EMC Labelling Notice identifies the applicable standard(s), labelling and record-keeping requirements for specific devices. It also specifies the type of testing required to be undertaken to justify a claim of compliance. The EMC Standard specifies the technical standards that apply to devices. The regulatory arrangements aim to ensure that specific devices are appropriately labelled before supply to the Australian market.

Other regulatory arrangements

The ACMA has regulatory arrangements for different types of devices. As well as the requirements in the EMC Labelling Notice, the ACMA has requirements for radiocommunications devices and electromagnetic radiation/energy (EMR/EME) under the Radiocommunications Act.

The ACMA also has regulatory arrangements for the supply and operation of telecommunications customer equipment and customer cabling that may be or may include electrical or electronic devices under the *Telecommunications Act 1997*

More information on these arrangements can be found on the [ACMA website](#).

Trans-Tasman Mutual Recognition Arrangement

The Trans-Tasman Mutual Recognition Arrangement (TTMRA) 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 devices 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](#).

Disclaimer

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

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

The information contained in this booklet is correct at the time of publication.

1. 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. Suppliers must conduct testing, label devices and keep records before supplying devices to the Australian market.

In broad terms, the EMC regulatory arrangements require that, prior to supplying a device, a supplier must:

- > **Establish** whether the device is covered by the EMC regulatory arrangements. 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.
- > **Ensure** the device complies with the applicable standard(s) identified for that device in the EMC Labelling Notice and the EMC Standard. Depending on the type of device and the risk it presents if non-compliant, the device may need to be tested to confirm it meets the standard.
- > **Collect** supporting documentation as indicated by the compliance level in the EMC Labelling Notice (see Chapter 2).
- > **Complete and sign** a [Declaration of Conformity](#) (Form C02)—a declaration on behalf of the supplier that all devices supplied comply with the applicable standard(s). The supporting documentation and the Declaration of Conformity then become the ‘compliance records’ for the device.
- > **Apply** a compliance label to each device (see Chapter 2):
 - > for first time suppliers—the RCM
 - > for all previous ACMA-registered suppliers—*either* a compliance mark (depending on the device, a C-Tick or A-Tick) and supplier identification, *or* the RCM. Under the transitional arrangements, these suppliers can choose which label to use.
- > **Maintain** the compliance records, including details of changes and supporting documentation if the device is modified (see Chapter 2).

The EMC Labelling Notice specifies, among other things, the form and placement of the compliance label, the compliance level for a device that determines the level and necessity for testing, and the record-keeping requirements. The EMC Standard specifies the compliance requirements (technical standards) that have to be met before a compliance mark can be applied under the EMC Labelling Notice.

The EMC regulatory arrangements apply to all electrical and electronic devices, and vehicles and devices with internal combustion engines that are scoped by a standard listed in on the ACMA website.

The EMC Labelling Notice and its associated explanatory statement can be found on the [ComLaw website](#). The EMC Standard and its associated explanatory statement can be found on the [ComLaw website](#).

To whom do the EMC regulatory arrangements apply?

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

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

The Radiocommunications Act 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 prior to being supplied 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 devices, and vehicles and devices with internal combustion engines that are covered by the scope of an applicable ACMA standard, unless specifically listed in the exemptions in Schedule 2 of the EMC Labelling Notice.

Note: An applicable standard is a standard listed on the ACMA website, not any industry standard referenced by the applicable standard.

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.

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.

Which 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 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 [Radio Spectrum Management \(RSM\)](#) website

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.

2. Labelling, testing and record-keeping requirements

There are three key steps to ensuring supplier compliance with the EMC regulatory arrangements:

- > [labelling](#)—how, where and when to apply a compliance label
- > [testing](#)—testing of devices, what standards devices are tested to and who should test
- > [record-keeping](#)—what records must be kept, who by and for how long.

This chapter gives an overview of these requirements. If you have any doubt about these requirements you should refer to the [EMC Labelling Notice](#) or seek legal advice.

Labelling requirements

What are the labelling requirements?

Devices that are subject to an applicable standard listed on the [ACMA website](#) must be labelled with a compliance label. Suppliers are accountable for ensuring that labels are affixed to devices prior to the supply of those devices to the Australian market.

A compliance label must not be applied to a device unless the device complies with the applicable standard and the supplier holds the documentation relevant to the device.

