

SCHEDULE 8

Amendment to the Electromagnetic Compatibility Regulations 2016

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.

(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”.