

- 3 AUG 2011

Mark Prisk MP

Minister of State for Business and  
Enterprise

Alistair Burt MP  
House of Commons  
London  
SW1A 0AA

Our ref: KW/253299

Your ref:

 July 2011

*Dear Alistair*

Thank you for your letter of 27 June, enclosing correspondence from your constituent, Mr M of raising further concerns regarding Power Line Communication Technology (PLT).

Your constituent is incorrect in his statement that the Commission Recommendation does not address 'in house' PLT, it does, the technology is clearly described and it is made clear in the answer given by Mr Verheugen on behalf of the European Commission given on 16 September that the Recommendation is relevant. Generally speaking the PLT apparatus for which complaints have been received all relate to those installed 'in house' and guidance for this application was required.

Your constituent is misleading himself in considering that the legislation sets an absolute requirement for no interference, background noise is a reality, the question is what is an acceptable limit for the noise floor. In common with most electrical equipment supplied to the UK market PLT equipment is required to comply with the Electromagnetic Compatibility Regulations 2006 (SI2006:3418) (The Regulations). The Regulations do not set specific levels of interference but aim to ensure that the electromagnetic disturbance generated by electronic equipment does not exceed a level above which other equipment, including radio and telecoms equipment cannot operate as intended and that the equipment itself has an adequate level of immunity to electromagnetic disturbance<sup>1</sup>. It does not attempt to set an absolute level that ensures that interference can never happen; only that the emissions will be reasonable.

<sup>1</sup> Extract of requirement from the Electromagnetic Compatibility Regulations 2006 – Essential Requirements - Regulation 4 (2)

Equipment shall be so designed and manufactured, having regard to the state of the art, as to ensure that:

- (a) the electromagnetic disturbance generated does not exceed the level above which radio and telecommunications equipment or other equipment cannot operate as intended;
- (b) it has a level of immunity to the electromagnetic disturbance to be expected in its intended use which allows it to operate without unacceptable degradation of its intended use.

For a professional broadcaster, with a specifically set-up transmitter, covering a specific area, the signal strength and thus noise background level can be specified with some confidence. However this is not the case with an amateur radio arrangement where the objective is often to detect very weak signals from remote locations and it is therefore these users which are more likely to be subject to some interference under certain circumstances, particularly where a PLT product is used in close proximity to the receiver. As well as PLT there are many other products that will also add to the overall noise level, the legislation requires that each addition is reasonable.

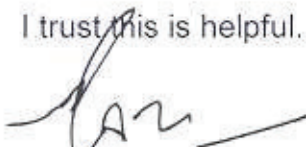
Your constituent is reading too much into common engineering terms and then attempting to transpose them into the legal framework, he should consider the broader usage across the legislative framework and where documents have been produced by and for people where English is not their first language. For example he states that in-house is not a fixed network however the Recommendation notes that in-house PLT is a fixed installation (See Whereas (5)), this is essential in order to fit PLT applications into the EMC Directive framework which applies to products and to fixed networks. As noted in Mr Verheugen's reply it is not the PLT devices themselves that radiate rather it is the network to which they are connected to that does and as such only as a fixed installation do they come into the scope of the Regulations.

The Regulations do not require products to comply with a standard. The Regulations set objectives and compliance with an appropriate standard provides a presumption of conformity, but they are not mandatory. Therefore the question is whether or not the objectives of the Directive has been adhered to, the question of compliance with EN55022 is irrelevant.

I note your constituent's views. As assistance to all interested parties in understanding the issues involved, which are complex and cross a number of difficult legal and technical aspects, Ofcom have prepared an internet information page which provides access to data, reports and notices from various sources and which have been used to form the basis of the Ofcom position. These can be found at: <http://stakeholders.ofcom.org.uk/enforcement/spectrum-enforcement/plt/>

With regard to your constituent's comments as to where he seeks assurances I would comment that actions taken by Ofcom must be proportionate, non-discriminatory and transparent. With the very low levels of incidents of interference currently being reported there is currently no evidence of non-compliance and therefore the taking of any general enforcement action would not be proportionate, and is unlikely to be considered as non-discriminatory.

I trust this is helpful.



**MARK PRISK MP**