



CABINET OF MINISTERS OF UKRAINE

RESOLUTION

of _____ № _____

Kyiv

On Approving the Technical Regulation on Electromagnetic Compatibility

Pursuant to Article 14 of the Law of Ukraine "On Standards, Technical Regulations, and Conformity Assessment Procedures", the Cabinet of Ministers of Ukraine **hereby resolves:**

1. To approve the Technical Regulation on Electromagnetic Compatibility and the action plan for the implementation thereof, hereby attached.

2. To appoint the Ministry of Industrial Policy of Ukraine to be responsible for the implementation by the enterprises of the Technical Regulation, approved by this resolution, and for the supervision over the conformance with the requirements thereof.

Prime Minister of Ukraine

Yu. TYMOSHENKO

APPROVED

by the Resolution of the Cabinet of Ministers of Ukraine

No. of 2008.

TECHNICAL REGULATION
on Electromagnetic Compatibility

General Provisions

1. This Technical Regulation lays down requirements for electromagnetic compatibility of equipment, which is manufactured and taken into service in the territory of Ukraine or is imported to be taken into service in the territory of Ukraine.

This Technical Regulation is developed for the purpose of providing:

appropriate life and health safety for citizens, and also for protection of animals and property from the danger connected with the influence of electromagnetic disturbance on usage of equipment;

protection of radio and telecommunication or other equipment, functioning of which can be influenced by electromagnetic disturbances, from deterioration of their work because of such disturbances;

protection of distributive networks from electromagnetic disturbances, that may have an influence on them and cause damage of equipment;

functioning of the domestic market of Ukraine by means of presentation of adequate electromagnetic compatibility level conformity requirements to equipment.

Assuring of national safety and social interests, preventing of abusive practice and misuse, connected with the usage of radio frequency band.

2. The requirements of this Technical Regulation shall be mandatory for:

Manufacturers, their authorized representatives which are residents of Ukraine, and importers placing equipment on the market,

central executive bodies on technical regulation issues,

appointed certification bodies, as provided by the Resolution of the Cabinet of Ministers of Ukraine of January 24, 2007, № 59 "On Approving the Appointment Procedure of Bodies of the Technical Regulations Requirements Conformity Assessment of Products, Processes and Services" (The Official Bulletin of Ukraine, № 6, p.223),

central executive body on standardization issues.

3. In this Technical Regulation terms are used in the meanings, laid down in the Laws of Ukraine "On Confirmation of Conformity" (of January 17, 2001, № 2406-III), "On Approving of Technical regulation of Conformity Assessment Modules and Requirements on Marking with the National Conformity Mark, used in Technical Regulations on Conformity Confirmation" (of October 3, 2003, № 1585), "On Standards, Technical Regulations, and Conformity Assessment Procedures" (of December 1, 2005, № 3164-IV), and also in the following meanings:

'equipment' means any electrical apparatus;

'apparatus' means any finished device or combination of devices, available on the market as a separate functional device, intended for an end-user and liable to cause electromagnetic disturbances or the performance of which is liable to be affected by electromagnetic disturbances;

'electromagnetic compatibility' (hereinafter referred as to EMC) means the ability of equipment to function with the established parameters in the established electromagnetic environment without introducing intolerable electromagnetic disturbances to other equipment;

'electromagnetic disturbances' means any electromagnetic phenomenon which may degrade the performance of equipment. Electromagnetic disturbances may be electromagnetic noise, an unwanted signal or a change in the propagation medium itself;

'immunity' means the ability of equipment to perform properly without degradation of the working parameters in respect of it in the presence of electromagnetic disturbances;

'for the purpose of safety' means for the purpose of securing human life and saving property;

'electromagnetic situation' means all electromagnetic phenomena in total, which are present in a certain site;

'installation or assembly' means constructively finished assembly units, intended for that purpose to be assembled into apparatus by an end-user and liable to cause electromagnetic disturbances or the performance of which is liable to be affected by electromagnetic disturbances;

'mobile equipment' means a set of apparatus and, in certain cases, other devices, intended for transferring and being taken into service at different sites.

4. This Technical Regulation applies to equipment, apparatus, installation or assembly, mobile equipment.

This Technical Regulation does not apply to:

aeronautical equipment, assembly and devices in a civil aviation sector;

radio equipment, used by radio amateurs, in accordance with the Regulation on Radio Communication of the International Telecommunications Union (ITU), unless the equipment is available on the market;

radio equipment and terminal telecommunications equipment.

Sets of components, intended for radio amateurs construction, and equipment, purchased on the market, improved and taken into service by radio amateurs, shall not be considered as commercial equipment.

