



Procedure file

Basic information	
<p>COD - Ordinary legislative procedure (ex-codecision procedure) Directive</p> <p>2012/0283(COD)</p>	Procedure completed
<p>Radio equipment: harmonisation of the laws of the Member States relating to the making available on the market</p> <p>Repealing Directive 1999/5/EC 1997/0149(COD) Amended by 2015/0277(COD) Amended by 2017/0353(COD)</p> <p>Subject</p> <p>2.10.03 Standardisation, EC/EU standards and trade mark, certification, compliance</p> <p>3.30.01 Audiovisual industry and services</p> <p>3.30.04 Radiocommunications, broadcasting</p> <p>3.40.06 Electronics, electrotechnical industries, ICT, robotics</p> <p>4.20 Public health</p> <p>4.60.08 Safety of products and services, product liability</p>	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	IMCO Internal Market and Consumer Protection		06/11/2012
		S&D WEILER Barbara	
		Shadow rapporteur	
		PPE VAN DE CAMP Wim	
	ALDE MANDERS Antonius		
	Verts/ALE RÜHLE Heide		
	ECR HARBOUR Malcolm		
	EFD SALVINI Matteo		
	Committee for opinion	Rapporteur for opinion	Appointed
	ENVI Environment, Public Health and Food Safety	The committee decided not to give an opinion.	
	ITRE Industry, Research and Energy	The committee decided not to give an opinion.	
	CULT Culture and Education	The committee decided not to give an opinion.	
Council of the European Union	Council configuration	Meeting	Date
	Agriculture and Fisheries	3308	14/04/2014
European Commission	Commission DG	Commissioner	
	Internal Market, Industry, Entrepreneurship and SMEs	TAJANI Antonio	
European Economic and Social Committee			

Key events			
17/10/2012	Legislative proposal published	COM(2012)0584	Summary
25/10/2012	Committee referral announced in Parliament, 1st reading/single reading		

26/09/2013	Vote in committee, 1st reading/single reading		
02/10/2013	Committee report tabled for plenary, 1st reading/single reading	A7-0316/2013	Summary
12/03/2014	Debate in Parliament		
13/03/2014	Results of vote in Parliament		
13/03/2014	Decision by Parliament, 1st reading/single reading	T7-0246/2014	Summary
14/04/2014	Act adopted by Council after Parliament's 1st reading		
16/04/2014	Final act signed		
16/04/2014	End of procedure in Parliament		
22/05/2014	Final act published in Official Journal		

Technical information

Procedure reference	2012/0283(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
	Repealing Directive 1999/5/EC 1997/0149(COD) Amended by 2015/0277(COD) Amended by 2017/0353(COD)
Legal basis	Treaty on the Functioning of the EU TFEU 114-p1
Other legal basis	Rules of Procedure EP 150
Mandatory consultation of other institutions	European Economic and Social Committee
Stage reached in procedure	Procedure completed
Committee dossier	IMCO/7/11003

Documentation gateway

Legislative proposal	COM(2012)0584	17/10/2012	EC	Summary
Document attached to the procedure	SWD(2012)0300	17/10/2012	EC	
Document attached to the procedure	SWD(2012)0329	17/10/2012	EC	
Economic and Social Committee: opinion, report	CES0164/2013	13/02/2013	ESC	
Committee draft report	PE510.528	26/04/2013	EP	
Amendments tabled in committee	PE513.158	06/06/2013	EP	
Committee report tabled for plenary, 1st reading/single reading	A7-0316/2013	02/10/2013	EP	Summary
Text adopted by Parliament, 1st reading/single reading	T7-0246/2014	13/03/2014	EP	Summary
Draft final act	00017/2014/LEX	16/04/2014	CSL	

Commission response to text adopted in plenary	SP(2014)455	10/06/2014	EC	
Follow-up document	COM(2018)0740	13/11/2018	EC	Summary

Additional information

National parliaments	IPEX
European Commission	EUR-Lex

Final act

[Directive 2014/53](#)
[OJ L 153 22.05.2014, p. 0062](#) Summary

Final legislative act with provisions for delegated acts

Delegated acts

2018/2984(DEA)	Examination of delegated act
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2012/0283(COD) - 17/10/2012 Legislative proposal

PURPOSE: to establish a regulatory framework for the making available on the market and putting into service in the Union of radio equipment.

PROPOSED ACT: Directive of the European Parliament and of the Council.