The ACMA's labelling arrangements changed on 1 March 2013 to introduce a consolidated compliance mark (the RCM). This chapter provides information on the labelling arrangements including transitional arrangements, for devices previously labelled with the C-Tick (or A-Tick) compliance mark.

While there is a continuing obligation to apply a compliance label, from 1 March 2013 the RCM may be used to label any device. Further details on the timetables for the introduction and correct use of the RCM as a compliance label are shown below.

What is a compliance label?

A compliance label is a durable and legible label that indicates a device has been declared by the supplier as meeting any applicable standards that apply to that device.

A compliance label may comprise either:

- > a compliance mark only (where the compliance mark is the RCM)

Figure 1 [RCM](#)



- > a compliance mark and information about the identity of the supplier (where the compliance mark is the C-Tick (or the A-Tick) under the transitional arrangements).

Figure 2 [C-Tick](#)



The requirements for durability and legibility issues like font and symbol size are addressed in the EMC Labelling Notice.

Who may apply a compliance label?

It is the responsibility of the registered supplier of the device to ensure that compliance labels are correctly applied to each device before it is supplied to the market.

A supplier can give permission to a third party, including an agent, to apply labels on its behalf; however, ultimate responsibility for applying the label rests with the supplier. A supplier should ensure that where it is relying on a third party to apply labels it has confidence that labels are applied in accordance with the requirements. There are penalties for failing to apply compliance labels, applying a compliance label to a non-standard device or misusing protected symbols that form part of a compliance label.

Where do I apply the label?

The label should be applied to the device so that it is accessible. It may be applied to the bottom of a device but not in such a way that a special tool is required to open a compartment to view the label. The label may also be applied electronically if the device has an in-built display.

If it is impractical to apply the label to a device, it can be applied to the device's external packaging. If the label is applied to external packaging, it must also be attached to the documentation for the device.

Suppliers who apply labels to a device's packaging must keep records of their reasons for this approach. The EMC Labelling Notice addresses placement of labels in more detail.

What is a compliance mark?

A compliance mark is a graphical symbol used to indicate that a device meets a requirement imposed under a compliance arrangement. Under the new arrangements, the RCM is the compliance mark. The transitional arrangements, allow the use of the C-Tick and A-Tick for a specified period.

From 1 March 2013, suppliers may use the RCM to indicate a device's compliance with all applicable ACMA regulatory arrangements—that is, for telecommunications, radiocommunications, electromagnetic compatibility (EMC) and human exposure to electromagnetic energy (EME).

The RCM is also used to indicate compliance with applicable state and territory electrical equipment safety requirements.

Under the ACMA arrangements the RCM indicates that the supplier has taken steps to ensure that the device complies with the applicable standard(s) before supply.

The RCM is specified in the EMC Labelling Notice. It is a protected symbol and is to be used exactly as shown in the EMC Labelling Notice and on the ACMA website. No variations are permitted.

When using the RCM to indicate compliance to ACMA regulatory arrangements, and the device is also subject to state and territory electrical safety requirements, suppliers should ensure that the device meets applicable state or territory electrical requirements before applying the label.

From 1 March 2013, a database of all suppliers using the RCM is [available](#). Suppliers must register on the [national database](#) before they use the RCM for the first time.

A downloadable image of the RCM is available [here](#).

Who can use the RCM?

From 1 March 2013, any supplier can use the RCM once they have registered on the [national database](#).

What are the current arrangements for first-time suppliers?

First-time suppliers are those who have not been issued with a SCN by the ACMA prior to 1 March 2013. From this date they must:

- > register on the [national database](#)
- > use the RCM to indicate compliance with applicable ACMA regulatory arrangements, including all technical and record-keeping requirements.

What are the transitional arrangements for all ACMA-registered suppliers?

ACMA-registered suppliers are those who have been issued with a SCN prior to 1 March 2013 and are using a C-Tick (or A-Tick for specified devices) compliance label.

