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STATUTORY INSTRUMENTS

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**1992 No. 2372**

**The Electromagnetic Compatibility Regulations 1992**

**PART II**

**APPLICATION**

*General application*

**Relevant apparatus**

6.—(1) Subject to paragraph (2) below, this Part shall have effect for the purposes of providing for the application of these Regulations, and apparatus to which these Regulations apply shall be relevant apparatus.

(2) In addition to applying to relevant apparatus, the following provisions of these Regulations apply as follows—

- (a) Part I, and regulations 33(6), 34(4), 74 to 77, 79, 80, 81(c) and (d), 83 to 85, 88 to 90 and 92 to 96, apply to electrical apparatus other than relevant apparatus; and
- (b) Part I and regulations 7(2), 79, 80, 83, 89, 90, 92 and 96 apply to an excluded installation as a unit (without prejudice to the application of the provisions referred to in subparagraph (a) above to such installation or any part thereof on the ground that it is electrical apparatus).

**General conditions of application**

7.—(1) Subject to regulations 8 and 9 below, these Regulations apply to electrical apparatus which does not, pursuant to regulations 10 to 27 below, fall outside the scope of these Regulations.

(2) For the purposes of these Regulations, electrical apparatus—

- (a) consists of a product with an intrinsic function intended for the end user; and
- (b) is supplied or intended for supply or taken into service or intended to be taken into service as a single commercial unit,

which is—

- (i) an electrical appliance;
- (ii) an electronic appliance; or
- (iii) a system.

*Modified application*

**Educational electronic equipment**

8.—(1) In the application of these Regulations to educational electronic equipment, a reference to the protection requirements—

- (a) in so far as it relates to the electromagnetic disturbance generated by that equipment, shall be construed as a reference to the electromagnetic disturbance capable of preventing relevant apparatus situated outside the immediate electromagnetic environment of that equipment from operating as intended; and
- (b) in so far as it relates to the immunity of that equipment, shall not be taken to refer to any susceptibility to electromagnetic disturbance which is a necessary feature of that equipment to facilitate the study of the effects of electromagnetic phenomena.

(2) In these Regulations, “educational electronic equipment ” means apparatus designed or adapted for the purpose of its being studied for electromagnetic phenomena in any educational, training or research establishment.

### **Test apparatus**

9.—(1) In the application of these Regulations to test apparatus, a reference to the protection requirements—

- (a) in so far as it relates to the electromagnetic disturbance generated by that apparatus shall be construed as a reference to that disturbance capable of preventing relevant apparatus situated outside the immediate electromagnetic environment of that apparatus from operating as intended; and
- (b) in so far as it relates to the immunity of that apparatus, shall not be taken to refer to any susceptibility to electromagnetic disturbance which is a necessary feature of that apparatus to facilitate the conducting of the test.

(2) In these Regulations, “test apparatus ” means relevant apparatus designed or adapted to generate or be susceptible to electromagnetic disturbance intentionally for the purpose of conducting any test or measurement in relation to—

- (a) any relevant apparatus; or
- (b) any other thing, matter or phenomenon.

### *Transitional exclusions*

#### **Apparatus supplied or taken into service before 28th October 1992**

10. These Regulations do not apply to an item of electrical apparatus supplied or taken into service in the Community before 28th October 1992.

#### **Transitional exclusion until 31st December 1995 of apparatus where the manufacturer opts to comply with such requirements as are in force in a member State on 30th June 1992**

11. These Regulations do not apply to an item of electrical apparatus which complies with the following conditions —

- (a) the apparatus—
  - (i) is supplied or taken into service in the Community on or before 31st December 1995; and
  - (ii) (aa) in the case of apparatus which is required pursuant to any other Community obligation to bear the CE mark, neither bears nor is accompanied by any other indication, howsoever expressed, that it complies with the EMC Directive; or

- (bb) in the case of apparatus which is not required pursuant to any other Community obligation to bear the CE mark, bears neither the CE mark nor any inscription likely to be confused therewith; and
- (b) (i) —in the case of apparatus which is required by any of the regulations listed in Schedule 1 hereto to meet requirements which must be complied with if the apparatus is to be supplied, used or taken into service, the apparatus so complies; or
  - (ii) in the case of apparatus supplied in the United Kingdom to be used in another member State—
  - (aa) the supplier believes (with reasonable cause) will be used oin that member State; and
  - (bb) in the case of apparatus which is required to comply with requirements concerning electromagnetic compatibility imposed on or before 30th June 1992 by that member State if it is to be supplied or used there, the apparatus so complies.

