
STATUTORY INSTRUMENTS

2005 No. 281

The Electromagnetic Compatibility Regulations 2005

PART II

APPLICATION

General Application

Relevant apparatus

6.—(1) Subject to paragraph (2) below, this Part shall have effect for the purposes of providing for the application of these Regulations, and apparatus to which these Regulations apply shall be relevant apparatus.

(2) In addition to applying to relevant apparatus, the following provisions of these Regulations apply as follows:—

- (a) Part I, and regulations 35(6), 36(4), 76 to 79, 82, 83, 84(c) and (d), 86 to 88, 91 to 93 and 95 to 99, apply to electrical apparatus other than relevant apparatus; and
- (b) Part I and regulations 7(2), 82, 83, 86, 92, 93, 95, and 99 apply to an excluded installation as a unit (without prejudice to the application of the provisions referred to in subparagraph (a) above to such installation or any part thereof on the ground that it is electrical apparatus).

General conditions of application

7.—(1) Subject to regulations 8 and 9 below, these Regulations apply to electrical apparatus unless, pursuant to regulations 10 to 29 below, it falls outside the scope of these Regulations.

(2) For the purposes of these Regulations, electrical apparatus consists of a product —

- (a) with an intrinsic function intended for the end user; and
- (b) supplied or intended for supply or taken into service or intended to be taken into service as a single commercial unit,

which is—

- (i) an electrical appliance;
- (ii) an electronic appliance; or
- (iii) a system.

Modified application

Education and training equipment

8.—(1) This regulation applies to education and training equipment which would not, except for the provisions of this regulation, conform with the protection requirements under normal conditions of use in its usual electromagnetic environment.

(2) Education and training equipment to which this regulation applies shall be deemed to conform with the protection requirements if it satisfies the following conditions—

- (a) in relation to supply, the apparatus is accompanied by a declaration in English stating that the use of the apparatus outside the classroom, laboratory, study area or similar such place invalidates conformity with the protection requirements of the EMC Directive and could lead to prosecution; and
- (b) the equipment when operated does not cause electromagnetic disturbance to apparatus situated outside its immediate electromagnetic environment.

Test apparatus

9. In the application of these Regulations to test apparatus, a reference to the protection requirements—

- (a) insofar as it relates to the electromagnetic disturbance generated by that apparatus shall be construed as a reference to that disturbance capable of preventing relevant apparatus situated outside the immediate electromagnetic environment of that apparatus from operating as intended; and
- (b) insofar as it relates to the immunity of that apparatus, shall not be taken to refer to any susceptibility to electromagnetic disturbance which is a necessary feature of that apparatus to facilitate the conducting of the test.

Exclusions

Apparatus supplied or taken into service before 28th October 1992

10. These Regulations do not apply to an item of electrical apparatus supplied or taken into service in the Community before 28th October 1992.

Apparatus for export to a third country outside the Community

11.—(1) Subject to paragraph (2) below, these Regulations do not apply to any apparatus which the supplier believes (with reasonable cause) will not be used either in the United Kingdom or elsewhere in the Community.

(2) Paragraph (1) above shall not apply if the CE mark or any inscription liable to be confused therewith is affixed to the apparatus.

Excluded installations

12.—(1) These Regulations do not apply to excluded installations; but the extent to which any apparatus or system comprised or to be comprised therein is relevant apparatus shall be determined in accordance with the provisions of this Part.

(2) In this regulation “excluded installation” means two or more combined items of relevant apparatus or systems put together at a given place (whether or not in combination with any other

item) to fulfil a specific objective but not designed by the manufacturer (or manufacturers, where the items are made by different manufacturers) for supply as a single functional unit.

Spare parts

13.—(1) Subject to paragraph (2), these Regulations do not apply to spare parts.

(2) Nothing in this regulation shall be taken to affect the application of these Regulations to apparatus into which a spare part has been incorporated.

(3) In this regulation, “spare part” means a component or combination of components intended for use in replacing parts of electrical apparatus.