5. Equipment may be placed on the market and/or taken into service only if it is properly installed, maintained and used for the purposes for which it is intended, and conforms to the requirements of this Technical Regulation.

Placement on the market of equipment without a document, which testifies conformity with the requirements of this Regulation and the National Conformity Mark in accordance with the Resolution of the Cabinet of Ministers of November 29, 2001, № 1599 "On Approving of Description and National Conformity Mark Application Rules" shall be prohibited.

6. Under the reasons connected with the EMC, executive bodies shall not interfere with placement on the market and/or taking into service in the territory of Ukraine of equipment, which conforms to the requirements of this Technical Regulation.

7. Requirements of this Technical Regulation shall not interfere with introducing in the territory of Ukraine of the following special measures on putting equipment into service:

measures on removal EMC problems, present or foreseen in particular sites;

measures on protection of telecommunications networks of public use or receiving or transmission stations, used for the purpose of security.

8. Executive bodies shall not in any way interfere with exposure and/or demonstration at trade fairs, expositions and other similar events of equipment, which does not conform to this Technical Regulation. Such equipment shall be marked with visible marking, testifying that it may not be placed on the market and/or put into service, until it is harmonized with the requirements of this Technical Regulation. Demonstration of such equipment may be possible provided that adequate electromagnetic disturbances protection measures are taken.

9. For specifying of essential requirements of the Technical Regulation a List of National Standards, voluntary application of which completely or partially may be considered as a proof of equipment conformity to the requirements of the Regulation (hereinafter referred to as the List of National Standards), is developed.

10. The List of National Standards shall be approved by a central executive body on standardization issues at the suggestion of central executive bodies on technical regulation issues.

Essential Requirements

11. Protection requirements: development and manufacturing of equipment in consideration of current requirements shall guarantee the following:

electromagnetic disturbances caused by equipment shall not exceed the level permissible for successful performance of radio, telecommunications or other equipment;

the level of equipment immunity to electromagnetic disturbances, which occur in the course of a foreseen operation, shall enable equipment to function without inadmissible deterioration of a functioning quality.

12. Provided that the Essential Requirements to equipment stated in paragraph 11 are entirely or partially determined by other Technical Regulations, this Technical Regulation does not and shall not apply to equipment concerning such requirements from the moment of implementation of these Technical Regulations.

Apparatus Conformity Assessment Procedures

13. Apparatus conformity with the essential requirements shall be approved by means of procedures, outlined in "The Technical Regulation on Conformity Assessment Modules and the Requirements Concerning the Application of the National Conformity Mark, as Applied in Technical Regulations on Conformity Assessment" (approved by the Resolution of the Cabinet of Ministers of Ukraine of October 7, 2003, №1585, hereinafter referred to as the Technical Regulation №1585).

14. A manufacturer or his authorized representative who is a resident of Ukraine may perform assessment of conformity with the requirements of this Regulation with application of modules A and Aa (inner control over manufacturing) in accordance with a procedure, laid down in Annex I.

15. Conformity assessment with involving of the appointed conformity assessment body shall be carried out in accordance with Annex II.

16. A manufacturer or his authorized representative who is a resident of Ukraine may apply more complicated modules, outlined in the Technical Regulation №1585.

Technical Documentation

17. Technical documentation shall confirm equipment conformity with the essential requirements of this Technical Regulation, according to which assessment shall be carried out. Documentation shall be drawn up in the Ukrainian language or in a language, harmonized with an appointed conformity assessment body.

Documentation shall cover all stages of development, manufacturing and application of equipment and enable assessment of its conformity with the requirements of this Technical Regulation.

Scope and content of the technical documentation shall conform to the Technical Regulation №1585, State Standard of Ukraine "ДСТУ" ISO/IEC 17050-2:2006, and contain in particular:

generic description of equipment;

technical requirements (if there are any);

basic constructor drawings, drawings of elements, blocks, circles etc.;

descriptions and explanations, necessary for understanding of laid down drawings, schemes and other documents and apparatus functioning;

list of standards from the officially published list of harmonized standards to this Technical Regulation, which were entirely or partially applied;

proof of conformity with the harmonized standards by means of records of the tests, carried out by a testing laboratory under supervision by a selected appointed body, provided that during conformity assessment harmonized standards were applied;

laying down and argumentation of measures on implementation of this Technical Regulation essential requirements taken, provided that during conformity assessment harmonized standards were not applied or were applied partially. In particular, description of EMC assessment, set out in item 1 of Annex I, shall be laid down, results of engineering design, analyses and testing records made by a testing laboratory under supervision by a selected appointed body;

conclusion of an appointed conformity assessment body, in case of application of an appropriate procedure, set out in Annexes I and II.

