
STATUTORY INSTRUMENTS

2024 No. 696

**The Product Safety and Metrology
etc. (Amendment) Regulations 2024**

Amendment to the Electromagnetic Compatibility Regulations 2016

- 11.**—(1) The Electromagnetic Compatibility Regulations 2016⁽¹⁾ are amended as follows.
- (2) In regulation 2(1), in the definition of “the Directive” omit “(as it has effect immediately before IP completion day)”.
- (3) In regulation 38A—
- (a) in paragraph (3)(c) for “Part 4” substitute “Part 3”;
 - (b) in paragraph (8)(c) omit “safety”.
- (4) For regulation 38B substitute—

“Further use of the UK marking

- 38B.**—(1) In this regulation—
- (a) any reference to an Article or an Annex is a reference to an Article or an Annex of the Directive;
 - (b) “harmonised standard” has the meaning given to it in Article 3(17).
- (2) Paragraph (3) applies where, before placing apparatus on the market, the manufacturer—
- (a) ensures that the apparatus has been designed and manufactured in accordance with the essential requirements set out in Annex I;
 - (b) draws up the technical documentation relating to such apparatus referred to in Annex III;
 - (c) ensures that the relevant conformity assessment procedure relating to such apparatus referred to in Article 14 has been carried out; and
 - (d) ensures that the technical documentation and other records and correspondence relating to the conformity assessment procedure are prepared in or translated into English.
- (3) Where this paragraph applies—
- (a) the requirements of regulations 8 and 9 are to be treated as being satisfied;
 - (b) except for regulations 41 and 42, Part 3 does not apply;
 - (c) regulations 2(2)(a), 7, 11, 12, 17 to 19, 22, 24, 28, 29, 35(1), 41 and 59 apply subject to the modifications in paragraph (4);

⁽¹⁾ [S.I. 2016/1091](#); they were made in part under section 2(2) of the European Communities Act 1972 and are accordingly saved by virtue of section 2(1) of the European Union (Withdrawal) Act 2018; they were amended in respect of England and Wales and Scotland by [S.I. 2019/696](#), [S.I. 2021/1273](#) and [S.I. 2022/1393](#).

- (d) regulation 10 and Schedule 4 apply subject to the modifications in paragraphs (4) and (5);
 - (e) regulations 36 and 37 apply subject to the modifications in paragraph (6).
- (4) The modifications referred to in paragraph (3)(c) and (d) are that—
- (a) any reference to “essential requirements” is to be read as a reference to the essential requirements set out in Annex 1;
 - (b) any reference to “designated standard” is to be read as a reference to “harmonised standard”;
 - (c) any reference to “relevant conformity assessment procedure” is to be read as a reference to the relevant conformity assessment procedure referred to in Article 14;
 - (d) any reference to “technical documentation” is to be read as a reference to the technical documentation referred to in Annex III.
- (5) The modifications referred to in paragraph (3)(d) are that—
- (a) in regulation 10, the reference to “enactment” is to be read as including the Directive;
 - (b) in Schedule 4—
 - (i) in paragraph 5, the reference to “statutory requirements” is to be read as including the Directive;
 - (ii) in paragraph 7, the reference to “approved body” is to be read as a reference to the conformity assessment body that undertook any conformity assessment procedure in accordance with Article 14.
- (6) The modifications referred to in paragraph (3)(e) are that—
- (a) in regulation 36 any reference to “paragraph 1 of Schedule 1” is to be read as a reference to paragraph 1 of Annex I;
 - (b) in regulation 37 any reference to “paragraph 2 of Schedule 1” is to be read as a reference to paragraph 2 of Annex I.”.
- (5) In regulation 74A, omit paragraphs (4) to (6).