
STATUTORY INSTRUMENTS

2016 No. 1091

ELECTROMAGNETIC COMPATIBILITY

The Electromagnetic Compatibility Regulations 2016

Made - - - - 15th November 2016
Laid before Parliament 16th November 2016
Coming into force 8th December 2016

THE ELECTROMAGNETIC COMPATIBILITY REGULATIONS 2016

PART 1

1. Citation and commencement
2. Interpretation
- 2A Designated standard
3. Application
- 3A Disapplication where more specific obligations apply
4. Application of safety legislation
5. Exhibition at trade fairs
6. Making available or putting into service

PART 2

Obligations of economic operators

7. Essential requirements

Manufacturers

8. Duty to ensure apparatus complies with the essential requirements
9. Technical documentation and conformity assessment
10. Declaration of conformity and UK marking
11. Retention of technical documentation and EU declaration of conformity
12. Compliance procedures for series production
13. Information identifying manufacturer
14. Instructions and information
15. Manufacturer's duty to take action in respect of apparatus placed on the market which is considered not to be in conformity

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Electromagnetic Compatibility Regulations 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

16. Provision of information and co-operation

Importers

- 17. Prohibition on placing apparatus on the market which is not in conformity
- 18. Requirements that must be satisfied before an importer places apparatus on the market
- 19. Duty not to place non-conforming apparatus on the market
- 20. Information identifying importer
- 21. Instructions and information
- 22. Storage and transport
- 23. Importer's duty to take action in respect of apparatus placed on the market which is considered not to be in conformity
- 24. Retention of technical documentation and EU declaration of conformity
- 25. Provision of information and co-operation

Distributors

- 26. Duty to act with due care
- 27. Making available on the market
- 28. Duty not to make non-conforming apparatus available on the market
- 29. Storage and transport
- 30. Duty to take action in respect of apparatus placed on the market or made available on the market which is considered not to be in conformity
- 31. Provision of information and co-operation

All economic operators

- 32. Cases in which the obligations of manufacturers apply to importers and distributors
- 33. Identification of economic operators
- 34. Translation of EU declaration of conformity
- 35. Prohibition on improper use of UK marking
- 36. Information concerning the use of apparatus
- 37. Fixed installations

Authorised representatives

- 38. Appointment of an authorised representative
- 38A Obligations which are met by complying with obligations in the Directive
- 38B Expiry of regulation 38A
- 38C Qualifying Northern Ireland Goods

PART 3

Conformity of apparatus and equipment

- 39. Presumption of conformity
- 40. Conformity assessment procedures
- 41. Declaration of conformity

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Electromagnetic Compatibility Regulations 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- 42. UK marking
- 42A UK(NI) indication
- 42B Register of UK notified bodies

PART 4

Notification of conformity assessment bodies

- 43. Approved bodies
- 44. Approval of conformity assessment bodies
- 45. Presumption of conformity of approved bodies
- 46. Monitoring
- 47. Restriction, suspension or withdrawal of approval
- 48. Operational matters in relation to approved bodies
- 49. Subsidiaries and contractors
- 50. Register of approved bodies
- 51. UK national accreditation body

PART 5

Enforcement and market surveillance

- 52. Designation of enforcing authorities
- 53. Designation of market surveillance authorities
- 54. Enforcement powers
- 55. Exercise of enforcement powers
- 56. Evaluation of apparatus presenting a risk
- 57. Enforcement action in respect of apparatus that is not in conformity and which present a risk
- 58. EU safeguard procedure
- 59. Enforcement action in respect of formal non-compliance
- 60. Restrictive measures
- 61. Offences
- 62. Penalties
- 63. Defence of due diligence
- 64. Liability of persons other than the principal offender
- 65. Service of documents
- 66. Recovery of expenses of enforcement
- 67. Action by enforcing authority
- 68. Appeals against notices
- 69. Appropriate court for appeals against notices
- 70. Time limit for prosecution of offences
- 71. Compensation
- 72. Power of the court to require a matter to be remedied

PART 6

MISCELLANEOUS

- 73. Review
 - 74. Transitional provision
 - 74A Transitional provision in relation to EU Exit
 - 75. Revocations and savings
 - 76. Consequential amendments
- Signature

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Electromagnetic Compatibility Regulations 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 1 — Essential Requirements

1. General requirements
2. Specific requirements for fixed installations

SCHEDULE 2 — Module A: internal production control

1. Internal production control is the conformity assessment procedure whereby the...

Electromagnetic compatibility assessment

2. The manufacturer must perform an electromagnetic compatibility assessment of the...
3. The electromagnetic compatibility assessment must take into account all normal...

