Radio Equipment Directive (RED)
Introduction

- ADCO = **Administrative Cooperation group**
- ADCO RED is the administrative cooperation group under the RED;
- Most directives have an ADCO group (LVD, EMC, Toys, Lifts, ...)
- ADCO RED is open to market surveillance authorities (MSA), EU Commission and ECO;
- It stimulates:
  - the exchange of information between MSA;
  - the common interpretation of provisions of the RED;
  - best practices in the field of market surveillance;
  - a harmonised common approach in the market surveillance;
  - the liaison with other relevant bodies (TCAM, ECO, REDCA, EMC ADCO, ETSI, ...)
- 3 plenary meetings a year
RED (2014/53/EU)

- RED may be applied from 13 June 2016 (+ 1 year for manufacturers to comply)
- Covers equipment which intentionally transmits or receives radio waves for communications or radiodetermination, regardless of primary function
- Operating up to 3000 GHz (no lower frequency limit)
- LVD & EMCD do not apply to RED equipment
- Many products under the scope of RED: e.g. anything with a GPS, Bluetooth, RFID, RLAN, NFC....
New Legislative Framework (NLF)

- The New Legislative Framework (adopted in 2008) improves the internal market for goods.

Market surveillance has to ensure:

- that only compliant products will be placed on the market and do not endanger consumers and workers, or the protection of other public interests;
- a fair competition between market players.
Regulation (EC) 765/2008

- This regulation sets out requirements for market surveillance relating to the marketing of products:
  - sets out clear obligations for EU countries to carry out market surveillance and to prohibit or restrict the marketing of dangerous or non-compliant products;
  - provides market surveillance authorities the powers to obtain all necessary documentation from manufacturers to evaluate product conformity, to enter manufacturers' premises and take samples for testing, and in extreme cases to destroy products;
  - includes clear obligations for EU countries to ensure cooperation at national and international level.
Revision of EU Directives

New Legislative Framework (NLF)

NLF Horizontal changes

EMC-D
LVD
ROHS
R&TTE Vertical changes
GPSD
Toy-D
Alignment to NLF

NLF (Recitals 3 and 6)

- Shared compliance responsibility (Art. R2-5)
- Traceability information (Art. R2-4)
- Clear content of the DoC (Art. R10)
- Empower Surveillance Authorities (Art. R2-5 & R34)

Legislation Harmonization

EMC-D LVD RoHS R&TTE-D New EMC-D New LVD New RoHS New R&TTE-D
Definition of a “radio product”

“electrical or electronic product, which intentionally emits and/or receives radio waves for the purpose of radio communication and/or radiodetermination, 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 radiodetermination”
R&TTED – RED: Changes between the scopes

- Pure radio sound and radio TV receive-only equipment, which has been excluded from the R&TTE Directive, falls within the scope of the RED;
- Equipment operating below 9 kHz, falls within the scope of the RED;
- Radio-determination equipment is now clearly included within the scope of the RED;
- Pure wired telecom terminal equipment now falls outside the scope of the RED;
- Custom built evaluation kits destined for professionals to be used solely at research and development facilities for such purposes is explicitly excluded from the RED.
R&T TED – RED: Other changes (non-exhaustive list)

- 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
- Inclusion of the simplified form of the Declaration of conformity
- No publication of the public interfaces from network operators (Article 4.2 R&TTE is removed);
- Manufacturer’s notification to member states of radio equipment that uses frequencies which are not harmonised throughout EU is no longer required (Article 6.4 R&T TED is removed);
R&T TTED – RED: Other changes (non-exhaustive list)

- Inclusion of specific provisions for software defined radio (SDR):
  - obligation for manufacturers of SDR to provide information on the compliance of intended combinations of radio equipment and software with the essential requirements
  - Commission is empowered to
    - specify categories for which the requirement applies;
    - decide on operational rules for making the information available.
R&TTED – RED: Other changes (non-exhaustive list)

- **Conformity assessment procedures:**

```
Essential requirements (art. 3)
  Health and safety (art. 3.1.a)  EMC (art. 3.1.b)  Radio (art. 3.2)  Specific (art. 3.3)
  yes  no
    HS fully applied ?

Annex II: Module A  or  Annex III: Module B+C (with NB)  or  Annex IV: Module H (with NB)
Annex III: Module B+C (with NB)  or  Annex IV: Module H (with NB)
```
R&TTED – RED: Other changes (non-exhaustive list)