Declaration of Conformity

18. The declaration of conformity shall be drawn up in the Ukrainian language.

The declaration of conformity shall at least contain:

reference to this Technical Regulation;

data on identification of apparatus mentioned, as provided in item 24;

name and address of a manufacturer and, in case of necessity, name and address of his authorized representative;

dated reference to harmonized standards or equivalent requirements, conformity of which shall be declared for confirmation of apparatus conformity to the provisions of this Technical Regulation;

date of issue of the declaration;

signature and identification of a person, responsible for drawing up.

General requirements to the declaration are established in the State Standard of Ukraine "ДСТУ" ISO/IEC 17050-1:2006.

Form of the declaration is set out in Annex III.

Marking

19. Apparatus, conformity of which to this Technical Regulation was ascertained by means of procedures as specified in item 13 through 16, shall be marked with the national conformity mark which confirms a fact of conformity.

Marking with the national conformity mark shall be carried out by a manufacturer or his authorized representative, who is a resident of Ukraine.

Provided that a manufacturer is not a resident of Ukraine and he has no authorized representative, who is a resident of Ukraine, marking with the national conformity mark shall be carried out by a supplier who is a resident of Ukraine and is responsible for placing production on the market.

20. Marking with the national conformity mark shall be carried out in accordance with the Resolution of the Cabinet of Ministers of Ukraine of November 29, 2001, № 1599 "On Approving of Description and National Conformity Mark Application Rules".

21. Central executive bodies on technical regulation issues shall be obliged to take all necessary measures on non-admission of affixing such marks on the apparatus, its packing or service instruction, as may mislead a third party with regard to the significance or graphic images of the national conformity mark.

22. Any other marking may be affixed on the apparatus, its packing or service instruction, provided that it does not reduce visibility and legibility of marking with the national conformity mark.

23. In case when it is established that the national conformity mark is being used with violation of law requirements, a manufacturer or his authorized representative, who is a resident of Ukraine, or a person responsible for placing production on the market, shall take measures on ceasing of violation on terms determined by executive bodies in accordance with legislation, bring the production to the state of conformity with the requirements, established in this Technical Regulation, and confirm this conformity according to the established procedure. In case of durable violation of law, executive bodies shall take appropriate measures in accordance with the laws of Ukraine on limitation or prohibition of placing production on the market or withdrawing from the market.

24. Marking shall be affixed on each unit of the apparatus, which enables determination of its type, lot and serial number, and other apparatus identifying data.

25. Name and address of a manufacturer shall be affixed on each unit of the apparatus, regardless of whether he is a resident of Ukraine or not. If a manufacturer is not a resident of Ukraine, address of his authorized

representative who is a resident of Ukraine shall be also affixed. In case his authorized representative is not a resident of Ukraine, name and address of a supplier who is a resident of Ukraine shall be affixed. This data is permitted to be indicated in accompanying documentation.

26. In accompanying documentation a manufacturer is obliged to state data on all special preventive measures which are to be adhered to during assembling, installation, maintenance and exploitation of the apparatus to guarantee conformity of the apparatus to the protection requirements determined in item 11, in case of putting the apparatus into service.

27. If the apparatus conformity to protection requirements in housing areas is not guaranteed, the data on restricted use shall be affixed on the apparatus itself, and also in case of necessity on its packing and accompanying documentation.

28. The data which is necessary for providing of apparatus intended use shall be set out in the service instruction.

Measures to Be Taken in Case of Determination of the Apparatus Unconformity

29. If an authorized executive body determines that the apparatus marked with the national conformity mark does not meet the requirements of this Technical Regulation, it is obliged to take all necessary measures to withdraw the apparatus from the market, prohibit its placing on the market or putting into service, or restrict free movement of such apparatus according to the legislation.

30. In any decision on withdrawing of the apparatus from the market, prohibition or restriction of its placing on the market, putting into service or restriction of its free movement, adopted on the ground of this Technical Regulation, an authorized executive body shall clearly define the reasons on the ground of which such decision was made. An interested party shall be immediately informed about such a decision, and also about the measures on problems elimination, taken in accordance with the legislation in force, and about the terms of their implementation.

31. In case of making a decision set out in item 30 of the Technical Regulation, a manufacturer, his authorized representative or any other interested party shall be given an opportunity to hand down their opinion before making of decision, with the exception of the cases when discussion is impossible because of the immediacy of proved measures use, especially in cases of public interests protection.