From 1 March 2013:

- > A three-year transition period will apply to ACMA-registered suppliers.
- > ACMA-registered suppliers will have until 29 February 2016 to register on the new database and start using the RCM.
- > ACMA-registered suppliers will be permitted to label devices with the C-Tick (or A-Tick) until 29 February 2016.
- > ACMA-registered suppliers will be permitted to keep devices labelled with the C-Tick (or A-Tick) on the market with their current label. Devices labelled with the C-Tick (or A-Tick) before the end of the transition period on 29 February 2016 and in accordance with the existing requirements will not need to be relabelled.

From 1 March 2016:

- > All suppliers must use the RCM as the compliance label.
- > Devices that were first labelled with the C-Tick (or A-Tick) and SCN prior to 1 March 2016 can continue to be supplied until labelled stock has been exhausted.

What are the requirements for the compliance label?

Scale and visibility

The compliance label shall be legible and visible to the unaided eye and the compliance mark shall be no smaller than three millimetres (3 mm) in height. Where alphanumeric characters, such as the Supplier Code Number (SCN) are part of the label characters must be no less than one millimetre (1 mm) in height. The compliance 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

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 compliance label may be placed on promotional material associated with the device:

- > **Surface labelling**—the compliance label should be a permanent feature placed on the device. It must be applied to a surface of the device that is readily accessible to the user. The label should be durable and 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, 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 if my device is also subject to telecommunications requirements?

Electrical and electronic devices may be required to comply with one or more of the ACMA's regulatory arrangements.

Under the new arrangements, the RCM may be used as a compliance label under any ACMA regulatory arrangement—that is, for telecommunications, radiocommunications, EMC and EME.

Under the previous arrangements, the A-Tick label has been used to show compliance with the regulatory arrangements for telecommunications customer equipment and customer cabling. The C-Tick (and RCM) label has been used to show compliance with the radiocommunications, EMC and EMR/EME regulatory arrangements. Under the previous arrangements, and the transitional period, 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 and the A-Tick compliance marks. The A-Tick mark indicates compliance with the telecommunications regulatory arrangement and any other applicable arrangements for that device.

Who is responsible for applying labels to a device?

Devices manufactured in Australia

The Australian manufacturer, or their authorised agent in Australia, must label devices manufactured in Australia in accordance with the EMC Labelling Notice.

Only suppliers registered on the database are able to label devices with the RCM. Any person who applies the RCM label must be authorised to do so by the supplier.

Only ACMA-registered suppliers who have a SCN can continue to apply the C-Tick (or A-Tick) compliance label. Any person who applies the C-Tick (or A-Tick) compliance label must be authorised to do so by the supplier.

Copies of the authorisation to apply the C-Tick or A-Tick compliance labels must be kept by the authorising supplier as part of the compliance records. A copy should also be kept by the authorised person applying the labels on behalf of the supplier.

Any person who applies labels without authorisation may be subject to prosecution for the misuse of a protected symbol.

Devices manufactured overseas

The Australian importer, or the importer's authorised Australian agent, must ensure that devices manufactured overseas are labelled in accordance with the EMC Labelling Notice. This can be achieved by labelling the device on its arrival in Australia or the supplier may authorise the overseas manufacturer to apply the RCM label.

Copies of this authorisation must be kept with the compliance records. Suppliers should take precautions to ensure that their compliance label is not misused by the overseas manufacturer.

Can imported devices be labelled by the overseas manufacturer?

Devices may be labelled at any stage before being supplied to the Australian market once conformity with the applicable standard(s) has been established. The registered supplier must authorise 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. Where the device is labelled overseas, the registered supplier or their agent in Australia must provide a written authorisation to the original manufacturer of the device to apply a label. The registered supplier or agent must keep a copy of this authorisation in their compliance records. The registered supplier is accountable for this process.

Suppliers should take precautions to ensure that their compliance label is not misused by the overseas manufacturer.

What is an agency agreement?

Suppliers can meet their labelling obligation by either labelling the device themselves or entering into an agreement with another person (an agent) who labels the device. An Australian manufacturer or importer may authorise an Australian-based agent to carry out the compliance requirements on their behalf. In such instances, **a written agency agreement must exist between the agent (in Australia) and the supplier**

(in Australia) that identifies the agent as the person responsible for the compliance arrangements on behalf of the supplier.

For the purposes of the EMC regulatory arrangements, an agency agreement is any agreement between a person with an obligation to label and a separate entity, under which the latter 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.

