



Department  
for Business  
Innovation & Skills

## RADIO EQUIPMENT DIRECTIVE

Proposal for a Directive on the  
Harmonisation of the Laws of  
the Member States Relating to  
the Making Available on the  
Market of Radio Equipment

MARCH 2013

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# 1. Proposal for a Directive on the Harmonisation of the Laws of the Member States Relating to the Making Available on the Market of Radio Equipment (The Radio Equipment Directive).

This consultation seeks views on the European Commission's Proposal for a Directive on the Harmonisation of the Laws of the Member States Relating to the Making Available on the Market of Radio Equipment (the Proposal). A copy of the Proposal and the Commission's Impact Assessment can be downloaded at:

[http://ec.europa.eu/enterprise/sectors/rte/documents/legislation/review/index\\_en.htm](http://ec.europa.eu/enterprise/sectors/rte/documents/legislation/review/index_en.htm)

We are required under Government guidelines to consult with stakeholders that have an interest in radio (and telecommunications terminal) equipment where the proposal might have a negative impact on the industry. The sector covers a wide range of electronics and radio equipment including mobile phones, mobile network transmitters, and laptop computers. It is a lively and dynamic sector in the UK with both multinational organisations and a large number of SMEs. The Government broadly supports revision of the Directive as there are a number of improvements and it helps to simplify and improve clarity in the scope of the Directive. The removal of the notification process and the reduction of marking requirements are welcomed and should result in cost reductions to business. However, there are a number of areas where the Government has identified potential difficulties with the Proposal, which are set out below. We are asking for your views on whether you have any concerns over the Proposal and what could be done to address these concerns and what could be done to improve it.

Issued: 8th March 2013

Respond by: 3rd June 2013

Enquiries to: Andrew Frankton, Electronics, Materials, Chemicals & Product Regulation, Department for Business, Innovation & Skills, 4th Floor, 1 Victoria Street, London SW1H 0ET. Tel 020 7215 6248. Email: [RadioEquipmentDirective@bis.gsi.gov.uk](mailto:RadioEquipmentDirective@bis.gsi.gov.uk)

This consultation is relevant to electronics and radio equipment manufacturers, enforcement authorities, trade associations and notified bodies, but welcome suggestions from others who may wish to be involved in the consultation process.

## 2. Executive Summary

This consultation seeks views on the European Commission's Proposal for a Revised Directive on the Harmonisation of the Laws of the Member States Relating to the Making Available on the Market of Radio Equipment. The Proposal is designed to improve the level of compliance with the requirements of the Directive and to clarify and simplify the Directive and help to reduce unnecessary burdens for economic operators and public authorities while retaining the current high levels of public safety and protection of the radio spectrum. The sector covers a wide range of electronics and radio equipment including mobile phones, mobile network transmitters, and laptop computers. It is a lively and dynamic sector in the UK with both multinational organisations and a large number of SMEs. The UK has a strong manufacturing capability in this sector, which includes a number of specialist SMEs that need protection from unnecessary burdens of the costs of compliance.

The new Directive, though based on the current Radio & Telecommunications Terminal Equipment Directive and drawing on that text, will regulate the placing on the market of products within its scope and has been opened up for a full review of its scope, essential requirements and administrative procedures.

The Key Issues raised by the Proposal are (with references to Articles and Annexes in the Proposal):

The Proposal contains a proposed new definition of radio equipment to include only radio equipment that intentionally transmits, together with a proposed reduction in scope in relation to telecommunications terminal equipment, removing from scope receive only (stand-alone) radio receivers and fixed-line terminals. (Article 2(1) and Article 3(2)).

The new definition demarcates the modified scope of the Directive with Directive 2004/108/EC (the EMC Directive) by the inclusion of all and only equipment which intentionally transmits signals using the radio spectrum, whether for the purpose of communication or not. This would bring equipment such as radio jammers and repeaters clearly into the scope of the Directive. Fixed-line terminals and pure (stand-alone) receivers will instead fall under product Directives with simpler conformity procedures.

