

SCHEDULE 16

Regulation 17

Amendment to the Radio Equipment Regulations 2017

1. The Radio Equipment Regulations 2017 are amended in accordance with paragraphs 2 to 8.

Amendment to Part 1

- 2.—(1) In regulation 2(1)—
 - (a) in the following definitions for “Member State” substitute “relevant state”—
 - (i) “accreditation certificate”;
 - (ii) “competent national authority”;
 - (b) in the definition of “importer”—
 - (i) in sub-paragraph (a) for “EU” substitute “relevant market”;
 - (ii) in sub-paragraph (b) for “third country on the EU” substitute “market outside of the relevant market on the relevant”;
 - (c) after the definition of “national accreditation body” insert—

““NI Protocol obligation” means any obligation created or arising by or under the Protocol on Ireland/ Northern Ireland in the EU withdrawal agreement, whether or not an obligation to which section 7A(2) of the European Union (Withdrawal) Act 2018 applies;”;
 - (d) in the following definitions for “EU” substitute “relevant”—
 - (i) “make available on the market”;
 - (ii) “place on the market”;
 - (e) in the definition of “put into service” for “EU” substitute “relevant market”;
 - (f) after the definition of “relevant economic operator” insert—

““relevant market” means—

 - (a) the market in Northern Ireland; and
 - (b) the market of the EEA states;

“relevant state” means—

 - (a) Northern Ireland; or
 - (b) any EEA state;”.
 - (2) In regulation 2(3)(b) for “Member State” substitute “relevant state”;
 - (3) Omit regulation 2(6).

Amendment to Part 2

- 3.—(1) In regulation 5 for “the United Kingdom” substitute “Northern Ireland” (twice).
- (2) In regulation 8—
 - (a) in the heading, for “member” substitute “relevant”;
 - (b) for “Member State” substitute “relevant state” (twice);
 - (c) for “Member States” substitute “relevant states”.
- (3) In regulation 10 for “EU instrument” in the first place in which it occurs substitute “NI Protocol obligation”.
- (4) In regulation 12 for “Member State” substitute “relevant state”;

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- (5) In regulation 13—
 - (a) for “Member State” substitute “relevant state”;
 - (b) for “the United Kingdom” substitute “Northern Ireland”.
- (6) In regulation 14(1)—
 - (a) for “Member States” substitute “relevant states”;
 - (b) for “Member State” substitute “relevant state”.
- (7) In regulation 15(2), 16(1)(b), 23(2), 27(2) and 29(1) for “Member State” substitute “relevant state”.
- (8) In regulation 19(1) for “EU” substitute “relevant market”.
- (9) In regulation 21(b)—
 - (a) for “Member State” substitute “relevant state” (twice);
 - (b) for “Member States” substitute “relevant states”.
- (10) In regulation 24—
 - (a) for “Member State” substitute “relevant state”;
 - (b) for “the United Kingdom” substitute “Northern Ireland”.
- (11) In regulation 31—
 - (a) for “Member State” substitute “relevant state” (twice);
 - (b) for “the United Kingdom” substitute “Northern Ireland”.
- (12) In regulation 34(2) for “Member States” substitute “relevant states”.
- (13) In regulation 35 for “Member State” substitute “relevant state” (twice).
- (14) In regulation 37—
 - (a) for “Member State” substitute “relevant state”;
 - (b) for “the United Kingdom” substitute “Northern Ireland”.

Amendment to Part 3

- 4. In regulation 45 for “Member State” substitute “relevant state”.

Amendment to Part 4

- 5.—(1) In regulation 46(1)—
 - (a) in sub-paragraph (a) for “Member States” substitute “relevant states”;
 - (b) in sub-paragraph (b)—
 - (i) after “objections” insert “, other than an immaterial objection,”;
 - (ii) for “Member States” substitute “relevant states”;
 - (iii) at the end for “certificate.” substitute “certificate.”;
 - (c) after sub-paragraph (b) insert—
 - “(c) in sub-paragraph (b), an “immaterial objection” is an objection on the grounds that—
 - (i) the conformity assessment body is established in the United Kingdom; or
 - (ii) the accreditation certificate was issued by the United Kingdom Accreditation Service.”.
- (2) In regulation 47 for “Member States” substitute “relevant states” (twice).

- (3) In regulation 52(5) for “Member States” substitute “relevant states”.

Amendment to Part 5

- 6.—(1) In regulation 60—
- (a) in paragraph (1)—
 - (i) in sub-paragraph (b) after “equipment” insert “from Northern Ireland”;
 - (ii) in sub-paragraph (c) after “equipment” insert “from Northern Ireland”;
 - (b) in paragraph (3) for “the United Kingdom” substitute “Northern Ireland”.
 - (c) in paragraph (4)
 - (i) at the beginning insert “Subject to paragraph (4A),”;
 - (ii) for “the United Kingdom” substitute “Northern Ireland”;
 - (iii) for “Member States” substitute “relevant states”;
 - (d) after paragraph (4) insert—

“(4A) Paragraph (4) does not require the Secretary of State to inform the Commission or the other relevant states where the lack of conformity extends only to any of England or Wales or Scotland.”;
 - (e) in paragraph (5)—
 - (i) in sub-paragraph (a) for “the United Kingdom” substitute “Northern Ireland”;
 - (ii) in sub-paragraph (b) for “United Kingdom market” substitute “market in Northern Ireland”;
 - (f) in paragraph (7) for “Member States” substitute “relevant states”.
- (2) In regulation 61—
- (a) in paragraph (1) for “Member State” substitute “relevant state”;
 - (b) in paragraph (2)—
 - (i) for “Member State” in the first place in which it occurs substitute “relevant state”;
 - (ii) for “Member States” substitute “relevant states”;
 - (iii) in sub-paragraph (a) after “authority” insert “in Northern Ireland”;
 - (iv) in sub-paragraph (b) for “equipment, and” substitute “equipment.”
 - (v) omit sub-paragraph (c).
 - (c) in paragraph (3)—
 - (i) for “Member State” substitute “relevant state”;
 - (ii) after “are taken” insert “in Northern Ireland”;
 - (d) in paragraph (4)—
 - (i) for “Member State” in the first place in which it occurs substitute “relevant state”;
 - (ii) for “the United Kingdom market” substitute “market in Northern Ireland”;
 - (e) at the end of paragraph (6) insert “in respect of Northern Ireland”;
 - (f) omit paragraph (7).
- (3) In regulation 62—
- (a) in paragraphs (1)(b) and (c) after “equipment” insert “from Northern Ireland”;
 - (b) in paragraph (3) for “Member States” substitute “relevant states”.

Status: This is the original version (as it was originally made).

Amendment to Part 6

7. In regulation 76(4) for “Member States” substitute “relevant states”.

Amendment to Schedules

8.—(1) In paragraph 8(3) of Schedule 3 for “Member States” substitute “relevant states” (three times).

- (2) In paragraph 1(h)(i) of Schedule 5 for “Member State” substitute “relevant state”.

- (3) In paragraph 10(c) of Schedule 9 for “Member State” substitute “relevant state”.

- (4) In paragraphs 5(8) and 6(13) of Schedule 10 for “the United Kingdom” substitute “Northern Ireland”.