- Notified bodies (NB)
  - Two conformity procedures with NB involvement:
    - EU-type examination followed by the conformity to type based on internal production control
      - Information of all other NB on refusal, withdrawal, suspension or restriction of a certificate
      - Information to EU Member states when the manufacturer has not fully used harmonised standards
    - Full quality assurance
  - Requirement on monitoring of conformity of certificates or approvals with actions in case of non compliances (corrective actions or suspension or withdrawal of certificate or approvals)
R&T TTED – RED: Other changes (non-exhaustive list)

- Registration system
  - Categories of equipment affected by a low level of compliance with the essential requirements may be subject to a registration before their placing on the market
  - Registration may be accompanied by the upload of elements of the technical documentation
  - Decision on the categories and the elements that have to be uploaded will be taken by the Commission
Simultaneous Application of EU Harmonisation Acts

- Products can be covered by more than one Union harmonisation act. If one or more of these acts do not exclude the application of the other Union harmonisation legislation, then all relevant legislation apply simultaneously.

- The manufacturer must ensure that the product complies with all applicable Union Harmonisation Legislation (see Chapter 2.6 “Simultaneous Application of Union Harmonisation Acts” of the Blue Guide).
Applicability of RED with other EU acts to non-radio products which function with radio equipment (I)

- Non-radio products (i.e. electrical or electronic products whose function is not to intentionally emit or receive radio waves), may function with radio equipment.

- The RED is applicable to the combination of the non-radio product and the radio equipment, if the radio equipment is:
  - incorporated into the non-radio product; and
  - permanently affixed to the non-radio product.
**Applicability of RED with other EU acts to non-radio products which function with radio equipment (II)**

- If the radio equipment is incorporated in a fixed and permanently way in the non-radio product at the moment of its placing on the market (i.e. in such a way that it cannot be easily accessed and readily removed), as specified above, this product is deemed to be a single product (for the purposes of DoC, the CE Marking and the contact details).

- The above product (whole product) is also subject to other Union harmonisation legislation (e.g. machinery, medical devices, toys, etc.). The RED is therefore applicable simultaneously with Union harmonisation legislation which can cover the same hazard (for example safety or EMCD).

- In such case, the issue of overlap might be resolved by giving preference to the more specific EU legislation. This usually requires a risk analysis of the product according to its intended purpose, which then determines the applicable EU legislation. See Chapter 2.6 of the Blue Guide. Conformity with the RED and with the other Union harmonisation legislation shall be assessed and declared. The declaration of conformity shall make reference to all applicable Union harmonisation legislation.
Market surveillance

Partial view of the radio products on the market
(no involvement of the authority before the placing on the market)

Market surveillance activities are mostly concentrated in « problematic » sectors
Market surveillance harmonisation

Market surveillance

Market surveillance programs

Reactive

Proactive

Random

Focused

Assessment of the product (judgment of its compliance)

Measures to be taken against non compliant products

Measures/sanctions to be taken against responsible person who brought the non compliant product on the market.

Impact assessment procedure

Can be harmonised

Common understanding on administrative requirements

Common understanding on assessment of essential requirements and use of HS

Rapex tool + guidelines (art. 3.1a + 3.3)

Risk assessment tool (art. 3.1b + 3.2)

Harmonisation on measures taken on administrative non compliance

Difficult to harmonise

Common assessment form (information to be collected in a common database – ICSMS)
Contact

Lucio Cocciantelli
ADCO RED Chairman

Head of section
Federal Department of the Environment, Transport, Energy and Communication DETEC

Federal Office of Communications OFCOM
Division Radio Monitoring and Equipment
Section Market access and conformity

Zukunftstrasse 44, CH 2501 Biel
Phone +41 58 460 55 59 (direct)
Phone +41 58 460 55 11
Fax +41 58 463 18 24
mailto:lucio.cocciantelli@bakom.admin.ch
www.ofcom.admin.ch
MERCI!
THANK YOU!