

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations transpose Directive 2014/30/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to electromagnetic compatibility (recast) (OJ L 96, 29.3.2014, p.79) (“the Directive”).

The Directive repeals and replaces Directive 2004/108/EC of the European Parliament and of the Council of 15 December 2004 on the approximation of the laws of the Member States relating to electromagnetic compatibility and repealing Directive 89/336/EEC which was implemented in the United Kingdom by the Electromagnetic Compatibility Regulations 2006 (S.I. 2006/3418) (as amended). These Regulations revoke and replace S.I. 2006/3418.

Regulations 3 to 5 set out the application of the Regulations to apparatus and equipment, as defined in regulation 2.

Part 2 sets out the obligations of economic operators. Regulations 8 to 16 set out the obligations that are specific to manufacturers. Obligations include ensuring that apparatus has been designed and manufactured in accordance with the essential requirements set out in Schedule 1, having a relevant conformity assessment procedure carried out before the apparatus is placed on the market and affixing the CE marking. Regulation 38 sets out the obligations which an authorised representative, appointed by a manufacturer, may and may not perform on the manufacturer's behalf.

Regulations 17 to 25 set out the obligations that are specific to importers. These obligations include ensuring that the importer is not placing on the market apparatus which is not in conformity with the essential requirements, checking that the manufacturer has carried out a relevant conformity assessment procedure and ensuring the apparatus bears the name and address of the importer. Those regulations also include an obligation to ensure that, while the importer is responsible for apparatus, the storage and transport of the apparatus does not jeopardise its conformity with the essential requirements.

Regulations 26 to 31 set out the obligations that are specific to distributors. These obligations include acting with due care to ensure that apparatus is in conformity with Part 2 and checking that apparatus bears the CE marking. Those regulations also include an obligation to ensure that, while the distributor is responsible for apparatus, the storage and transport of the apparatus does not jeopardise its conformity with the essential requirements.

Regulations 32 to 37 set out obligations which apply to all economic operators. These obligations include making sure that the EU declaration of conformity is in English before apparatus is placed on the market. Those regulations also include an obligation to identify other economic operators in the supply chain, an obligation to provide information with apparatus, such as required precautions to ensure conformity with Part 1 of Schedule 1, and a prohibition on the improper use of the CE marking.

Part 3 contains provisions concerning the conformity assessment procedures, declarations of conformity and CE marking for apparatus.

Part 4 contains provisions concerning the bodies which carry out conformity assessment procedures under the Regulations.

Part 5 sets out provisions for market surveillance and enforcement of these Regulations.

Regulation 52 designates the enforcing authorities and regulation 53 designates the market surveillance authorities. Regulation 54 and Schedule 7 provide for the powers which the enforcement and market surveillance authorities are to have. Regulation 61 provides for the contravention of certain provisions of these Regulations to be an offence. Regulation 62 sets out the penalties that are to apply for offences under these Regulations.

Status: Point in time view as at 31/12/2020.

Changes to legislation: The Electromagnetic Compatibility Regulations 2016 is up to date with all changes known to be in force on or before 07 September 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)

Part 6 sets out a review provision and transitional provisions and consequential amendments. The Electromagnetic Compatibility Regulations 2006 (S.I. 2006/3418) (as amended) will continue to apply to apparatus placed on the market before the date on which these Regulations came into force. Regulation 75 makes consequential amendments.

A transposition note and full impact assessment of the impact that these Regulations will have on the costs of business, the voluntary sector and the public sector are available from the Single Market Product Safety Team, Department for Business, Energy and Industrial Strategy, 1 Victoria Street, London SW1H 0ET and are also published with the Explanatory Memorandum alongside these Regulations on www.legislation.gov.uk.

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