
STATUTORY INSTRUMENTS

2006 No. 3418

The Electromagnetic Compatibility Regulations 2006

PART I

PRELIMINARY

Citation and commencement

- 1.—(1) These Regulations may be cited as the Electromagnetic Compatibility Regulations 2006.
- (2) This regulation, regulations 3, 24 and 25 and Schedule 5 shall come into force on 20th January 2007.
- (3) The remaining regulations shall come into force on 20th July 2007.

Revocation and disapplication

2.—(1) The Electromagnetic Compatibility Regulations 2005(1) (“the 2005 Regulations”) are revoked.

(2) The regulations made under section 10 of the Wireless Telegraphy Act 1949(2) (“the WTA Regulations”) listed in Schedule 1, to the extent that they impose electromagnetic compatibility requirements which must be complied with if apparatus is—

- (a) to be supplied or taken into service and
- (b) used for the purpose for which it was intended,

shall cease to have effect, but nothing in these Regulations shall affect the WTA Regulations to the extent that they impose requirements for radio frequency spectrum planning or for the prevention of undue interference to wireless telegraphy from apparatus in use.

Interpretation

3.—(1) In these Regulations,

“apparatus” means any finished appliance or combination of appliances made commercially available as a single functional unit, intended for the end user and liable to generate electromagnetic disturbance, or the performance of which is liable to be affected by such disturbance and includes—

- (a) components or sub-assemblies intended for incorporation into an apparatus by an end-user, which are liable to generate electromagnetic disturbance, or the performance of which is liable to be affected by such disturbance;
- (b) mobile installations defined as a combination of apparatus and, where applicable, other devices, intended to be moved and operated in a range of locations;

(1) S.I. 2005/281.
(2) 1949 c.54.

“authorised representative” means a person established within the Community and appointed by the manufacturer (whether or not established in the Community) to act on his behalf;

“CE marking” and “CE conformity marking” shall be construed in accordance with regulation 21 and Schedule 2;

“the Commission” means the European Commission;

“the Community” means the European Community;

“EC declaration of conformity” has the meaning given in regulation 22;

“the EMC Directive” means Directive [2004/108/EC](#) of the European Parliament and of the Council on the approximation of the laws of the member States relating to electromagnetic compatibility⁽³⁾;

“enforcement authority” means any person who is, pursuant to regulation 37, authorised to enforce these Regulations;

“essential requirements” means the requirements set out in regulation 4;

“equipment” means any apparatus or fixed installation;

“fixed installation” means a particular combination of several types of apparatus and, where applicable, other devices, which are assembled, installed and intended to be used permanently at a pre-defined location;

“harmonised standard” means a technical specification adopted by a recognised European standardisation body under a mandate from the Commission in conformity with the procedures laid down in Directive [98/34/EC](#) of the European Parliament and of the Council of 22nd June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society Services⁽⁴⁾, as amended by Directive [98/48/EC](#)⁽⁵⁾ for the purpose of establishing a European requirement, the reference of which is published by the Commission in the Official Journal of the European Union;

“immunity” means the ability of equipment to perform as intended without degradation in the presence of an electromagnetic disturbance;

“notified body” means, except in relation to regulation 13(1)—

- (c) a United Kingdom notified body; and
- (d) for the purposes of regulations 15 (c), 18 and 20—
 - (i) a notified body of a member of the Community other than the United Kingdom pursuant to Article 12.3 of the EMC Directive; or
 - (ii) a body which is recognised for the purpose of carrying out those functions by inclusion in a mutual recognition agreement relating to the EMC Directive or a similar agreement (including a Protocol to the Europe Agreement, or other Agreement, on Conformity Assessment and Acceptance of Industrial Products) which has been concluded between the Community and a State other than an EEA State.

