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STATUTORY INSTRUMENTS

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**2016 No. 1091**

**The Electromagnetic Compatibility Regulations 2016**

**PART 5**

Enforcement and market surveillance

**EU safeguard procedure**

58.—<sup>F1</sup>(1) Where another <sup>F2</sup>[relevant state] has initiated the procedure under Article 38 of the Directive (as amended from time to time), each enforcing authority (other than the Secretary of State) must, without delay, inform the Secretary of State of—

- (a) any measures taken by the enforcing authority in respect of the apparatus; and
- (b) any additional information which the enforcing authority has at its disposal relating to the lack of conformity of the apparatus.

(2) Where another <sup>F3</sup>[relevant state] has initiated the procedure under Article 38 of the Directive (as amended from time to time), the Secretary of State must, without delay, inform the European Commission and the other <sup>F4</sup>[relevant states] of—

- (a) any measure taken by an enforcing authority <sup>F5</sup>[in Northern Ireland] in respect of the apparatus;
- (b) any additional information which an enforcing authority has at its disposal relating to the lack of conformity of the <sup>F6</sup>[apparatus.]

<sup>F7</sup>(c) .....

(3) Where a measure taken by another <sup>F8</sup>[relevant state] in respect of apparatus is considered justified under Article 38(7) of the Directive (as amended from time to time), the market surveillance authority must ensure that appropriate measures, such as the withdrawal of apparatus, are taken <sup>F9</sup>[in Northern Ireland] in respect of the apparatus without delay.

(4) Where a measure taken by another <sup>F10</sup>[relevant state] in respect of apparatus is considered justified by the European Commission under Article 39(1) of the Directive (as amended from time to time), the market surveillance authority must take the necessary measures to ensure that the apparatus is withdrawn from the <sup>F11</sup>[market in Northern Ireland].

(5) Where the market surveillance authority is not the Secretary of State and it has taken action under paragraph (3) or (4), it must inform the Secretary of State.

(6) Where the Secretary of State receives a notice under paragraph (5) or has taken action under paragraphs (3) or (4), the Secretary of State must inform the European Commission of the action taken <sup>F12</sup>[in respect of Northern Ireland].

(7) If a measure taken by an enforcing authority pursuant to regulation 57 is considered unjustified by the European Commission under Article 39(1) of the Directive (as amended from time to time), the enforcing authority must withdraw that measure <sup>F13</sup>[in respect of Northern Ireland].

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

**Changes to legislation:** The Electromagnetic Compatibility Regulations 2016, Section 58 is up to date with all changes known to be in force on or before 26 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)

### Textual Amendments

- F1** Reg. 58 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. 31** (with Sch. 20 para. 33) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in reg. 58(1) 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. 5(2)(a)**
- F3** Words in reg. 58(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. 5(2)(b)(i)**
- F4** Words in reg. 58(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. 5(2)(b)(ii)**
- F5** Words in reg. 58(2)(a) inserted (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. 5(2)(b)(iii)**
- F6** Word in reg. 58(2)(b) 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. 5(2)(b)(iv)**
- F7** Reg. 58(2)(c) omitted (N.I.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112), reg. 1(b), **Sch. 8 para. 5(2)(b)(v)**
- F8** Words in reg. 58(3) 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. 5(2)(c)(i)**
- F9** Words in reg. 58(3) inserted (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. 5(2)(c)(ii)**
- F10** Words in reg. 58(4) 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. 5(2)(d)(i)**
- F11** Words in reg. 58(4) 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. 5(2)(d)(ii)**
- F12** Words in reg. 58(6) inserted (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. 5(2)(e)**
- F13** Words in reg. 58(7) inserted (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. 5(2)(e)**

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