The Proposal includes the possibility of requiring registration within a central system of certain categories of radio equipment prior to their being placed on the market, and provides delegated powers to the Commission in respect of this which would be limited to categories of equipment identified by the Commission as having a low level of compliance. (Article 5, Article 47 (1)).

Proposed changes to the essential requirements will make it possible to require radio equipment to interoperate with accessories such as chargers. (Article 3(3) (a)).

Measures are included within the Proposal to better integrate and clarify the relation between the Directive and the wider EU and national legislation on the use of radio spectrum. (Article 7)

The Proposal provides a framework for the use of innovative technologies e.g. software-defined radio equipment, with the caveat that only compliant combinations of software and hardware come together. (Article 3(3) (g), Article 4).

The Proposal contains a simplification and reduction of administrative burdens and new compliance reporting requirements. The new compliance reporting requirements will require

additional information from Member States and would create increased administrative burdens to market surveillance authorities, but these increased reporting requirements are not expected to extend to industry. (Article 47).

This is a UK wide consultation and is aimed at manufacturers, importers, and distributors of electronics and radio equipment, enforcement agencies, trade associations, notified bodies, government departments, and consumers.

We are interested in your views on the issues raised above and any other concerns you might have regarding the directive proposal. The responses received will help to shape the UK line in negotiations on the directive proposal.

**Responses to the consultations are required by 3rd June 2013.**

### 3. How to respond

Please state whether you are responding as an individual or representing the views of an organisation. If you are responding on behalf of an organisation, please make it clear who the organisation represents by selecting the appropriate interest group on the consultation response form and, where applicable, how the views of members were assembled.

The consultation response form is available electronically on the consultation page: <https://www.gov.uk/government/consultations/radio-equipment-directive-proposal> (until the consultation closes). The form can be submitted online/by email or by letter or fax to:

Andrew Frankton  
Electronics, Materials, Chemicals & Product Regulation  
Department of Business, Innovation and Skills  
1 Victoria Street, London, SW1H 0ET  
Tel: 020 7215 6248  
Fax: 020 7215 6862  
Email: [RadioEquipmentDirective@bis.gsi.gov.uk](mailto:RadioEquipmentDirective@bis.gsi.gov.uk)

A list of those organisations and individuals consulted is in Annex 2. We would welcome suggestions of others who may wish to be involved in this consultation process.

If you have any concerns about the way the consultation is being run please refer to the contact given in Annex A.

You may make printed copies of this document without seeking permission.

Other versions of the document in Braille, other languages or audio-cassette are available on request.

### 4. Confidentiality & Data Protection

Information provided in response to this consultation, including personal information, may be subject to publication or release to other parties or to disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004). If you

want information, including personal data that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

## 5. Help with queries

Andrew Frankton  
Electronics, Materials, Chemical & Product Regulation  
Department of Business, Innovation and Skills  
1 Victoria Street, London, SW1H 0ET  
Tel: 020 7215 6248  
Email: [RadioEquipmentDirective@bis.gsi.gov.uk](mailto:RadioEquipmentDirective@bis.gsi.gov.uk)

The consultation principles are in Annex A.

## 6. The proposals

The Government broadly supports revision of the Directive as there are a number of improvements and it helps to simplify and improve clarity in the scope of the Directive. The removal of the notification process and the reduction of marking requirements are welcomed and should result in cost reductions to business.

The Government is not supportive of possible measures to require the possibility of registration of certain categories of radio equipment within a central database prior to their being placed on the market, and the associated provision of delegated powers to the Commission in respect of this. This requirement would be limited to categories of equipment identified by the Commission as having attained a low level of compliance.

The Proposal will take into account the requirements of Decision 768/2008 on a common framework for the marketing of products, which is part of the New Legislative Framework (NLF). Changes made by the new Directive will include a new definition of radio equipment and the introduction of common definitions in line with those contained in the NLF.