ANNEX I

To the Technical Regulation

Conformity Assessment Procedure, Mentioned in Item 13 through 16 of the Technical Regulation (Inner Control of Manufacturing)

1. A manufacturer is obliged to assess EMC of the apparatus to check conformity to the protection requirements set out in item 11 of this Regulation. Right use of all national standards concerning the apparatus, from the officially published list of the national standards to this Regulation, is equivalent to performing of the EMC assessment.

2. During the EMC assessment all normal conditions foreseen for the apparatus exploitation shall be taken into account. For the apparatus application of which is possible in several configurations, EMC is being assessed to confirm the apparatus conformity to the immunity requirements set out in item 11 of this Regulation, in any possible configurations, foreseen by a manufacturer for exploitation.

3. According to the provisions set out in item 17 of this Regulation, a manufacturer is obliged to confirm the apparatus conformity to the essential requirements of this Technical Regulation during drawing up of the technical documentation.

4. The Apparatus conformity to all necessary requirements shall be confirmed by the Declaration of Conformity, drawn up by a manufacturer. The Declaration of Conformity shall be registered in one of the appointed conformity assessment bodies of a production manufacturer's own choice. Condition for registering of the Declaration

of Conformity shall be conformity of the given technical documentation certified by a manufacturer, to the requirements of item 17 of this Regulation. The Register of Declarations is carried out by the Central executive body in the sphere of the technical regulation.

5. A manufacturer or his authorized representative who is a resident of Ukraine shall be obliged to keep a copy of the Declaration of Conformity altogether with the technical documentation at least 10 years from the moment of the last issue of the apparatus and give them on demand by the central executive bodies appointed by the legislation.

6. A manufacturer or his authorized representative who is a resident of Ukraine shall be obliged to take all necessary measures to guarantee placing of production on the market according to the technical documentation, set out in item 3 of this chapter and the provisions of this Technical Regulation that concern to it.

Continuation of Annex I
to the Technical Regulation

7. The technical documentation and the Declaration of Conformity shall be processed according to items 17, 18 of this Regulation.

8. Conformity assessment of the apparatus which is not intended for a direct connection to the electricity network shall be carried out with application of the module A (inner control of manufacturing) in accordance with the Technical Regulation № 1585.

9. Conformity assessment of the apparatus which is intended for a direct connection to the electricity network shall be carried out with application of the module Aa (modified module A) in accordance with the Technical Regulation № 1585.

The module Aa consists of the module A including additional requirements with consideration of the following provisions:

the appointed conformity assessment body selected by a manufacturer carries out the apparatus tests at random time intervals. A manufacturer gives a final product sample for a testing purpose. The appointed conformity assessment body examines and tests it in accordance with the corresponding requirements from the list of the harmonized standards and carries out equivalent tests for the Technical Regulations requirements conformity assessment testing of the sample;

after testing the appointed conformity assessment body shall give a conclusion;

a manufacturer applies the conclusion to the technical documentation;

In case a manufacturer does not provide the apparatus sample to the selected appointed conformity assessment body in agreed time, the body shall enter to the register an entry on suspension of the Declaration action and inform the authorized executive bodies about this.

Annex II
to the Technical Regulation

Conformity Assessment Procedure, Carried Out with the Involvement of the Appointed Conformity Assessment Body
Mentioned in Item 13 through 16 of the Technical Regulation

1. In case a manufacturer or an authorized representative who is a resident of Ukraine, does not rely on it that selection of the harmonized standards was correct, or did not apply them or applied them partially, he may apply the conformity assessment procedure with application of the module B combining other modules according to the Technical Regulation № 1585.

2. Conformity assessment of the telecommunications equipment covered by the purview of the Law of Ukraine "On the Telecommunications" of November 18, 2003, № 1280-IV, shall be carried out with application of the module B combining other modules in accordance with the Technical Regulation № 1585.

3. In case the apparatus placing on the market is being performed by a person who is a resident of Ukraine, assessment of conformity to the requirements of this Technical Regulation shall be carried out with application of the module B for each lot of the production.

4. A manufacturer or his authorized representative or a supplier who is a resident of Ukraine, in case a manufacturer or his authorized representative are not the residents of Ukraine, is obliged to take all necessary measures to guarantee placing of the apparatus on the market according to the technical documentation, indicated in item 3 of this chapter and the provisions of this Technical Regulation concerning the technical documentation.

5. A manufacturer or his authorized representative or a supplier who is a resident of Ukraine, in case a manufacturer or his authorized representative are not the residents of Ukraine, shall submit an application and present a copy of the technical documentation and the manufacturer's declaration to the appointed conformity assessment body.