Technical documentation

4. The manufacturer must establish the technical documentation. The documentation must...
5. The technical documentation must specify the applicable requirements and cover,...

Manufacturing

6. The manufacturer must take all measures necessary so that the...

UK marking and EU declaration of conformity

7. The manufacturer must affix the UK marking to each individual...
8. The manufacturer must draw up a written EU declaration of...

Authorised Representative

9. The manufacturer's obligations set out in paragraphs 7 and 8...

SCHEDULE 3 — Applicable conformity assessment procedures

PART 1 — Module B: Type Examination

1. Type examination is the part of a conformity assessment procedure...
2. Type examination must be carried out by an assessment of...
3. The manufacturer must lodge an application for Type examination with...
4. The technical documentation referred to in paragraph 3(c) of this...
5. The approved body must examine the technical documentation to assess...
6. The approved body must draw up an evaluation report which...
7. Where the type meets the requirements of these Regulations that...
8. The Type examination certificate, which may be accompanied by one...
9. The Type examination certificate and any annexes to that certificate...
10. Where the type does not satisfy the applicable requirements of...
11. The approved body must keep itself apprised of any changes...
12. The manufacturer must inform the approved body that holds the...
13. Each approved body must inform its notifying authority of any...
14. Each approved body must inform the other approved bodies of...
15. The Secretary of State and the other approved bodies may,...

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Electromagnetic Compatibility Regulations 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

16. The manufacturer must keep a copy of the Type examination...
17. The manufacturer's authorised representative may lodge the application referred to...
PART 2 — Module C: conformity to type based on internal production control
18. Conformity to type based on internal production control is the...
19. Manufacturing
20. UK marking and ... declaration of conformity
21. Authorised representative

SCHEDULE 4 — Declaration of conformity

1. Declaration of conformity (No xxxx)
2. Name and address of manufacturer or the manufacturer's authorised representative:...
3. This declaration of conformity is issued under the sole responsibility...
4. Object of the declaration (identification of apparatus allowing traceability; it...
5. The object of the declaration described above is in conformity...
6. References to the relevant designated standards used, including the date...
7. Where applicable, the approved body ... (name, number) performed
8. Additional information: Signed for and on behalf of: (place and...

SCHEDULE 5 — Requirements for approved bodies

1. A conformity assessment body must be established in the United...
2. (1) A conformity assessment body must be a third party...
3. A conformity assessment body, its top level management and the...
4. Nothing in paragraph 3 of this Schedule precludes the use...
5. A conformity assessment body, its top level management and the...
6. A conformity assessment body, its top level management and the...
7. A conformity assessment body must ensure that the activities of...
8. A conformity assessment body and its personnel must carry out...
9. A conformity assessment body must be capable of carrying out...
10. A conformity assessment body must have at its disposal—
11. A conformity assessment body must have the means necessary to...
12. The personnel responsible for carrying out the conformity assessment activities...
13. A conformity assessment body must be able to demonstrate the...
14. The remuneration of the top level management and the personnel...
15. A conformity assessment body must have, and must satisfy the...
16. A conformity assessment body must ensure that its personnel observe...
17. Paragraph 16 does not prevent the personnel from providing information...
18. A conformity assessment body must participate in, or ensure that...

SCHEDULE 6 — Operational obligations of approved bodies

1. An approved body must carry out conformity assessments in accordance...
2. An approved body must carry out conformity assessments in a...
3. Conformity assessment bodies must perform their activities taking due account...
4. Conformity assessment bodies must respect the degree of rigour and...
5. Where an approved body finds that the essential requirements or...
6. Where, in the course of the monitoring of the conformity...
7. Where corrective measures are not taken or do not have...
8. Paragraph 9 applies where an approved body is minded to—...
9. Where this paragraph applies, the approved body must—

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Electromagnetic Compatibility Regulations 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

10. An approved body must inform the Secretary of State of—...
11. An approved body must make provision in its contracts with...
12. An approved body must provide other bodies approved under these...
13. An approved body must participate in the work of any...

