

# Radio equipment: harmonisation of the laws of the Member States relating to the making available on the market

2012/0283(COD) - 13/11/2018 - Follow-up document

The Commission presents a report on the operation of Directive 2014/53/EU (the Radio Equipment Directive or RED). The report covers matters on the transposition and operation of the Directive, including the progress on drawing up the relevant standards and the activities of the Telecommunication Conformity Assessment and Market Surveillance Committee (TCAM).

The Radio Equipment Directive establishes a **regulatory framework for placing radio equipment on the internal market** and is applicable, subject to a number of exceptions, to products using the radio frequency spectrum (radio equipment). It entered into force on 11 June 2014 and is applicable as of 13 June 2016. It repealed the Radio Equipment and Telecommunications Terminal Equipment Directive 1999/5/EC and provided for a one-year transitional period, which ended on 12 June 2017. During the transitional phase, manufacturers were allowed to place on the market radio equipment compliant with either the RED or the EU legislation applicable before 13 June 2016 (e.g. Directive 1999/5/EC). Manufacturers preferred to use, until the end of the transitional period, Directive 1999/5/EC. Hence, by the time of finalising the report, the vast majority of radio equipment that was on the market, was assessed on the basis of Directive 1999/5/EC. In the absence of sufficient data, statistics or evidence on the basis of the RED, no definitive conclusion can be drawn as to the question whether specific categories or classes of radio equipment were affected by a low level of compliance.

Whilst the Commission cautions that it is in general too early to draw conclusions on the effectiveness of the RED, it states nevertheless that overall, **the implementation of the RED worked well and without major problems**, except for a delay in Member States notifying transposition measures. The main issues were as follows:

**Harmonised standards:** the application of harmonised standards, whose references are published in the Official Journal is voluntary under the Directive but has the advantage of giving “presumption of conformity” with the corresponding essential requirements that they aim to cover. If harmonised standards do not exist or are not applied, the manufacturer is required to consult a notified body for the assessment of compliance with certain requirements.

The Commission, acting in accordance with [the Standardisation Regulation](#), requested the European Committee for Electrotechnical Standardisation (CENELEC) and European Telecommunications Standards Institute (ETSI) to draft harmonised standards for radio equipment. Without prejudice to any new standards that should have been prepared due to the new scope of the RED (compared to the scope of Directive 1999/5/EC), it was **necessary to update 187 standards**, whose references were published under Directive 1999/5/EC, for the purposes of publication under the RED. There was, however, a **delay in the publication of harmonised standards under the RED** because a vast number of standards either were not delivered within the deadline of 15 March 2016 or were not updated or adapted for the purposes of the RED. These issues with the timely availability of standards raised political and media attention. The Commission states that it provided the necessary support, by organising a workshop and issuing guidance documents. The situation has been **consistently improving** due to the collective efforts of the Commission and standardisation bodies as well as a pragmatic approach followed by the Commission. The report cites as an example a problem with the new version of a standard, delivered by ETSI in May 2017, covering a large number of WiFi products (EN 301 893). The Commission introduced as a solution

a period of transition allowing industry to have sufficient time to adjust to the specifications of this new harmonised standard.

At the beginning of March 2018, the references of 5 additional ETSI standards as well as 5 CENELEC standards were published in the Official Journal under the RED, reaching **the total of 144 harmonised standards**.

**Delegated and implementing acts:** the Commission has adopted one **implementing act for the purposes of Article 10 (10) of the RED**. The latter provision requires manufacturers to add information on the package that allows the identification of the Member States where restrictions on putting into service or requirements for use exist in relation to the radio equipment. In addition, the same provision requires the manufacturer to complete the information on the actual restrictions or requirements in the instructions accompanying the radio equipment. The implementing act provides two options on how the information can be presented on the packaging.

The Commission notes, furthermore, that it is in the process of preparing a delegated act to ensure that **'smartphones' support effective access to emergency services** e.g. E112. There are also calls within the working group of TCAM for delegated acts under the RED for ensuring that: (i) the security and privacy of the user are protected; (ii) the compliance of the radio equipment is not affected due to the use of new or modified software; and radio equipment interworks with common chargers. It needs determine which classes or categories of radio equipment could be covered by such delegated acts. In order to gather experts' advice and discuss in depth these issues, the Commission established a Commission expert group on reconfigurable radio systems and is in the process of establishing a new expert group on radio equipment with a broader mandate. The adoption of a delegated act should be preceded by an impact assessment in line with the better regulation guidelines.

The next report will be prepared and submitted in 2023.