6. During the conformity assessment in accordance with the procedure with the involvement of the appointed conformity assessment body the provisions of item 1 through 7 of Annex I shall be applied.

7. In case a manufacturer or his authorized representative are not the residents of Ukraine, a supplier who is a resident of Ukraine shall be charged with the obligations concerning keeping and granting of the Declaration of Conformity and the technical documentation at the disposal of the authorized executive bodies.

Continuation of Annex II
to the Technical Regulation

8. A manufacturer or his authorized representative who is a resident of Ukraine in view of the provisions of item 1 through 7 of Annex I may use more complicated modules, set out in the Technical Regulation on the Conformity Assessment Modules (1585-2003-n).

Annex III
to the Technical Regulation

DECLARATION
OF CONFORMITY

(full name of a manufacturer or his authorized representative;

their location, code (EDPNOU) if there is
represented by _____
(position, surname, name and patronymic of the authorized person)
certifies that _____,
(full name of production, type, brand, model)
which is manufactured according to _____,
(name and marking of documentation)
corresponds to _____,
(name(s) of the Technical Regulation (s) on production, processes, services)
and also _____
(name and marking of the normative documents, voluntary application of which provides

evidence that the production complies with the requirements of the Technical Regulation,
and the conformity assessment procedure was carried out according to the mentioned Technical Regulation(s).

Certificate of Conformity*

(number of the certificate of conformity, day of its entry, term of validity,

name, location of the appointed conformity assessment body)

The Declaration is drawn up under entire responsibility of a manufacturer/authorized representative.

(position) (signature) (initials and signature)

Stamp _____
(date)

Place for a note about registration of the Declaration of Conformity

*The indicated paragraph shall be applied provided that the conformity approving procedure carried out by the appointed conformity assessment bodies is set out in the Technical Regulation

APPROVED

by the Cabinet of Ministers of Ukraine

of 2008, №

Action Plan

for the Implementation of the Technical Regulation on Electromagnetic Compatibility

for the period of 2008-2010

Description of Measure	Entities Responsible for Implementation	Implementation Period, Years
Preparatory Stage		
1. Appointment of the entity to be responsible for the implementation of the Technical Regulation by enterprises	Minprompolityky (the Ministry of Industrial Policy)	2008
2. Establishment of an advisory methodical centre on the implementation of the Technical Regulation	Minprompolityky Derzhspozhyvstandart (The State Committee of Ukraine for Technical Regulation and Consumer Policy)	2008
3. Examination, coordination and publication of the List of National Standards which, in the case of voluntary application, shall be deemed proof of the equipment conformity with the requirements of the Technical Regulation Preparation of the plan of state standardization on the development of national standards harmonized with the international standards, and their updating	Derzhspozhyvstandart Minprompolityky	2008, annually annually
4. In case of need bringing the normative-legal acts of the Ministries and of other central executive authorities to the conformity with the provisions of the Technical Regulation	Derzhspozhyvstandart Minprompolityky Mintranszviazku (the Ministry of Transport and Communication)	2008-2009
5. Popularization of the implementation of the Technical Regulation via mass media, conducting seminars, and conferences	Derzhspozhyvstandart Minprompolityky Mintranszviazku	2008-2009

Description of Measure	Entities Responsible for Implementation	Implementation Period, Years
6. Preparation of the domestic manufacturing enterprises for the manufacture of products in compliance with the requirements of the Technical Regulation	Minprompolityky Mintranszviazku	2008-2009
Voluntary Implementation of the Technical Regulation		
7. Voluntary implementation of the Technical Regulation by the enterprises with conducting of the conformity assessment procedure in accordance with the Technical Regulation	Minprompolityky Mintranszviazku Derzhspozhyvstandart	2009
8. Stepwise development, updating and implementation of the standards and rules harmonized with the European standards, in accordance with the annual plan of the state standardization and the plan of the normative regulation of the Minprompolityky Completion and alteration of the effective norms, rules and national standards in accordance with the annual plan of the state standardization	Minprompolityky Derzhspozhyvstandart	2008-2009
9. Appointment of the conformity assessment bodies for the assessment of the equipment conformity with the requirements of the Technical Regulation	Derzhspozhyvstandart	2008
10. Organization of market supervision implementation for production to which the Technical regulation applies	Derzhspozhyvstandart Minprompolityky	2009
Mandatory Implementation of the Technical Regulation		
11. In case of need alteration of the Technical Regulation based on the results of voluntary application thereof by the enterprises	Minprompolityky Mintranszviazku Derzhspozhyvstandart	2009
12. Mandatory application of the Technical Regulation by all manufacturers and suppliers of the technique	Minprompolityky Mintranszviazku	2010