BACKGROUND: Directive 1999/5/EC on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity ((R&TTE Directive), establishes a framework for the placing on the market, free movement and putting into service in the EU of radio equipment and telecommunications terminal equipment. It includes essential requirements for the protection of health and safety, of electromagnetic compatibility and for the avoidance of harmful interference. These requirements are translated into technical requirements within non-mandatory harmonised standards, as in other New Approach legislation. Whilst a fundamental revision of the Directive is not necessary, experience in the operation of the Directive has highlighted a number of issues to be addressed, principally regarding compliance and clarification.

IMPACT ASSESSMENT: the proposal is accompanied by an [impact assessment](#). Overall, there is a high level of consensus and support for aligning the Directive with the New Legislative Framework package and for clarifying and simplifying the Directive. Opinions are more divided on the possible introduction of a requirement to register products prior to their placing on the market, and on some measures for administrative simplification

LEGAL BASIS: Article 114 of the Treaty on the Functioning of the European Union.

CONTENT : the main objectives of the proposal are:

- to improve the level of compliance with the requirements in the Directive, and to increase the confidence of all stakeholders in the regulatory framework;
- to clarify and simplify the Directive, including some limited adaptations of scope, so as to facilitate its application and eliminate unnecessary burden for economic operators and public authorities.

The proposed revision also allows better integration of the Directive with other related EU Legislation, particularly Decision No 676/2002/EC (the Radio Spectrum Decision).

The initiative is consistent with the New Legislative Framework package approved in 2008, comprised of: (i) Regulation No (EC) 765/2008 on accreditation and market surveillance and (ii) of Decision No (EC)768/2008 establishing a common framework for the marketing of products, which provides that its provisions are to be used when legislation is drafted or revised.

The most significant elements of the proposal for a revision of the Directive are the following:

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 set out in chapter R2 of Decision 768/2008/EC;
- three modules for conformity assessment set out in Annex II of Decision 768/2008/EC;
- 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.

New definition of radio equipment: this demarcates the modified scope of the Directive, and includes all and only equipment, which intentionally transmits signals using radio spectrum, whether for the purpose of communication or other. The essential requirement has been correspondingly adapted and only refers to transmitted signals.

Other main provisions: the text sets out the following requirements:

- radio equipment should be able to interoperate with accessories such as chargers;
- software-defined radio equipment should ensure that only compliant combinations of software and hardware come together;
- measures may be adopted to ensure that this regulatory requirement creates no barriers to competition in the market for third-party software;
- four years after the date of entry into force of the Directive, manufacturers shall register radio equipment types within categories of equipment affected by a low level of compliance with the essential requirements set out in the text within a central system prior to radio equipment within those categories being placed on the market. The Commission shall allocate to each registered type a registration number, which manufacturers shall affix on radio equipment placed on the market;
- the proposal clarifies the relation between the R&TTE Directive and EU and national legislation on the use of radio spectrum.

Simplification and reduction of administrative obligations: the Commission points out the following:

- the new definition of radio equipment establishes a clear demarcation of scope with Directive 2004/108/EC (the EMC Directive);
- pure receivers and fixed-line terminals cease to fall within the scope of the Directive, falling instead within the scope of Directive 2004/108/EC and Directive 2006/95/EC, or depending on their voltage falling within the scope of Directive 2004/108/EC and Directive 2001/95/EC and this entails some reduction of administrative obligations.

The following provisions are removed from the text:

- the requirement to notify the placing on the market of equipment using frequency bands which are not EU-wide harmonised;
- the obligation to affix an equipment class identifier on the product;
- the requirement to affix CE marking on user instructions.
- requirements supporting competition in the market for terminals. Similar requirements are in force under Directive 2008/63/EC.

BUDGETARY IMPLICATIONS: the proposal is compatible with the current multiannual financial framework: all measures or actions included in the proposed directive are consistent and compatible with the current and the next multiannual financial framework (2014 to 2020) as proposed by the Commission.

The proposal includes the possibility of requiring registration of certain categories of radio equipment prior to their placing on the market. Were this possibility to come into effect, a database should be put in place and administered by the Commission. The estimation of costs available includes an initial investment of EUR 300 000 and an annual maintenance cost of EUR 30 000.

DELEGATED ACTS: in order to supplement or amend certain non-essential elements of the Directive, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union will be delegated to the Commission in the following areas: i) adaptation to technical progress of Annex II listing some equipment falling or not within the definition of radio equipment; ii) additional essential requirements; iii) provision of information on the compliance of software-defined radio equipment; and iv) requirement to register radio equipment within some categories.