Supply to the authorised representative

14. These Regulations do not apply to the supply of apparatus by the manufacturer thereof to his authorised representative.

Second-hand apparatus

15.—(1) Subject to paragraph (2) below, these Regulations do not apply to second-hand apparatus.

(2) Nothing in paragraph (1) above shall be taken to disapply these Regulations to—

- (a) the supply of second-hand apparatus which has, since it was last used, been subjected to further manufacture within the meaning of sub-paragraphs (c) or (d) of the definition of manufacture in regulation 3(1) above;
- (b) the supply or taking into service of such apparatus following such further manufacture; or
- (c) the supply or taking into service in the Community of apparatus which has previously been supplied or used in a country or territory outside the Community.

(3) In this regulation, “second-hand apparatus” means apparatus which has previously been used by an end user.

Electromagnetically benign apparatus

16. These Regulations do not apply to apparatus the inherent qualities of which are such that neither is it liable to cause, nor is its performance liable to be degraded by, electromagnetic disturbance.

Apparatus for use in a sealed electromagnetic environment

17. These Regulations do not apply to—

- (a) the supply of any apparatus—
 - (i) for which the usual electromagnetic environment is a sealed electromagnetic environment; and
 - (ii) which is accompanied by instructions which state that the apparatus is suitable for use only in a sealed electromagnetic environment; or
- (b) the taking into service of any apparatus in such an environment.

Radio amateur apparatus

18.—(1) These Regulations do not apply to radio amateur apparatus which is not available commercially.

(2) In this regulation, “available commercially” means manufactured in the course of a business of manufacture of relevant apparatus.

Military equipment

19.—(1) These Regulations do not apply to military equipment.

(2) In this regulation, “military equipment” means apparatus which is designed for use as arms, munitions or war material within the meaning of Article 223.1(b) of the Treaty establishing the European Community (notwithstanding that it may be capable of other applications), but does not include apparatus which is designed both for such use and for other applications.

Apparatus covered by other Directives

Active implantable medical devices

20.—(1) These Regulations do not apply to active implantable medical devices.

(2) In this regulation “active implantable medical device” has the meaning given by Article 1.2(c) of Council Directive [90/385/EEC](#)^{M1} on the approximation of laws of the member States relating to active implantable medical devices.

Marginal Citations

M1 OJ No. L189, 20.7.90, p.17.

In vitro medical devices

21.—(1) These Regulations do not apply to in vitro medical devices and their accessories.

(2) In this regulation “in vitro medical device” has the meaning given by Article 1.2(b) of Directive [98/79/EC](#)^{M2} concerning in vitro medical devices and “accessory” has the meaning given in Article 1. 2(c) of that Directive.

Marginal Citations

M2 OJ No. L331, 7.12.98, p.1.

Medical devices

22.—(1) These Regulations do not apply to medical devices.

(2) Insofar as the Wireless Telegraphy (Control of Interference from Electro Medical Apparatus) Regulations 1963^{M3} impose electromagnetic compatibility requirements which must be complied with if a relevant medical device is to be supplied, used or taken into service, those Regulations shall cease to apply except where the manufacturer elects to comply with the Wireless Telegraphy (Control of Interference from Electro Medical Apparatus) Regulations 1963 if applicable.

(3) In this regulation “medical device” has the meaning given by Article 1.2(a) of Directive [93/42/EEC](#)^{M4} concerning medical devices.

Marginal Citations

M3 S.I. 1963/1895.

M4 OJ No. L169, 12.7.93, p.1.

Vehicles, components and separate technical units

23.—(1) These Regulations do not apply to vehicles, components or separate technical units.

(2) In this regulation, in accordance with Council Directive [72/245/EEC](#) relating to the radio interference (electromagnetic compatibility) of vehicles ^{M5} as adapted to technical progress and amended by Commission Directive [95/54/EC](#)^{M6}, “vehicle”, “component” and “separate technical unit” have the meanings respectively given to them by Article 2 of Council Directive [70/156/EEC](#) on the approximation of the laws of the member States relating to the type-approval of motor vehicles and their trailers ^{M7}, as amended by Council Directive [92/53/EEC](#)^{M8}.