The Directive has a requirement, in some cases, for the mandatory use of notified (conformity assessment) bodies by manufacturers. This Commission Proposal leaves this requirement unchanged and sets obligatory requirements for conformity assessment bodies wishing to be notified to provide conformity assessment services as well as requirements for notifying authorities and other bodies involved in assessment, notification and monitoring activities.

The Proposal clarifies both the terms used in and the scope of the new Directive. The proposed new definition of radio equipment demarcates the modified scope of the Directive with Directive 2004/108/EC (the EMC Directive) by the inclusion of all and only equipment which intentionally transmits signals using radio spectrum, whether for the purpose of communication or not. This would bring equipment such as radio jammers and repeaters clearly into the scope of the Directive and will remove from the scope pure receivers and fixed-line terminals. This should help to reduce existing ambiguity and unnecessary complexity. The Proposal provides a framework for the use of innovative technologies e.g. software-defined radio equipment, with the caveat that only compliant combinations of software and hardware come together, and this is likely to be welcomed by business. Proposed changes to the essential requirements will make it possible to require radio equipment to interoperate with accessories such as chargers. Simplification and reduction of administrative obligations include removal of the requirement to notify the placing on the market of equipment using non EU-wide harmonised frequency bands and removal of the obligation to affix an equipment class identifier on the product.

The UK will seek to ensure that the Proposal does not impose any unnecessary administrative burdens on business wherever possible whilst improving the safety and environmental objectives of the current Directive.

## 7. Consultation questions

1. Do you think the proposed possibility for a requirement to register products that have attained a low level of compliance within a central database is reasonable, proportionate, and achievable? Will this requirement place increased burdens on industry and in particular SME's?
2. The Proposal includes the possibility to require radio equipment to interoperate with accessories such as chargers. What effect might this have on the market for products coming within scope?
3. Do you agree with the inclusion within the Proposal for the provision of a framework for the use of innovative technologies e.g. software-defined radio equipment, with the caveat that only compliant combinations of software and hardware come together? Have you any suggestions as to how this might be improved to take account of future technological advances?
4. Do you agree with the proposed simplification and reduction of administrative burdens including the removal of the current requirements to notify equipment under current Article 6(4) and the obligation to affix an equipment class identifier on the product? Please provide additional information as required.
5. The proposed new definition of radio equipment to include only radio equipment that intentionally transmits together with the proposed reduction in scope in relation to telecommunications terminal equipment removes from scope receive only (stand-alone) radio receivers and fixed-line terminals. Do you think this would be an improvement? Please provide reasons for your answer.

An Impact Assessment Checklist is shown at Annex C. Should you have any comments on this please include them in your response.

## 8. What happens next?

After the closing date the responses will be collated and summarised. These will be published on the BIS website. The Government will aim to publish the results of this consultation and provide a response by 19th August 2013.

The Better Regulation Executive Code of Practice on consultation states that decisions in the light of the consultation should be made public promptly with a summary of views expressed and reasons given for decisions finally taken. This should be on the BIS website, including a link from the central BIS consultation web pages, with paper copies of the summary of responses made available on request.



## Annex A: Consultation principles

The principles that Government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation are set out in the consultation principles.

<http://www.cabinetoffice.gov.uk/sites/default/files/resources/Consultation-Principles.pdf>

### Comments or complaints on the conduct of this consultation

If you wish to comment on the conduct of this consultation or make a complaint about the way this consultation has been conducted, please write to:

John Conway,  
BIS Consultation Co-ordinator,  
1 Victoria Street,  
London  
SW1H 0ET

Telephone John on 020 7215 6402  
or e-mail to: [john.conway@bis.gsi.gov.uk](mailto:john.conway@bis.gsi.gov.uk)

However if you wish to comment on the specific policy proposals you should contact the policy lead (see Section 5).

