STATUTORY INSTRUMENTS

2006 No. 3418

The Electromagnetic Compatibility Regulations 2006

PART II

APPLICATION

Exclusions

Electromagnetically benign equipment

8. These Regulations do not apply to equipment the inherent qualities of which are such that—

(a) it is incapable of generating or contributing to electromagnetic emissions which exceed a level allowing radio and telecommunication equipment and other equipment to operate as intended; and

(b) it will operate without unacceptable degradation in the presence of electromagnetic disturbance normally consequent upon its intended use.

Regulation establishing common rules in the field of civil aviation

9. These Regulations do not apply to aeronautical products, parts and appliances referred to in Regulation (EC) No. 1592/2002 of the European Parliament and of the Council on common rules in the field of civil aviation and establishing a European Aviation Safety Agency(**1**).

Radio Equipment and Telecommunications Terminal Equipment Directive

10. These Regulations do not apply to equipment covered by Directive 1999/5/EC of the European Parliament and of the Council on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity(**2**).

Radio amateur apparatus

11. These Regulations do not apply to radio amateur apparatus used by radio amateurs which is not available commercially.

Equipment covered by other Directives

12. These Regulations do not apply to equipment to which the Directives specified in Schedule 4 apply, to the extent that those Directives specifically lay down, in whole or part, the essential requirements in relation to such equipment.

(**1**) OJ No. L 240, 7.9.2002, p.1 as amended by Commission Regulation (EC) No. 1701/2003 (OJ No. L 243, 27.9.03, p. 5).
(**2**) OJ No. L 91, 7.4.99, p.10 as amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29.9.2003 (OJ L 284, 31.10.03, p.1).

Measuring Instruments Directive

13.—(1) These Regulations do not apply to a measuring instrument or sub-assembly covered by Directive 2004/22/EC of the European Parliament and of the Council on measuring instruments(**3**) which bear the—

(a) CE marking;

(b) M marking; and

(c) identification number of the notified body responsible for carrying out the conformity assessment of the instrument or sub-assembly

in accordance with the requirements of that Directive, as regards the immunity of such instrument or sub-assembly.

(2) For the purposes of this regulation—

(a) "measuring instrument" and "sub-assembly" have the meanings defined in that Directive; and

(b) "notified body" means the body designated pursuant to Article 11.1 of that Directive.

Equipment presented at trade fairs or similar events

14.—(1) These Regulations do not apply to equipment which is not compliant with the requirements of these Regulations and which is displayed, demonstrated or presented at any trade fair, exhibition or similar event if a sign displayed visibly on or near the equipment clearly indicates that it—

(a) is not compliant with these Regulations; and

(b) cannot be placed on the market or put into service or both until it is made compliant with those requirements.

(2) Demonstration of equipment pursuant to paragraph (1) may only take place provided that adequate measures are taken to avoid electromagnetic disturbance.

(**3**) OJ No. L135, 30.4.04, p.1.