2012/0283(COD) - 02/10/2013 Committee report tabled for plenary, 1st reading/single reading

The Committee on the Internal Market and Consumer Protection adopted the report by Barbara WEILER (S&D, DE) on the proposal for a directive of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment.

The committee recommended that the position of Parliament adopted in first reading following the ordinary legislative procedure should amend the Commission proposal as follows:

Alignment with the New Legislative Framework (NLF) on the Goods Package: Members identified several inconsistencies with the Goods Package, which had already been discussed at European level. In order to align with these results and achieve a coherent legislative framework, the report proposes improvements of the wording.

Members introduced several amendments in order to strike the right balance between effective market surveillance and avoidance of unnecessary administrative burden especially for SMEs.

Scope of the directive:

- Members found it disproportionate to extend the scope of the proposed directive to include a number of products that entail a very limited use of electromagnetic waves for purposes other than communication. These are already present on the market without any major reported problems and are sufficiently regulated by the Low Voltage Directive and and Electromagnetic Compatibility Directive.
- It is important to guarantee the efficient usage of radio spectrum, and Members considered that the equipment capable of receiving radio waves should fall under the scope of proposed Directive.

The report changed the definition of "radio equipment" accordingly.

Postal address: the committee wanted Member States to encourage economic operators to include not only a postal address but also a website address in order to facilitate communication between economic operators, market surveillance authorities and consumers.

The contact details must be in a language easily understood by end-users and market surveillance authorities.

Single EU declaration of conformity: to ensure effective access to information for market surveillance purposes, the information required to identify all applicable Union acts should be available in a single EU declaration of conformity. In order to reduce the administrative burden on economic operators, that single EU declaration of conformity may be a dossier made up of relevant individual declarations of conformity.

Registration of radio equipment: Members deleted the provisions regarding the obligation to register certain radio equipment in a central system, stating that this would result in a disproportionate burden for legitimate economic operators, especially SMEs, whereas the benefits of such a registration system have not been sufficiently demonstrated. Moreover, such a system potentially raises confidentiality issues.

In order to avoid unnecessary burdens for manufactures, especially the SMEs, sample testing should be exercised only upon a request by the

competent authorities.

Conformity assessment procedures: manufacturers must demonstrate compliance of radio equipment with the essential requirements set out in the text using certain conformity assessment procedures.

CE marking: Members proposed to provide for the use of electronic labelling, where radio equipment is fitted with an integral screen.

Universal charger: whilst noting that the proposal stresses the advantages of interoperability between radio equipment and accessories such as chargers, Members wanted to see a renewed effort to develop a universal charger. This would simplify the use of radio equipment e.g. mobile phones, reduce waste and costs as well as will consequently be highly beneficial to consumers.

2012/0283(COD) - 13/03/2014 Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 550 votes to 12 with 8 abstentions, a legislative resolution on the proposal for a directive of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment.

Parliament adopted its position in first reading following the ordinary legislative procedure. The amendments adopted in plenary are the result of a compromise between Parliament and Council.

Essential requirements: radio equipment shall be constructed so as to ensure: (i) the protection of health and safety of persons and of domestic animals and the protection of property; (ii) an adequate level of electromagnetic compatibility.

Common charger: Parliament stressed that a renewed effort to develop a common charger for particular categories or classes of radio equipment is necessary, in particular for the benefit of consumers and other end-users. In particular, mobile phones that are made available on the market should be compatible with a common charger.

The text stipulated that the ability to work with common chargers would be an essential requirement for radio equipment. However, it would be up to the European Commission to decide which specific types of radio equipment will have to meet this requirement.

Included in the list of essential requirements were radio equipment interworks via networks with other radio equipment and radio equipment that could be connected to interfaces of the appropriate type throughout the Union.

Making available on the market: radio equipment would be made available on the market only if it complied with this Directive. Member States shall allow the putting into service and use of radio equipment if it complies with this Directive when it is properly installed, maintained and used for its intended purpose

Obligations of economic operators and market surveillance: manufacturers shall ensure that radio equipment shall be so constructed that it can be operated in at least one Member State without infringing applicable requirements on the use of radio spectrum. To protect the health and safety of end-users, they should carry out sample testing of radio equipment made available on the market,

Each item of radio equipment should be accompanied by a copy of the EU declaration of conformity or by a simplified EU declaration of conformity.

Manufacturers and importers shall indicate on the radio equipment their name, registered trade name or registered trade mark and the postal address at which they can be contacted or, where that is not possible, on its packaging or in a document accompanying the radio equipment.