SCHEDULE 7 — Enforcement and investigatory powers conferred on the enforcing authority and the market surveillance authority

PART 1 — ENFORCEMENT AND INVESTIGATORY POWERS

1. Enforcement powers under the 1987 Act
 2. Modifications to the 1987 Act
 3. Application of Schedule 5 to the Consumer Rights Act 2015
- PART 2 — COMPLIANCE NOTICES, WITHDRAWAL NOTICES AND RECALL NOTICES
4. Compliance notice
 5. A compliance notice must— (a) require the relevant economic operator...
 6. A compliance notice may include directions as to the measures...
 7. Subject to paragraph 8, an enforcing authority may revoke or...
 8. An enforcing authority may not vary a compliance notice so...
 9. Withdrawal notice
 10. A withdrawal notice must prohibit the relevant economic operator from...
 11. A withdrawal notice may require the relevant economic operator to...
 12. A withdrawal notice may require the relevant economic operator to...
 13. A consent given by the enforcing authority pursuant to a...
 14. Subject to paragraph 15, an enforcing authority may revoke or...
 15. An enforcing authority may not vary a withdrawal notice so...
 16. A withdrawal notice has effect throughout the United Kingdom.
 17. Recall notice
 18. A recall notice must require the relevant economic operator to...
 19. A recall notice may— (a) require the recall to be...
 20. In determining what requirements to include in a recall notice,...
 21. A recall notice may only be issued by the enforcing...
 22. A relevant economic operator which has received notice from the...
 23. Paragraphs 21(b), (c) and (d) do not apply in the...
 24. Where a relevant economic operator requires the enforcing authority to...
 25. In this Schedule, “Institute” means the charitable organisation with registered...
 26. A recall notice served by the enforcing authority may require...
 27. Subject to paragraph 28, an enforcing authority may revoke or...
 28. An enforcing authority may not vary a recall notice so...
 29. A recall notice has effect throughout the United Kingdom.
 30. Interpretation

Explanatory Note

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Electromagnetic Compatibility Regulations 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Sch. 5 para. 1 substituted by [S.I. 2024/504 reg. 7](#)
- reg. 2(1) words substituted by [S.I. 2019/696 Sch. 20 para. 2\(2\)\(d\)](#) (This amendment not applied to legislation.gov.uk. Sch. 17 para. 2(2)(d) omitted immediately before IP completion day by virtue of S.I. 2020/1460, reg. 1(4), Sch. 3 para. 3)
- reg. 2(1) words substituted by [S.I. 2019/696 Sch. 20 para. 2\(2\)\(m\)](#) (This amendment not applied to legislation.gov.uk. Sch. 20 para. 2(2)(m) substituted immediately before IP completion day by S.I. 2020/676, regs. 1(1), 4(8)(a))
- reg. 2(1) words substituted by [S.I. 2019/696 Sch. 20 para. 2\(2\)\(q\)](#) (This amendment not applied to legislation.gov.uk. Sch. 20 para. 2(2)(q) substituted immediately before IP completion day by S.I. 2020/676, regs. 1(1), 4(8)(b))
- reg. 2(1) words substituted in earlier amending provision S.I. 2019/696, Sch. 20 para. 2(2)(d) by [S.I. 2020/852 reg. 4\(2\) Sch. 1 para. 1\(i\)\(i\)](#) (This amendment not applied to legislation.gov.uk. Sch. 1 para. 1(i)(i) omitted immediately before it comes into force by virtue of S.I. 2020/1460, regs. 1(3), Sch. 4 para. 1(3))
- reg. 42 heading word substituted by [S.I. 2019/696 Sch. 20 para. 27](#) (This amendment not applied to legislation.gov.uk. Sch. 20 para. 27 substituted immediately before IP completion day by S.I. 2020/1460, reg. 1(4), Sch. 3 para. 12(4))
- reg. 42 word substituted by [S.I. 2019/696 Sch. 20 para. 27](#) (This amendment not applied to legislation.gov.uk. Sch. 20 para. 27 substituted immediately before IP completion day by S.I. 2020/1460, reg. 1(4), Sch. 3 para. 12(4))