“OFCOM” means the Office of Communications established under the Office of Communications Act 2002⁽⁶⁾;

“radio amateur apparatus” means wireless telegraphy apparatus designed or adapted for use in the amateur service, but excludes citizens’ band apparatus, and in this definition—

⁽³⁾ OJ No. L390, 31.12.04, p 24.

⁽⁴⁾ OJ No. L204, 21.7.98, p.37.

⁽⁵⁾ OJ No. L217, 5.8.98, p.18.

⁽⁶⁾ [2002 c.11](#).

- (e) ‘amateur service’ has the meaning given by Article 1, definition 1.56 of the 2001 edition of the Radio Regulations annexed to the Constitution and Convention of the International Telecommunication Union 1992 (7) pursuant to Articles 4 and 54 of that Constitution; and
- (f) ‘citizens’ band apparatus’ means wireless telegraphy apparatus designed or adapted exclusively for the provision of voice radiocommunication in the frequency bands 26.960 MHz to 27.410 MHz and 27.60125 MHz to 27.99125 MHz;

“relevant requirements” means the requirements of these Regulations for which a statement has been requested from a notified body;

“responsible person” means—

- (g) in relation to apparatus
 - (i) the manufacturer established in the Community;
 - (ii) the manufacturer’s authorised representative; or
 - (iii) where the manufacturer is not established in the Community and he has not appointed an authorised representative, the person who places the apparatus on the market or puts it into service;
- (h) in relation to a fixed installation, the person who, by virtue of their control of the fixed installation is able to determine that the configuration of the installation is such that when used it complies with the essential requirements;

“statement” in respect of apparatus means a statement of compliance with the essential requirements issued by a notified body;

“technical documentation” shall be construed in accordance with Schedule 3; and

“wireless telegraphy”, “wireless telegraphy apparatus” and “station for wireless telegraphy” have the meanings given respectively by section 19(1) of the Wireless Telegraphy Act 1949.

(2) For the purposes of these Regulations—

- (a) “electromagnetic compatibility” (“EMC”) is the ability of equipment to function satisfactorily in its electromagnetic environment without introducing intolerable electromagnetic disturbance to other equipment in that environment;
- (b) “electromagnetic disturbance” means any electromagnetic phenomenon which may degrade the performance of equipment. An electromagnetic disturbance may include:
 - (i) electromagnetic noise,
 - (ii) an unwanted signal, or
 - (iii) a change in the propagation medium itself;
- (c) “electromagnetic environment” means all electromagnetic phenomena observable at a given location.

(3) In these Regulations a reference to the Community includes a reference to a member State, Norway, Iceland and Liechtenstein⁽⁸⁾.

(7) The Constitution and Convention of the International Telecommunication Union was adopted by the Additional Plenipotentiary Conference (Geneva 1992), as amended by the Plenipotentiary Conference (Kyoto 1994).

(8) The application of the EMC Directive was extended in 2006 to the European Economic Area by Decision 3/2006 of 27 January 2006 amending Annex II to the EEA Agreement.

Essential requirements

4.—(1) A reference to “essential requirements” in relation to equipment is a reference to the requirements set out in paragraph (2) and in the case of fixed installations shall include the requirements set out in regulation 5.

(2) Equipment shall be designed and manufactured, having regard to the state of the art, so as to ensure that—

- (a) the electromagnetic disturbance it generates does not exceed a level above which radio and telecommunications equipment or other equipment cannot operate as intended; and
- (b) it has a level of immunity to the electromagnetic disturbance to be expected in its intended use which allows it to operate without unacceptable degradation of its intended use.

Specific essential requirements for fixed installations

5.—(1) A fixed installation shall be installed—

- (a) applying good engineering practices; and
- (b) respecting the information on the intended use of its components,

with a view to meeting the essential requirements set out in regulation 4.

(2) Such good engineering practices shall be documented.

(3) The responsible person in relation to a fixed installation shall hold such documentation at the disposal of the enforcement authority for inspection purposes for as long as the fixed installation is in operation.