

SCHEDULE 8

Regulation 9

Amendment to the Electromagnetic Compatibility Regulations 2016

1. The Electromagnetic Compatibility Regulations 2016 are amended in accordance with paragraphs 2 to 7.

Amendment to Part 1

2.—(1) In regulation 2(1)—

- (a) in the following definitions for “member State” substitute “relevant state”—
 - (i) “accreditation certificate”;
 - (ii) “competent national authority”;
- (b) in the definition of “authorised representative” for “EU” substitute “relevant market”;
- (c) in the definition of “importer”—
 - (i) for “EU” in the first place in which it occurs, substitute “relevant market”;
 - (ii) for “third country on the EU” substitute “market outside of the relevant market on the relevant”;
- (d) after the definition of “national accreditation body” insert—

““NI Protocol obligation” means any obligation created or arising by or under the Protocol on Ireland/ Northern Ireland in the EU withdrawal agreement, whether or not an obligation to which section 7A(2) of the European Union (Withdrawal) Act 2018 applies;”;
- (e) in the following definitions for “EU” substitute “relevant”—
 - (i) “make available on the market”;
 - (ii) “place on the market”;
- (f) in the definition of “put into service” for “EU” substitute “relevant market”;
- (g) after the definition of “relevant economic operator” insert—

““relevant market” means—

 - (a) the market in Northern Ireland; and
 - (b) the market of the EEA states;

“relevant state” means—

 - (a) Northern Ireland; or
 - (b) any EEA state;”.

(2) Omit regulation 2(4).

(3) In regulation 2(5) for “Member State” substitute “relevant state”.

(4) Omit regulation 3(5).

(5) After regulation 3 insert—

“Disapplication where more specific obligations apply

3A.—(1) Each provision of these Regulations does not apply to equipment if, or to the extent that, paragraph (2) applies.

Status: This is the original version (as it was originally made).

(2) This paragraph applies where any NI Protocol obligation, other than any obligation in relation to the Directive, applies to the equipment and makes more specific provision than the Directive in relation to the conformity of the equipment with the essential requirements.”.

(6) In regulation 6 for “the United Kingdom” substitute “Northern Ireland”.

Amendment to Part 2

3.—(1) in regulation 10(3)—

- (a) for “EU instrument” substitute “NI Protocol obligation”;
- (b) in sub-paragraph (a) before “EU instruments” insert “relevant”;
- (c) in sub-paragraph (b) for “those EU” substitute “the relevant EU”.

(2) In regulations 13(4), 14(1)(a), 15(2), 20(2), 21(1), 23(2), 27(1)(a)(iii), 30(2) and 34(1) for “member State” substitute “relevant state”.

(3) In regulation 14(2), 21(2) and 34(2) for “the United Kingdom” substitute “Northern Ireland”.

Amendment to Part 4

4.—(1) In regulation 43(1)—

- (a) for “member States” substitute “relevant states” (twice);
- (b) in sub-paragraph (b)—
 - (i) after “objections” insert “, other than an immaterial objection,”;
 - (ii) at the end for “certificate.” substitute “certificate.”;
- (c) after sub-paragraph (b) insert—

“(c) in sub-paragraph (b), an “immaterial objection” is an objection on the grounds that—

- (i) the conformity assessment body is established in the United Kingdom; or
- (ii) the accreditation certificate was issued by the United Kingdom Accreditation Service.”.

(2) In regulation 44 for “member States” substitute “relevant states” (twice).

(3) In regulation 49(5) for “member States” substitute “relevant states”.

Amendment to Part 5

5.—(1) In regulation 57—

- (a) in paragraph (3) for “the United Kingdom” substitute “Northern Ireland”;
- (b) in paragraph (4)—
 - (i) at the beginning insert “Subject to paragraph (4A),”;
 - (ii) for “the United Kingdom” substitute “Northern Ireland”;
 - (iii) for “member States” substitute “relevant states”;

(c) after paragraph (4) insert—

“(4A) Paragraph (4) does not require the Secretary of State to inform the Commission or the other relevant states where the lack of conformity extends only to any of England or Wales or Scotland.”;

(d) in paragraph (5)—

- (i) in sub-paragraph (a) for “the United Kingdom” substitute “Northern Ireland”;

- (ii) in sub-paragraph (b) for “United Kingdom market” substitute “market in Northern Ireland”;
 - (e) in paragraph (7) for “member States” substitute “relevant states”.
- (2) In regulation 58—
- (a) In paragraph (1) for “member State” substitute “relevant state”;
 - (b) In paragraph (2)—
 - (i) for “member State” substitute “relevant state”;
 - (ii) for “member States” substitute “relevant states”;
 - (iii) in sub-paragraph (a) after “enforcing authority” insert “in Northern Ireland”;
 - (iv) in sub-paragraph (b) for “apparatus; and” substitute “apparatus.”
 - (v) omit sub-paragraph (c).
 - (c) in paragraph (3)—
 - (i) for “member State” substitute “relevant state”;
 - (ii) after “are taken” insert “in Northern Ireland”;
 - (d) in paragraph (4)—
 - (i) for “member State” substitute “relevant state”;
 - (ii) for “United Kingdom market” substitute “market in Northern Ireland”;
 - (e) at the end of paragraphs (6) and (7) insert “in respect of Northern Ireland”.

Amendment to Part 6

6. In regulation 73(2) for “member States” substitute “relevant states”.

Amendment to Schedules

- 7.—(1) In paragraph 15 of Schedule 3 for “Member States” substitute “relevant states” (twice).
- (2) In paragraphs 16 and 29 of Schedule 7 for “the United Kingdom” substitute “Northern Ireland”.