#### *General exclusions*

#### **Apparatus for export to a third country**

**12.**—(1) Subject to paragraph (2) below, these Regulations do not apply to any apparatus which the supplier believes (with reasonable cause) will not be used either in the United Kingdom or in another member State.

(2) Subject to regulation 33(6) below, paragraph (1) above shall not apply if the CE mark or any inscription liable to be confused therewith is affixed to the apparatus.

#### **Excluded installations**

**13.**—(1) These Regulations do not apply to excluded installations; provided however that the extent to which any apparatus or system comprised or to be comprised therein is relevant apparatus shall be determined in accordance with the provisions of this Part.

(2) In this regulation “excluded installation ” means two or more combined items of relevant apparatus or systems put together at a given place (whether or not in combination with any other item) to fulfil a specific objective but not designed by the manufacturer (or manufacturers, where the items are made by different manufacturers) for supply as a single functional unit.

#### **Spare parts**

**14.**—(1) Subject to paragraph (2), these Regulations do not apply to spare parts.

(2) Nothing in this regulation shall be taken to affect the application of these Regulations to apparatus into which a spare part has been incorporated.

(3) In this regulation, “spare part” means a component or combination of components intended for use in replacing parts of electrical apparatus.

#### **Supply to the authorised representative**

**15.** These Regulations do not apply to the supply of apparatus by the manufacturer thereof to his authorised representative.

### **Second-hand apparatus**

16.—(1) Subject to paragraph (2) below, these Regulations do not apply to second-hand apparatus.

(2) Nothing in paragraph (1) above shall be taken to disapply these Regulations to—

- (a) the supply of second-hand apparatus which has, since it was last used, been subjected to further manufacture within the meaning of sub-paragraphs (c) or (d) of the definition of manufacture in regulation 3(2) above;
- (b) the supply or taking into service of such apparatus following such further manufacture; or
- (c) the supply or taking into service in the Community of apparatus which has previously been supplied or used in a country or territory outside the Community.

(3) In this regulation, “second-hand apparatus” means apparatus which has previously been used by an end user.

### **Electromagnetically benign apparatus**

17. These Regulations do not apply to apparatus the inherent qualities of which are such that neither is it liable to cause, nor is its performance liable to be degraded by, electromagnetic disturbance.

#### *Specific exclusions*

### **Apparatus for use in a sealed electromagnetic environment**

18. These Regulations do not apply to—

- (a) the supply of any apparatus—
  - (i) for which the usual electromagnetic environment is a sealed electromagnetic environment; and
  - (ii) which is accompanied by instructions which state that the apparatus is suitable for use only in a sealed electromagnetic environment; or
- (b) the taking into service of any apparatus in such an environment.

### **Radio amateur apparatus**

19.—(1) These Regulations do not apply to radio amateur apparatus which is not available commercially.

(2) In this regulation, “available commercially” means manufactured in the course of a business of manufacture of relevant apparatus.

### **Military equipment**

20.—(1) These Regulations do not apply to military equipment.

(2) In this regulation, “military equipment” means apparatus which is designed for use as arms, munitions and war material within the meaning of Article 223.1(b) of the Treaty establishing the European Economic Community (notwithstanding that it may be capable of other applications), but does not include apparatus which is designed both for such use and for other applications.

*Apparatus wholly covered by other Directives*

**Active implantable medical devices**

**21.**—(1) These Regulations do not apply to active implantable medical devices.

(2) In this regulation and regulation 22 below, “active implantable medical device ” has the meaning given by Article 1.2(c) of Council Directive [90/385/EEC](#) on the approximation of laws of the Member States relating to active implantable medical devices(1).

