



# Radio Equipment Directive:

## Main elements



## Regulatory approach for the revision of the R&TTE Directive and objectives (preferred Options in Impact Assessment)

- Alignment of the Directive with the New Legislative Framework (NLF) for the marketing of goods
- Plus the possibility for the Commission, on the basis of delegated powers, to introduce product registration for some specific categories of equipment where a high level of compliance has not been achieved or to facilitate the application of the Directive (software defined radio and interoperability)
- Clarification of currently problematic provisions on the basis of the current 'Guide for the implementation of the Directive'
- Simplification of some administrative obligations (suppression of Article 6(4), alert sign),





## The regulatory approach and implementation

- Legal basis: TFUE/Art 114 (Ordinary legislative procedure)
- Commission proposal: 17/10/2012
- Plenary EP: 13/03/2014
- Council: 14/04/2014
- Signature by the President of the EP and by the President of the Council: 16/4/2014
- Published: 22 May 2014
- Entry into force: 20 days after publication (11/06/2014)
- Applicability: 13 June 2016 (Repeals Directive 1999/5/EC)
- Transitional: One additional year (13 June 2017)





## Structure in Chapters

A typical internal market harmonisation legislation – a few additional elements articulating the relation with national regulation on the use of radio spectrum

- **Chapter 1:** scope (complemented by Annexes I-II), definitions, 3 main essential requirements and 7 additional essential requirements, provisions on software defined radio possible registration of some categories of radio equipment, notification by Member States of regulations on the use of radio spectrum
- **Chapter 2:** obligations of economic operators (reference provisions in Decision 768/2008/EC)
- **Chapter 3:** harmonised standards, conformity assessment procedures (complemented by Annexes III-IV-V, as per Decision 768/2008/EC), CE marking and related declaration of conformity and technical documentation (complemented by Annexes VI-VIII)
- **Chapter 4:** notification of conformity assessment bodies (as per Decision 768/2008/EC)
- **Chapter 5:** market surveillance (as per Decision 768/2008/EC)
- **Chapter 6:** committee, implementing acts (as per Regulation (EU) No 182/2011) and delegated acts (in accordance with the inter-institutional agreement)
- **Chapter 7:** final and transitional provisions



## Scope (1)

'radio equipment' means an electrical or electronic product, which intentionally emits and/or receives radio waves for the purpose of radio communication and/or radio determination, or an electrical or electronic product which must be completed with an accessory, such as antenna, so as to intentionally emit and/or receive radio waves for the purpose of radio communication and/or radio determination'

'radio waves' means electromagnetic waves of frequencies lower than 3 000 GHz, propagated in space without artificial guide' (so limit of 9 kHz has been removed)

exceptions: Article 1(2) and (3):

- radio equipment exclusively used for activities concerning public security, defence, State security...
- Radio equipment used by radio amateurs
- Marine equipment falling within the scope of Council Directive 96/98/EC (1).
- Airborne products, parts and appliances falling within the scope of Article 3 of Regulation (EC) No 216/2008 of the European Parliament and of the Council (2).
- Custom-built evaluation kits destined for professionals to be used solely at research and development facilities for such purposes.



## Scope (2)

- The Commission may adopt implementing acts to ensure consistent application of the definition of radio equipment
- Examples: Sound and TV broadcast receivers, previously excluded, will now fall within the scope of the Directive; Equipment operating below 9 KHz, previously excluded, will now fall within the scope of the Directive; Fixed-line terminals cease to fall within the scope of the Directive; ISM equipment continues not to fall within the scope of the Directive





## Essential Requirements

- Article 3(1): Refers to safety objectives of the LVD and EMC essential requirements of the EMCD (as the current RTTED)

### Changes:

- Article 3(2) has been clarified so as 'radio equipment effectively uses and supports the efficient use of radio spectrum'
- Article 3(3)(a) can be invoked to cover interoperability between radio equipment and accessories such as chargers for mobile telephones
- Article 3(3)(g) can be invoked to ensure that radio equipment can only upload software if the compliance of the combination of the software and the radio equipment has been demonstrated
- For the assessment of compliance with the essential requirement set out in point (a) of Article 3(1), the manufacturer shall also take into account reasonably foreseeable conditions of use



## New Instruments

- Article 4 may be invoked to ensure transparency on the compliance of combinations of software and radio equipment
  - Article 5 may be invoked to require registration within a central system of products within categories affected by low levels of compliance
- \* Commission is empowered to adopt Delegated and Implementing acts







## Alignment

Alignment with Decision 768/2008/EC on a common framework for the marketing of products, including:

- the definitions set out in chapter R1 of Decision 768/2008/EC
- the obligations of economic operators (manufacturers, importers, distributors) set out in chapter R2 of Decision 768/2008/EC
- three of the modules for conformity assessment set out in Annex II of Decision 768/2008/EC (internal production control , EU-type examination followed by the conformity to type procedure , full quality assurance procedure)
- the obligations for the notification of conformity assessment bodies set out in chapter R4 of Decision 768/2008/EC
- the simplified safeguard procedures set out in chapter R5 of Decision 768/2008/EC

Alignment with the Treaty on the Functioning of the European Union and with Regulation No 182/2011 on the Commission's exercise of delegated and implementing powers





# Declaration of Conformity and CE Marking

*-The EU declaration of conformity shall state that the fulfilment of the essential requirements set out in Article 3 has been demonstrated and shall have the model structure set out in Annex VI*

*-The CE marking shall be subject to the general principles set out in Article 30 of Regulation (EC) No 765/2008. On account of the nature of radio equipment, the height of the CE marking affixed to radio equipment may be lower than 5 mm, provided that it remains visible and legible. The CE marking shall be affixed visibly, legibly and indelibly to the radio equipment or to its data plate, unless that is not possible or not warranted on account of the nature of radio equipment. The CE marking shall also be affixed visibly and legibly to the packaging.*

# Conformity Assessment Procedures

- (a) internal production control procedure set out in Annex III of the RED;*
- (b) EU-type examination followed by the conformity to type procedure based on internal production control set out in Annex IV of the RED;*
- (c) full quality assurance procedure set out in Annex V of the RED.*



## Administrative Obligations-Main Changes

- Prior notification of equipment using non-harmonised bands [current Article 6(4)] is suppressed
- The alert sign indicating restrictions to use is suppressed. Manufacturers shall make available on the packaging information on restrictions to use, the Commission may adopt implementing acts to ensure consistent application
- Requirements related to wired terminal equipment have been removed
- Simplify SDoC is introduced





# Delegated & Implementing Acts

## Delegated acts

- Essential requirements in Article 3 (3)
- Registration (Article 5) and Software (Article 4)

## Implementing Acts

- Clarify the definition of radio equipment
- Some details on Registration and Software
- establishing the equivalence between notified radio interfaces and assigning a radio equipment class
- Info on restrictions on putting into service or requirements for authorisation of use exist
- Withdrawal of a notified body
- Compliant equipment which presents a risk





# **HARMONISED STANDARDS- Commission Mandate to ETSI and CENELEC**

*Cenelec and ETSI are requested to draft, in support of the implementation of Article 3 of Directive 2014/53/EU, harmonised standards for radio equipment*

*Deadline for publication: 15/03/2016*





## CONCLUSION-GENERAL PRINCIPLES

*-RED is total harmonisation Directive for the aspects covered*

*-Manufacturers shall ensure that products are totally compliant (Technical documentation, Declaration of Conformity, CE Marking)*

*-Harmonised standards are voluntary, if applied they provide a presumption of conformity*

*-Government role is to police the market: achieved a very high safety record*





**Thank you for your attention!**