An agreement between an overseas manufacturer and a local agent under which the latter agrees to assume the regulatory compliance obligations for all importers of a specified device is *not* an agency agreement for the purposes of the EMC regulatory arrangements, and does not absolve the importer(s) of their compliance obligations. The agreement must be between the Australian importer and the local agent. In the case of an agreement between the overseas manufacturer and a local agent (which is not accompanied by an agreement between the importer and the agent), each individual importer of a device remains responsible for complying with the EMC regulatory arrangements.

The agency agreement must address all aspects of the responsibility to label and be written in 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 for an agency agreement. It can be either a standalone document or a form agreed to by the parties involved or incorporated into another agreement between those parties. A copy of the agency agreement must be kept with the compliance records of the device. A further copy 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](#).

How does an agent register under the new labelling arrangements?

The new ACMA arrangements do not preclude the use of an agent to manage a supplier's compliance responsibilities. As with the current arrangements, an agent can only assume responsibility for compliance of a device if the agent has a written agreement directly with the supplier of the device. An agent who has assumed supplier compliance responsibilities must register on the new database.

However, the Electrical Equipment Safety System (EESS) arrangements impose obligations on the first supplier of the device to the Australian market, and do not allow agents to assume the compliance responsibilities of first suppliers. The database has only two registration options—'supplier' or 'consultant'. Therefore, the following ACMA agent registration arrangements apply:

- > An agent of a supplier of a device that is subject to ACMA-only requirements should register as a 'supplier'.
- > An agent of a supplier of a device that is subject to both ACMA and EESS requirements should:
 - > register as a 'supplier' for ACMA purposes
 - > register as a 'consultant' for EESS purposes
 - > ensure the first supplier of the device is registered as the supplier of the device for EESS purposes and has nominated the agent ('consultant') as their 'preferred consultant'.

What happens if someone else has already labelled a device with the compliance label?

A supplier may wish to supply a device that is already being supplied by another supplier to the Australian market. Each supplier must obtain the appropriate documentation to establish and keep their own compliance records, and subsequently apply compliance labels to each device they supply. It is not adequate to rely solely on the compliance documentation held by the other supplier. Each importer or authorised agent in Australia is responsible for ensuring that the imported device complies with the applicable standard.

A single supplier or agent may act on behalf of multiple importers of the same device. There must be an agency agreement between each supplier and the agent. The agent may establish and maintain the compliance records relevant to the device. Information on agency agreements is available from the [ACMA website](#).

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

Where a supplier (the old supplier) ceases to supply a device and a different supplier (the new supplier) elects to take responsibility for the continued supply of that device, a transfer of responsibility may occur.

From the date of transfer of responsibility, the new supplier is responsible for the compliance of all devices supplied to the market.

The ACMA will consider the old supplier of the device responsible for all devices supplied prior to the transfer of responsibility unless this issue is specifically addressed in detail in the written agreement between the old and new supplier. The old supplier cannot acquit its responsibility for all actions through the written agreement. The old supplier may be accountable for devices that were supplied without labels, incorrectly labelled or not compliant to the standard in the period prior to the transfer of responsibility.

Where a transfer of responsibility occurs and labelling is done with the RCM, the new supplier must be registered on the database prior to taking responsibility for supply of the device and labelling with the RCM.

If the new supplier in this instance is an existing supplier and is labelling with the C-Tick compliance label, it may continue to label the product in this manner until the end of the transition period.

The new supplier must ensure that the device is compliant before labelling it with the compliance mark. The new supplier is responsible for the compliance of all devices supplied from the date that it takes control.

The new supplier may choose to rely on the documentation provided by the old supplier about the conformity of the supplied devices. This approach is risky and the ACMA recommends that the supplier assess the compliance of the device independently—although this is not mandatory. In any event, the new supplier must complete a Declaration of Conformity for the device before supplying it to the market.

The ACMA recommends that both parties seek legal advice about their responsibilities and the obligations they accrue through a transfer of responsibility for a device.

Testing requirements

What standards apply to my device?

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. 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.

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 that list of standards, 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 and electronic 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 is relevant?

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 compliance mark 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 identifies three compliance levels. Each level specifies the evidence a supplier must obtain to demonstrate the compliance of devices to the 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 higher the compliance level, the greater the risk presented by a non-compliant device. The greater the risk presented, the more comprehensive the record-keeping requirements.

