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STATUTORY INSTRUMENTS

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**2016 No. 1091**

**The Electromagnetic Compatibility Regulations 2016**

**PART 6**

**MISCELLANEOUS**

**Review**

- 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.

**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<sup>(1)</sup>; and
  - (b) is placed on the market or put into service before the commencement date.

**Revocations and savings**

- 75.**—(1) Subject to paragraph (2), the 2006 Regulations are revoked.
- (2) The 2006 Regulations continue to apply, as if they had not been revoked, to equipment placed on the market or put into service before the commencement date.

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(1) OJ L 390, 31.12.2004, p. 24.

(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(2) 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(3) 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.

### Consequential amendments

76.—(1) In Schedule 1 to the Enterprise Act 2002 (Part 9 Restrictions on Disclosure of Information)(Specification) Order 2004(4) for “the Electromagnetic Compatibility Regulations 2006”, substitute “the Electromagnetic Compatibility Regulations 2016”.

(2) The Legislative and Regulatory Reform (Regulatory Functions) Order 2007(5) 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(6) 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);”; and

(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)”.

(2) 2015 c.15.

(3) S.I. 2006/1449.

(4) S.I. 2004/693.

(5) S.I. 2007/3544.

(6) S.I. 2009/699.