Marginal Citations

M5 OJ No. L152, 6.7.72, p.15.

M6 OJ No. L266, 8.11.95, p.1.

M7 OJ No L42, 23.2.70, p.1

M8 OJ No. L225, 10.8.92, p.1. Council Directive 92/53/EEC replaced Article 2 of Council Directive 70/156/EEC. Council Directive 72/245/EEC (as amended by Commission Directive 95/54/EC) is a separate Directive for the purposes of the definitions of component and separate technical unit.

Agricultural or forestry tractors

24.—(1) These Regulations do not apply to agricultural or forestry tractors insofar as the electromagnetic disturbance generated by them is liable to cause radio interference.

(2) In this regulation, “agricultural or forestry tractor” has the meaning given to “vehicle” in Article 1 of Council Directive [75/322/EEC](#) on the suppression of radio interference produced by agricultural or forestry tractors (electromagnetic compatibility) ^{M9} as amended by Commission Directive [2000/2/EC](#) of 14 January 2000 ^{M10}.

Marginal Citations

M9 OJ No. L147, 9.6.75, p.28.

M10 OJ No. L21, 26.1.2000, p.23.

Two and three-wheel motor vehicles

25.—(1) These Regulations do not apply to two and three-wheel motor vehicles.

(2) In this regulation, in accordance with Directive [97/24/EC](#) on certain components and characteristics of two and three-wheel motor vehicles ^{M11}, “two and three-wheel motor vehicles” has the meaning given to two or three-wheel motor vehicles referred to in Article 1 of Directive [2002/24/EC](#)^{M12} relating to the type approval of two and three-wheel vehicles.

Marginal Citations

M11 OJ No. L226, 18.8.97, p.1..

M12 OJ No. 124, 9.5.2002, p.1. This Directive replaced Directive 92/61/EC (OJ No. L225, 10.8.92, p.72).

Marine Equipment

26.—(1) These Regulations do not apply to marine equipment.

(2) In this regulation, “marine equipment” has the meaning given to “equipment”, as defined in Article 2 (b) of Directive [96/98/EC](#)^{M13} on marine equipment, for use on board as provided for in Article 3 of that Directive.

Marginal Citations

M13 OJ No. L46, 17.2.97, p.25.

Electrical Energy Meters

27.—(1) These Regulations do not apply to electrical energy meters as regards the immunity thereof.

(2) In this regulation, “electrical energy meter” means any new directly connected induction meter, with single or multiple tariffs, designed to measure active energy single-phase or polyphase current at 53 Hz frequency mentioned or referred to in Article 2 of Council Directive [76/891/EEC](#) on the approximation of the laws of the member States relating to electrical energy meters^{M14}.

Marginal Citations

M14 OJ No. L336, 4.12.76, p.30.

Non-automatic weighing instruments

28.—(1) These Regulations do not apply to non-automatic weighing instruments as regards the immunity thereof.

(2) In this regulation, “non-automatic weighing instrument” has the meaning given by the second indent of Article 1.1 read in conjunction with Article 1.2(a) of Council Directive [90/384/EEC](#) on the harmonisation of the laws of the member States relating to non-automatic weighing instruments^{M15}.

Marginal Citations

M15 OJ No. L189, 20.7.90, p.1 amended by Directive 93/68/EEC of 22.11.93 (OJ No. L220, 30.8.93, p.1).

Radio equipment and telecommunications terminal equipment

29. These Regulations do not apply to telecommunications terminal equipment and radio equipment as defined in regulation 2(1) of the Radio Equipment and Telecommunications Terminal Equipment Regulations 2000^{M16}.

Marginal Citations

M16 [S.I. 2000/730](#).

Changes to legislation:

There are currently no known outstanding effects for the The Electromagnetic Compatibility Regulations 2005, PART II.