There are three compliance levels:

1. Compliance level one ('low-risk' devices)

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

2. Compliance level two ('medium-risk' devices)

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.

3. Compliance level three ('high-risk' devices)

A compliance level three device is a high-risk device; as a consequence, the required level of compliance documentation is higher.

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?

Compliance level one

For compliance level one, a supplier is not required to hold a test report. However, as part of the compliance record the supplier must hold:

- > a description of the device
- > a Declaration of Conformity.

Note: Though low-risk devices only require a Declaration of Conformity, the supplier should still be confident that the device complies with the applicable standard. It is the supplier's choice to maintain a test report supporting conformity. The penalty for supply of a non-standard device is not affected by its compliance level.

Compliance level two

For compliance level two, the supplier must hold as part of the compliance record:

- > a description of the device
- > a Declaration of Conformity
- > either a test report from a testing body that confirms the device meets the requirements of the applicable standard (the report does not need to come from an accredited test laboratory) or
- > a technical construction file stating the device would comply with the applicable standard

Note: For a definition of accredited testing laboratories, see [Where can I have my device tested?](#) below.

- > 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 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.

Where a supplier chooses to use non-accredited testing, including in-house or self testing, to support their Declaration of Conformity, the ACMA reserves the right to ask for additional evidence of conformity, if considered necessary.

Compliance level three

For compliance level three, the supplier must hold as part of the compliance record:

- > a description of the device
- > a Declaration of Conformity
- > an accredited test report issued by an accredited testing body or
- > a technical construction file stating the device would comply with the applicable standard
- > 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.

Under compliance level three, the accredited test report must be produced by an accredited testing body for conformity with the applicable standard.

For information on interpretation of test results, refer to the [EMC Labelling Notice](#).

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.

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.

Where can I have my device tested?

Compliance level one and two devices may be assessed by a testing body, an accredited testing body or other suitable means.

Compliance level three requires applicable devices to be tested by a laboratory that is appropriately accredited for this purpose—an accredited testing body—or have a Technical Construction File (including a statement 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.

NATA has accredited a number of companies 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.

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.

Can I show compliance through a Technical Construction File?

A Technical Construction File (TCF) is a collection of documents, in English, that includes a report or statement 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. 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:

1. 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.
2. 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 **competent bodies** are available from the [NATA website](#).

What should a TCF contain?

A TCF should contain at least:

- > a signed report or statement 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 the standard applied in part or in full
- > a technical description of the device
- > all technical reports relevant to the device
- > all reports or statements issued by the **competent body**.

The documentation contained in a TCF must be in English.

Record-keeping requirements

What are the record-keeping obligations for EMC devices?

The record-keeping obligations for devices scoped under the EMC regulatory arrangements require suppliers to obtain and hold specified compliance records for the device.

A compliance record comprises:

- > information compiled about a device—collected by a supplier that supports the declaration that it complies with the applicable standard
- > a declaration by the supplier that all devices of that type comply with the standard.

The information required includes a description of the device, a Declaration of Conformity for the device and, for specified devices, a report about the device. The range and extent of the information, especially the test report, will depend on the compliance levels that applies to the device.

The supplier must ensure that compliance records for a device are available at the principal Australian business address of the supplier. The ACMA will advise a supplier about a need to examine a compliance record and will notify it ahead of time. This should allow time for the supplier to ensure that the records are available for inspection.

A compliance record must be in English, may be a copy of an original record and may be in electronic form. It comprises two or more of the following.

Description of a device

In broad terms, a description of a device must include sufficient information for a person to determine whether the particular device is identical to the device for which a declaration of conformity or test report 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).

Declaration of Conformity

A Declaration of Conformity is a document signed by or on behalf of the supplier asserting that the device tested meets the applicable standard and that all subsequent devices of that type supplied to the market will also comply with the standard.

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 with the technical standard(s). There are significant penalties for knowingly or willingly providing false or misleading information such as a false Declaration of Conformity.

A sample Declaration of Conformity ([Form C02](#)) is on the ACMA website. The Declaration of Conformity may be in the ACMA form 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.

Test report

The test report that forms part of the compliance record will depend on the level of compliance for the device.

