
STATUTORY INSTRUMENTS

2016 No. 1091

The Electromagnetic Compatibility Regulations 2016

PART 6

MISCELLANEOUS

Review **E+W+S**

- 73.**—(1) The Secretary of State must from time to time—
- (a) carry out a review of these Regulations;
 - (b) set out the conclusions of the review in a report; and
 - (c) publish the report.
- (2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how the Directive is implemented in other member States.
- (3) The report must, in particular—
- (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations;
 - (b) assess the extent to which those objectives are achieved; and
 - (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved by a system that imposes less regulation.
- (4) The first report under this regulation must be published before the end of the period of 5 years beginning on the date these Regulations come into force.
- (5) Reports under this regulation are afterwards to be published at intervals not exceeding 5 years.

Extent Information

- E1** This version of this provision extends to England, Wales and Scotland only; a separate version has been created for Northern Ireland only

Review **N.I.**

- 73.**—(1) The Secretary of State must from time to time—
- (a) carry out a review of these Regulations;
 - (b) set out the conclusions of the review in a report; and
 - (c) publish the report.
- (2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how the Directive is implemented in other [F6relevant states].
- (3) The report must, in particular—

- (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations;
 - (b) assess the extent to which those objectives are achieved; and
 - (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved by a system that imposes less regulation.
- (4) The first report under this regulation must be published before the end of the period of 5 years beginning on the date these Regulations come into force.
- (5) Reports under this regulation are afterwards to be published at intervals not exceeding 5 years.

Textual Amendments

- F6** Words in [reg. 73\(2\)](#) 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. 6](#)

Transitional provision

74. Nothing in these Regulations prevents the making available on the market or the putting into service of equipment which—

- (a) is in conformity with the requirements of Directive [2004/108/EC](#) on the approximation of laws, regulations and administrative provisions of the Member States relating to electromagnetic compatibility ^{F1}; and
- (b) is placed on the market or put into service before the commencement date.

Textual Amendments

- F1** OJ L 390, 31.12.2004, p. 24.

[^{F2}Transitional provision in relation to EU Exit

74A.—(1) In this regulation—

“pre-exit period” means the period beginning with 8th December 2016 and ending immediately before IP completion day;

“product” means electromagnetic equipment to which these Regulations apply.

(2) Subject to paragraph (3) where a product was made available on the market during the pre-exit period, despite the amendments made by Schedule 20 of the Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019, any obligation to which a person was subject under these Regulations as they had effect immediately before IP completion day, continues to have effect as it did immediately before IP completion day, in relation to that product.

(3) Paragraph (2) does not apply to—

- (a) any obligation to any enforcing authority to inform the European Commission or the member States of any matter; or
- (b) any obligation to take action outside of the United Kingdom in respect of that product.

(4) Where during the pre-exit period—

- (a) a product has not been placed on the market; and

- (b) a manufacturer has taken any action under regulation 40 as it had effect immediately before IP completion day;

that action has effect as if it had been done under regulation 40 as it has effect on and after IP completion day.]

[^{F3}(5) Subject to paragraph (6), where before 11pm on 31st December 2024—

- (a) a product has not been placed on the market or put into service; and
- (b) a manufacturer has taken any action under the conformity assessment procedure that applies to that product in accordance with Article 14 of the Directive

that action has effect as if it had been done under the applicable conformity assessment procedure referred to in regulation 40.

(6) Paragraph (5) does not apply—

- (a) after the expiry of the validity of any certificate issued pursuant to the applicable conformity assessment procedure; and
- (b) in any event, after 31st December 2027.]

Textual Amendments

- F2** Reg. 74 inserted (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. 33** (as amended by [S.I. 2020/676](#), regs. 1(1), 2 and [S.I. 2020/852](#), regs. 2(2), 4(2), **Sch. 1 para. 1(i)(vi)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F3** Reg. 74A(5)(6) inserted (31.12.2022) by [The Product Safety and Metrology \(Amendment and Transitional Provisions\) Regulations 2022 \(S.I. 2022/1393\)](#), regs. 1(1), **12(2)**

Revocations and savings

75.—(1) Subject to paragraph (2), the 2006 Regulations are revoked.

