

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

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.