- > For compliance level one, the compliance record may, but is not required to, contain a test report.
- > For compliance level two, the compliance record must contain a test report that shows as a minimum:
 - > the tests conducted
 - > the results of the tests, including any test data
 - > whether the results of the test show that the device meets the standard.
- > For compliance level three, the compliance record must contain a test report compiled by an accredited testing body that shows as a minimum:
 - > the tests conducted
 - > the results of the tests, including any test data
 - > whether the results of the test show that the device meets the standard.

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

If the device is a modified version (variant or part of a 'family') of the original device, there is the option to add information on the variant to the compliance record. This information should include:

- > a statement by the supplier that identifies the device and the variant, and describes the differences between the device and the variant, and either:
 - > where the variation affects the performance of the device to the applicable standard—a test report showing that the variant complies with the applicable standard
 - > where the variation does not affect the performance of the device—a statement must be added to the compliance record that explains how the variation does not affect conformity with the applicable standard. This statement must be signed by the supplier. The test report has the same requirements under the compliance level as the original report for the device.

The supplier must not apply the compliance label to the modified device unless the device 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, any copy (faxed copy, photocopy or electronic copy) must be accompanied by a signed statement that the copy of the test report is a true and complete copy of the original; that is, the copy should be endorsed by the holder of the original report. The copy should be of sufficient quality that someone can clearly read all aspects of the report, including any test data and photographs.

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 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 these records meet 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.

3. Enforcement

Will the ACMA inspect the compliance records?

The ACMA takes a risk-based approach to compliance. Details of the ACMA's compliance and enforcement policy are on our [website](#).

If non-compliance for a device or type of device is identified, the ACMA may conduct targeted auditing of identified devices. As a result, the ACMA may seek to examine a supplier's compliance records for a device.

In the event of an audit of this type, the ACMA may write to a supplier and require it to provide specified compliance records for a device(s). The supplier must, on receipt of the request, provide the compliance records within 10 working days after the date of the request.

Requests for specific items to identify the device such as circuit diagrams or manuals may also be made. These records must be supplied within 30 days of the date specified in the written request.

If the ACMA is not satisfied that the compliance records are complete or justify a claim of compliance to the applicable standard, it may take action against the supplier. Action can include a requirement to have the device tested by an accredited testing body (irrespective of the compliance level for the device) or prosecution for offences under the Radiocommunications Act.

What offences exist?

Offences include but are not limited to:

- > using the compliance label without being registered on the database
- > supplying unlabelled devices for sale or use (where the device is required to be labelled) with the compliance label
- > selling or labelling non-compliant devices for sale or use
- > making a false Declaration of Conformity
- > failing to keep records (establish and maintain compliance records).

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

What penalties apply?

Offences in relation to the EMC regulatory arrangements include offences under the Radiocommunications Act and the *Criminal Code Act 1995*. The penalties include fines and imprisonment depending on the type and severity of the offence.

Offences and fines include:

- > Failing to retain records (Radiocommunications Act, section 187)—20 penalty units.
- > Applying a label before ensuring the requirements in the EMC Labelling Notice are met (Radiocommunications Act, section 187)—100 penalty units.
- > Knowingly providing false or misleading information to a Commonwealth entity (Criminal Code Act section 137.1)—12 months imprisonment.

As of 28 December 2012, the value of a penalty unit for calculating financial penalties was \$170. A fine of 100 penalty units would correspond to a penalty of \$17,000.

4. Contact details

Regulators

Australian Communications and Media Authority

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

Email: info@acma.gov.au

[Online enquiry](#) on the ACMA website

Radio Spectrum Management Group, New Zealand

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

Telephone: Freephone (in NZ) 0508 RSM INFO (0508 776 463)

For international callers: Telephone: +64 3 962 2603

Facsimile: +64 4 978 3162

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: 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
Email: info@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 part of the Ministry of Economic Development, and 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](#).

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.

Other contacts**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, has 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](#).

Construction and Mining Equipment Industry Group (CMEIG) and Tractor and Machinery Association (TMA)

In 2009, the Construction and Mining Equipment Industry Group (CMEIG) and the Tractor and Machinery Association (TMA) jointly developed an industry code of practice setting limits for emission requirements for machinery and equipment supplied by their members. For the latest contact details, visit the [CMEIG website](#) and the [TMA website](#).