STATUTORY INSTRUMENTS

2005 No. 281

ELECTROMAGNETIC COMPATIBILITY

The Electromagnetic Compatibility Regulations 2005

Made	2nd February 2005
Laid before Parliament	11th February 2005
Coming into force	7th March 2005

THE ELECTROMAGNETIC COMPATIBILITY REGULATIONS 2005

PART 1

PRELIMINARY

- 1. Citation and commencement
- 2. Repeal and disapplication
- 3. Interpretation
- 4. Electromagnetic disturbance
- 5. Protection requirements

PART II

APPLICATION

General Application

- 6. Relevant apparatus
- 7. General conditions of application

Modified application

- 8. Education and training equipment
- 9. Test apparatus

Exclusions

- 10. Apparatus supplied or taken into service before 28th October 1992
- 11. Apparatus for export to a third country outside the Community
- 12. Excluded installations
- 13. Spare parts
- 14. Supply to the authorised representative
- 15. Second-hand apparatus

- 16. Electromagnetically benign apparatus
- 17. Apparatus for use in a sealed electromagnetic environment
- 18. Radio amateur apparatus
- 19. Military equipment

Apparatus covered by other Directives

- 20. Active implantable medical devices
- 21. In vitro medical devices
- 22. Medical devices
- 23. Vehicles, components and separate technical units
- 24. Agricultural or forestry tractors
- 25. Two and three-wheel motor vehicles
- 26. Marine Equipment
- 27. Electrical Energy Meters
- 28. Non-automatic weighing instruments
- 29. Radio equipment and telecommunications terminal equipment

PART III

GENERAL REQUIREMENTS

- 30. General duty for supply
- 31. General duty for taking into service
- 32. Requirements for supply
- 33. Conformity assessment requirements—the three routes to compliance
- 34. Presumption of conformity
- 35. The CE marking
- 36. EC declaration of conformity
- 37. Retention of documentation

PART IV

THE STANDARDS ROUTE TO COMPLIANCE

- 38. Application of Part IV
- 39. The standards route to compliance
- 40. Applicable EMC standards
- 41. Publication of reference numbers of standards
- 42. EC declaration of conformity pursuant to the standards route to compliance

PART V

THE TECHNICAL CONSTRUCTION FILE ROUTE TO COMPLIANCE

General

- 43. Application of Part V
- 44. Applicability of the technical construction file route to compliance
- 45. Technical construction files
- 46. The technical construction file route to compliance
- 47. Competent bodies

United Kingdom competent bodies

- 48. Appointment
- 49. Eligibility and verification

- 50. Termination of appointment and transfer of functions
- 51. Power of competent body other than the Secretary of State to charge fees
- 52. Applications for technical reports and technical certificates
- 53. Limitations on duty to exercise functions
- 54. Contractors etc.
- 55. Form of technical reports and technical certificates
- 56. Conditions of technical reports or technical certificates
- 57. Withdrawal of technical reports or technical certificates
- 58. Procedure where United Kingdom competent body is minded to make an unfavourable decision

EC declaration of conformity

59. EC declaration of conformity where conformity assessment requirements are complied with by reference to a technical construction file

Final provisions

60. Interpretation of Part V

PART VI

THE EC TYPE-EXAMINATION ROUTE TO COMPLIANCE FOR RADIOCOMMUNICATION TRANSMISSION APPARATUS

General

- 61. Application of Part VI
- 62. The EC type-examination route to compliance
- 63. Notified bodies

United Kingdom notified bodies

- 64. Bodies and scope of authority
- 65. Power of CAA and OFCOM to charge fees
- 66. Applications for EC type-examination certificates
- 67. Limitations on duty to exercise functions
- 68. Contractors etc.
- 69. Conditions of EC type-examination certificates
- 70. Withdrawal of EC type-examination certificates
- 71. Procedure where United Kingdom notified body is minded to make a decision unfavourable to the applicant

EC declaration of conformity

72. EC declaration of conformity for radiocommunication transmission apparatus

Final provisions

- 73. Savings
- 74. Interpretation of Part VI

PART VII

ENFORCEMENT

Enforcement authorities and powers

- 75. Enforcement authorities
- 76. Test purchases
- 77. Powers of search etc.
- 78. Provisions supplemental to regulation 77
- 79. Appeals against detention of apparatus
- 80. Compliance notices
- 81. Prohibition notices
- 82. Suspension notices
- 83. Appeals against suspension notices
- 84. Power to require production of documents and information etc.

