

## STATUTORY INSTRUMENTS

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# 2016 No. 1091

## The Electromagnetic Compatibility Regulations 2016

### PART 2

#### Obligations of economic operators

##### Importers

#### **Importer's duty to take action in respect of apparatus placed on the market which is considered not to be in conformity E+W+S**

**23.**—(1) An importer who considers or has reason to believe that apparatus that the importer has placed on the market is not in conformity with Part 2 must immediately take the corrective measures necessary to—

- (a) bring the apparatus into conformity;
- (b) withdraw the apparatus; or
- (c) recall the apparatus.

(2) Where the apparatus presents a risk, the importer must immediately inform the market surveillance authority <sup>F1</sup>... of the risk, giving details of—

- (a) the respect in which the apparatus is considered not to be in conformity with Part 2; and
- (b) any corrective measures taken.

#### **Extent Information**

**E1** This version of this provision extends to England, Wales and Scotland only; a separate version has been created for Northern Ireland only

#### **Textual Amendments**

**F1** Words in [reg. 23\(2\)](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 20 para. 16](#) (with [Sch. 20 para. 33](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)

#### **Importer's duty to take action in respect of apparatus placed on the market which is considered not to be in conformity N.I.**

**23.**—(1) An importer who considers or has reason to believe that apparatus that the importer has placed on the market is not in conformity with Part 2 must immediately take the corrective measures necessary to—

- (a) bring the apparatus into conformity;
- (b) withdraw the apparatus; or
- (c) recall the apparatus.

*Status:* There are multiple versions of this provision on screen. These apply to different geographical extents. *Skip to:* E+W+S - England, Wales and Scotland extent N.I. - Northern Ireland extent

*Changes to legislation:* The Electromagnetic Compatibility Regulations 2016, Section 23 is up to date with all changes known to be in force on or before 22 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (2) Where the apparatus presents a risk, the importer must immediately inform the market surveillance authority and the competent authorities of any [F2relevant state] in which the importer has made the apparatus available on the market of the risk, giving details of—
- (a) the respect in which the apparatus is considered not to be in conformity with Part 2; and
  - (b) any corrective measures taken.

#### **Textual Amendments**

- F2** Words in [reg. 23\(2\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), [Sch. 8 para. 3\(2\)](#)

**Status:**

There are multiple versions of this provision on screen. These apply to different geographical extents.

**Skip to:**

- E+W+S - England, Wales and Scotland extent
- N.I. - Northern Ireland extent

**Changes to legislation:**

The Electromagnetic Compatibility Regulations 2016, Section 23 is up to date with all changes known to be in force on or before 22 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 74A(4)-(6) omitted by [S.I. 2024/696 reg. 11\(5\)](#)