(2) The 2006 Regulations continue to apply, [^{F4}subject to the modifications in paragraph (2A),] as if they had not been revoked, to equipment placed on the market or put into service before the commencement date.

[^{F5}(2A) The modifications referred to in paragraph (2) are that in the Electromagnetic Compatibility Regulations 2006—

- (a) any reference to “the Community” is to be read as including the United Kingdom;
- (b) any reference to a “member State” is to be read as including the United Kingdom.]

(3) Accordingly, despite the repeals in regulation 76(4), the entries in paragraphs 10, 19(7)(a), 25(7) and 30(1) of Schedule 5 to the Consumer Rights Act 2015 ^{M1} relating to the 2006 Regulations are to continue to have effect in relation to equipment placed on the market or put into service before the commencement date.

(4) The Electromagnetic Compatibility (Amendment) Regulations 2006 ^{M2} are revoked.

(5) Nothing in these Regulations is to be construed as preventing the taking of any action in respect of any equipment under the provisions of any other enactment.

Textual Amendments

- F4** Words in [reg. 75\(2\)](#) inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 20 para. 34\(2\)](#) (with [Sch. 20 para. 33](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)
- F5** [Reg. 75\(2A\)](#) inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 20 para. 34\(3\)](#) (with [Sch. 20 para. 33](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)

Marginal Citations

- M1** [2015 c.15](#).
- M2** [S.I. 2006/1449](#).

Consequential amendments

76.—(1) In Schedule 1 to the Enterprise Act 2002 (Part 9 Restrictions on Disclosure of Information)(Specification) Order 2004 ^{M3} for “the Electromagnetic Compatibility Regulations 2006”, substitute “ the Electromagnetic Compatibility Regulations 2016 ”.

(2) The Legislative and Regulatory Reform (Regulatory Functions) Order 2007 ^{M4} is amended as follows—

- (a) in Part 3 of the Schedule, under the heading “Consumer and business protection”, for “Electromagnetic Compatibility Regulations 2006”, substitute “ Electromagnetic Compatibility Regulations 2016 ”;
- (b) in Part 8 of the Schedule, for “Electromagnetic Compatibility Regulations 2006”, substitute “ Electromagnetic Compatibility Regulations 2016 ”.

(3) In Part 4 of Schedule 1 to the Co-ordination of Regulatory Enforcement (Regulatory Functions in Scotland and Northern Ireland) Order 2009 ^{M5} for “the Electromagnetic Compatibility Regulations 2006”, substitute “ the Electromagnetic Compatibility Regulations 2016 ”.

(4) Subject to paragraph (3) of regulation 75, Schedule 5 to the Consumer Rights Act 2015 is amended as follows—

- (a) in paragraph 10—
- (i) omit the entry “regulation 37(1)(a)(ii) or (b)(ii) of the Electromagnetic Compatibility Regulations 2006 (S.I. 2006/3418);”;
- (ii) at the appropriate place insert—
- “regulation 52(1)(a)(ii) or (b)(ii) of the Electromagnetic Compatibility Regulations 2016 (S.I. 2016/1091);”;
- (b) in paragraph 19(7)(a), for “the Electromagnetic Compatibility Regulations 2006 (S.I. 2006/3418)”, substitute “ the Electromagnetic Compatibility Regulations 2016 (S.I. 2016/1091) ”;
- (c) in paragraph 25(7), for “regulation 37(1)(a)(ii) or (b)(ii) of the Electromagnetic Compatibility Regulations (S.I. 2006/3418)”, substitute “ regulation 52(1)(a)(ii) or (b)(ii) of the Electromagnetic Compatibility Regulations (S.I. 2016/1091) ”; and
- (d) in paragraph 30(1), for “regulation 37(1)(a)(ii) or (b)(ii) of the Electromagnetic Compatibility Regulations (S.I. 2006/3418)”, substitute “ regulation 52(1)(a)(ii) or (b)(ii) of the Electromagnetic Compatibility Regulations (S.I. 2016/1091) ”.

Marginal Citations

M3 [S.I. 2004/693](#).

M4 [S.I. 2007/3544](#).

M5 [S.I. 2009/699](#).

Changes to legislation:

There are currently no known outstanding effects for the The Electromagnetic Compatibility Regulations 2016, PART 6.