

SCHEDULE 20

Amendment of the Electromagnetic Compatibility Regulations 2016

Transitional provision in relation to EU Exit

33. After regulation 74 (transitional provision) insert—

“Transitional provision in relation to EU Exit

74.—(1) In this regulation—

“pre-exit period” means the period beginning with 8th December 2016 and ending immediately before exit 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⁽¹⁾, any obligation to which a person was subject under these Regulations as they had effect immediately before exit day, continues to have effect as it did immediately before exit 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 exit day;

that action has effect as if it had been done under regulation 40 as it has effect on and after exit day.”.

(1) S.I. 2019/696.