Offences

- 85. Supplying or taking into service apparatus in contravention of regulation 30 or 31
- 86. Contravention of prohibition notice or suspension notice
- 87. False or misleading information
- 88. Misuse of the CE marking etc.
- 89. Obstruction etc. of officers of enforcement authorities etc.
- 90. Failure to retain documentation
- 91. Defence of due diligence
- 92. Liability of persons other than the principal offender
- 93. Extension of time for bringing summary proceedings
- 94. Inference of condition of apparatus at time of supply or taking into service

Powers of the court

- 95. Penalties
- 96. Power of the court to require matter to be remedied
- 97. Forfeiture: England and Wales and Northern Ireland
- 98. Forfeiture: Scotland
- 99. Recovery of expenses of enforcement

PART VIII

MISCELLANEOUS AND SUPPLEMENTAL

- 100. Service of documents etc.
- 101. Duty of enforcement authority to inform the Secretary of State of action taken
- 102. Savings for certain privileges
- 103. Savings for action taken under other enactments

Consequential amendments

- 104. The Radio Equipment and Telecommunications Terminal Equipment Regulations 2000
- Enterprise Act 2002 (Part 9 Restrictions on Disclosure of Information) (Specification) Order 2004 Signature

SCHEDULE 1 — REGULATIONS UNDER SECTION 10 OF THE WIRELESS TELEGRAPHY ACT 1949

- 1. The Wireless Telegraphy (Control of Interference from Ignition Apparatus) Regulations...
- 2. The Wireless Telegraphy (Control of Interference from Electro Medical Apparatus)...
- 3. The Wireless Telegraphy (Control of Interference from Radio Frequency Heating...
- 4. The Wireless Telegraphy (Control of Interference from Household Appliances, Portable...
- 5. The Wireless Telegraphy (Control of Interference from Fluorescent Lighting Apparatus)...
- 6. The Wireless Telegraphy (Control of Interference from Citizens' Band Radio...

SCHEDULE 2 — PHENOMENA AND EFFECTS WHICH MAY BE REGARDED AS ELECTROMAGNETIC DISTURBANCE

- 1. Conducted low-frequency phenomena harmonics, interharmonics; signalling voltages; —...
- 2. Radiated low-frequency phenomena— magnetic fields; and electric fields;...
- 3. Conducted high-frequency phenomena— induced continuous wave (CW) voltages or...
- 4. Radiated high frequency phenomena— magnetic fields; electric fields;...
- 5. Electrostatic discharge phenomena (ESD).

SCHEDULE 3 — DESCRIPTIONS OF APPARATUS THE OPERATION OF WHICH MUST NOT BE HINDERED BY RELEVANT APPARATUS

- 1. domestic radio and television receivers;
- 2. industrial manufacturing equipment;
- 3. mobile radio equipment;
- 4. mobile radio and commercial radiotelephone equipment;
- 5. medical and scientific apparatus;
- 6. information technology equipment;
- 7. domestic appliances and household electronic equipment;
- 8. aeronautical and marine radio apparatus;
- 9. subject to regulation 8, educational electronic equipment;
- 10. telecommunications networks and apparatus;
- 11. radio and television broadcast transmitters; and
- 12. lights and fluorescent lamps.

SCHEDULE 4 — THE CE MARKING

- 1. In the CE marking, the initials CE shall take the...
- 2. If the CE marking is reduced or enlarged the proportions...
- 3. The various components of the CE marking must have substantially...

SCHEDULE 5 — MINIMUM CRITERIA FOR THE ASSESSMENT OF UNITED KINGDOM COMPETENT BODIES

- 1. availability of personnel and of the necessary means and equipment;...
- 2. technical competence and professional integrity of personnel;

- 3. independence, in carrying out the tests, preparing the reports, issuing...
- 4. maintenance of professional secrecy by personnel; and
- 5. possession of civil liability insurance unless such liability is covered...

SCHEDULE 6 — DESCRIPTIONS OF APPARATUS FOR WHICH UNITED KINGDOM NOTIFIED BODIES ARE AUTHORISED

- The CAA is authorised (as a United Kingdom notified body...
- 2. OFCOM is authorised (as a United Kingdom notified body) in...

SCHEDULE 7 — PROHIBITION NOTICES

- 1. A prohibition notice in respect of any relevant apparatus shall-...
- 2. (1) If representations in writing about a prohibition notice are...
- 3. (1) Where representations in writing about a prohibition notice are...
- 4. (1) Where a person is appointed to consider representations about...
- 5. (1) The Secretary of State may revoke or vary a...
- 6. (1) Where in a notification served on any person under...
- 7. In this Schedule— "the appointed person" in relation to a...

Explanatory Note

1.

Changes to legislation:

_

The Electromagnetic Compatibility Regulations 2005 is up to date with all changes known to be in force on or before 07 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. View outstanding changes

Changes and effects yet to be applied to :

reg 29 subst by S.I. 2006/1449 SI 1449