**Medical devices**

**22.**—(1) These Regulations do not apply to medical devices.

(2) In this regulation and regulation 3, “medical device ” means any instrument, apparatus, appliance, material or other article, including software, whether used alone or in combination, intended by the manufacturer to be used for human beings solely or principally for the purpose of—

- (a) diagnosis, prevention, monitoring, treatment or alleviation of disease, injury or handicap;
- (b) investigation, replacement or modification of the anatomy or of a physiological process; or
- (c) control of conception,

and which does not achieve its principal intended action in or on the human body by pharmacological, immunological or metabolic means, but which may be assisted in its function by such means, but excluding—

- (i) an in vitro diagnostic device; and
- (ii) an active implantable medical device;

and in this definition, “in vitro diagnostic device ” means any device which is a reagent, reagent product, kit, instrument, equipment or system, whether used alone or in combination, intended by the manufacturer to be used solely or principally in vitro for the examination of substances derived from the human body with a view to providing information for the detection, diagnosis, control or treatment of a physiological state, of a state of health or disease, or of a congenital abnormality(2).

*Apparatus partly covered by other Directives*

**Electrical Energy Meters**

**23.**—(1) These Regulations do not apply to electrical energy meters as regards the immunity thereof.

(2) In this regulation, “electrical energy meter ” means any new direct connected induction meter, with single or multiple tariffs, designed to measure active energy single-phase or polyphase current at 50 H<sub>3</sub> frequency mentioned or referred to in Article 2 of Council Directive [76/891/EEC](#) on the approximation of the laws of the Member States relating to electrical energy meters(3).

**Spark-ignition engines of vehicles**

**24.**—(1) These Regulations do not apply to the electric ignition systems of a propulsion engine of, or intended for incorporation in, a vehicle in so far as the electromagnetic disturbance generated thereby is liable to cause radio interference.

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(1) OJNo.L189, 20.7.90, p.17.

(2) The definitions of “medical device ” and “in vitro diagnostic device ” are those provided for in the Proposal for a Council Directive concerning medical devices (OJNo.C237, 12.9.91, p.3).

(3) OJNo. L336, 4.12.76, p.30.

(2) In this regulation, “vehicle ” has the meaning given by Article 1 of Council Directive [72/245/EEC](#) on the approximation of laws of the Member States relating to the suppression of radio interference produced by spark-ignition engines fitted to motor vehicles<sup>(4)</sup>.

### **Spark ignition engines of tractors**

**25.**—(1) These Regulations do not apply to the electric ignition systems of a propulsion engine of, or intended for incorporation in, an agricultural or forestry tractor in so far as the electromagnetic disturbance generated thereby is liable to cause radio interference,

(2) In this regulation, “agricultural or forestry tractor ” has the meaning given by Article 1 of Council Directive [75/322/EEC](#) on the approximation of the laws of the Member States relating to the suppression of radio interference produced by spark-ignition engines fitted to wheeled agricultural or forestry tractors<sup>(5)</sup>, as amended by Article 1 of Council Directive [82/890/EEC](#) amending the Directives on the approximation of the laws of the Member States relating to wheeled agricultural or forestry tractors<sup>(6)</sup>.

### **Non-automatic weighing instruments**

**26.**—(1) These Regulations do not apply to a non-automatic weighing instrument as regards the immunity thereof.

(2) In this regulation, “non-automatic weighing instrument ” has the meaning given by the second indent of Article 1.1 read in conjunction with Article 1.2(a) of Council Directive [90/384/EEC](#) on the harmonization of the laws of the Member States relating to non-automatic weighing instruments<sup>(7)</sup>.

### **Telecommunications terminal equipment**

**27.**—(1) Nothing in these Regulations shall impose electromagnetic compatibility requirements in so far as such requirements are specific to any description of telecommunications terminal equipment.

(2) For the purposes of this regulation, electromagnetic compatibility requirements shall be taken to be specific to a description of telecommunications terminal equipment if that equipment is required to satisfy those requirements pursuant to Article 4(c) of the TTE Directive.

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(4) OJNo.L152, 6.7.72, p.15. Council Directive [72/245/EEC](#) was amended by Annex III of Council Directive [89/491/EEC](#) (OJNo.L238, 15.8.89, p.43).

(5) OJNo.L147, 9.6.75, p.28.

(6) OJNo.L378, 31.12.82, p.45.

(7) OJNo.L189, 20.7.90, p.1.