The contact details shall be in a language easily understood by end-users and market surveillance authorities. Instructions and safety information, as well as any labelling, shall be clear, understandable and intelligible.

Conformity assessment procedures: the manufacturer shall perform a conformity assessment of the radio equipment with a view to meeting the essential requirements using one of the conformity assessment procedures.

2012/0283(COD) - 16/04/2014 Final act

PURPOSE: to update the rules on radio equipment so as to ensure a high level of protection of health and safety, adequate level of electromagnetic compatibility and an effective and efficient use of radio spectrum so as to avoid harmful interference while guaranteeing the proper functioning of the internal market.

LEGISLATIVE ACT: Directive 2014/53/EU of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment and repealing Directive 1999/5/EC.

CONTENT: the Directive replaces Directive 1999/5/EC and establishes a regulatory framework for the making available on the market (mobile phones, car door openers, modems, etc) and putting into service in the Union of radio equipment. It does not apply to radio equipment exclusively used for activities concerning public security, defence, and state security.

Essential requirements: under the new Directive, radio equipment must be constructed so that:

- they ensure: i) the protection of health and safety of persons and of domestic animals and the protection of property; and ii) an adequate level of electromagnetic compatibility;
- they ensure an efficient use of radio spectrum so as to avoid harmful interference.

Radio equipment within certain categories or classes shall be so constructed that it complies with the following essential requirements:

- interworks with accessories, in particular with common chargers; mobile phones that are made available on the market should be compatible with a common charger;

- interworks via networks with other radio equipment;
- can be connected to interfaces of the appropriate type throughout the Union;
- does not harm the network or its functioning;
- incorporates safeguards to ensure that the personal data and privacy of the user and of the subscriber are protected;
- supports certain features ensuring protection from fraud, ensuring access to emergency services and supports certain features in order to facilitate its use by users with a disability.

The Commission may adopt delegated acts in accordance specifying which categories or classes of radio equipment are concerned by each of the requirements.

Improving market surveillance: the Directive requires manufacturers, from 12 June 2018, to register in a central system radio equipment to be placed on the market.

In order to limit the burden to economic operators, such a requirement should be introduced only for those categories of radio equipment where a high level of compliance has not been attained.

Making available on the market: only radio equipment which complies with the Directive may be placed on the market. Member States shall allow the putting into service and use of radio equipment if it complies with this Directive when it is properly installed, maintained and used for its intended purpose.

Obligations of economic operators: economic operators should be responsible for the compliance of radio equipment with this Directive, in relation to their respective roles in the supply chain.

Manufacturers shall ensure that radio equipment shall be so constructed that it can be operated in at least one Member State without infringing applicable requirements on the use of radio spectrum.

Each item of radio equipment will be accompanied by a copy of the EU declaration of conformity or by a simplified EU declaration of conformity.

Manufacturers and importers shall indicate on the radio equipment (or, where that is not possible, on its packaging or in a document accompanying the radio equipment) their name, registered trade name or registered trade mark and the postal address at which they can be contacted.

The contact details shall be in a language easily understood by end-users and market surveillance authorities.

Instructions and safety information, as well as any labelling, shall be clear, understandable and intelligible.

Manufacturers who consider that the radio equipment which they have placed on the market does not comply with the Directive shall immediately take appropriate corrective actions to bring the radio equipment into compliance with those requirements, to withdraw the radio equipment from the market, or to recall it, if necessary.

Report: the Commission shall examine the functioning of the Directive and make a report no later than 12 June 2018 and then every five years.

The report shall examine how the regulatory framework functions with regard notably: a) to ensure that a coherent system is achieved at Union level for all radio equipment; b) to allow for convergence of the telecommunications, audiovisual and information technology sectors; c) to enable regulatory measures to be harmonised at international level; d) to reach a high level of consumer protection; e) to ensure that portable radio equipment interworks with accessories, in particular with common chargers.

ENTRY INTO FORCE: 09.06.2014.

TRANSPOSITION: no later than 12.06.2016. The provisions shall apply from 13.06.2016.

DELEGATED ACTS: the Commission may adopt delegated acts in order to supplement or amend non-essential aspects of the Regulation. The power to adopt such acts shall be conferred on the Commission for a period of five years from 11 June 2014. The European Parliament or the Council may object to a delegated act within a period of two months from the date of notification (this period can be extended for two months). If the European Parliament or the Council make objections, the delegated act will not enter into force.

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.