## Annex B: List of Individuals/Organisations consulted

SGS

TUV

Nutwood UK

Raymarine

Copsey Communications

Mitel

Trac Global

Surrey University

Panasonic

Intellect

RFI Global

Racal Acoustics

Civil Aviation Authority

DCMS

British Telecom

Ofcom

UKAS

Maxonic

UL

GCHQ

BAE Systems

Motorola

ICMA

RNElectronics

Nokia

BAE Systems

British Telecom

O2

MCGA

Virgin Media

Telecom Policy

T-Mobile

British Telecom

GAMBICA

BSI Products Services

Electronics Regulatory Group

Sub 10 Systems

Cambium Networks

Mira Ltd

Home Office

QinetiQ Ltd

EMC Projects Ltd

Intertek Testing & Certification Ltd

Technology International (Europe) Ltd

Ascertiva Group Ltd t/a NQA

LACORS

PhoneAbility

Polycom

Cable & Wireless

Orange

Great Circle Design

Avaya

Maritime Industries

Portland Communications

RNLI

Intel

Age UK

Citizens Online

Communications Consumer Panel

Deafblind

Hearing Concern Link

I2 Media Research

International Longevity Centre

Mencap

National Blind Children's Society

National Deaf Children's Society

RADAR

Ricability

RNIB

RNID

Sense

TAG

Richard Reiser

W4B

Dundee University

Equality and Human Rights Commission

CBI

British Toy and Hobby Association

HSE

Product Liability Forum

Trading Standards Institute

Electrical Safety Council

Federation of Small Businesses

Product Safety Focus Group

Safety Assessment Federation

John Roche

Jerry Robertson

BABT

Cherry Clough

BT Connect

Melectronics

Panasonic

RYA

Telecom Policy Services Ltd

DTG Group

Samsung

Vodafone

UKAS

## Annex C: Impact Assessment Checklist of the Proposal for a Directive on Radio Equipment

### Checklist for analysis on EU proposals

|  |   |
|--|---|
| <p><b>Title of EU proposal: Proposal for a Directive on the Harmonisation of the Laws of the Member States Relating to the Making Available on the Market of Radio Equipment</b></p> <p><b>Lead dept/agency: Department for Business, Innovation &amp; Skills</b></p> <p><b>Other depts/agencies with an interest: DCMS, , Home Office, OFCOM</b></p> <p><b>Date: 8th March 2013</b></p> | <p><b>Lead policy official: Andrew Frankton</b><br/><a href="mailto:Andrew.Frankton@bis.gsi.gov.uk">Andrew.Frankton@bis.gsi.gov.uk</a> Tel: 020 7215 6248</p> |
|--|---|

## What are the potential impacts of the Commission proposal on the UK?

**AFFECTED GROUPS:** The main groups to be affected are in the private sector. Specifically the proposal will effect manufacturers, importers and distributors of electronics and radio equipment:

- The sectors involved are electronics and radio equipment including mobile phones, mobile network transmitters, and laptop computers
- Total number of people employed in the sectors in the UK is around 39,000 (2008)
- It is estimated that the proposal will effect around 2000 companies, around 95% of which are SMEs or micro businesses (2011)

### COSTS & BENEFITS:

- Cost savings to UK businesses stemming from the removal of the notification process and the reduction of marking requirements and greater clarity and simplification of EU Directive. Potential additional administrative burdens on business as a result of proposed registration requirements although size and likelihood unclear.
- Possible health and safety benefits users of radio equipment from reduced exposure to electromagnetic fields; emergency services as a result of reduced harmful interference with critical communication services); and wider economy from a more intensive and efficient use of spectrum. Benefits are likely to be marginal and non-quantifiable in nature.
- Proposals should be pro-competitive as addresses non-compliance which can distort competition. Smaller companies should also benefit from administrative simplification as the burdens tend to be disproportionately greater for SMEs.

### ENFORCEMENT:

- Enforcement will continue to be carried out by OFCOM and local trading standards offices and the resources required to facilitate effective enforcement will be a matter for the authorities concerned – however it is not expected that the costs for enforcement authorities will rise significantly
- The proposal is flexible enough to allow for a range of enforcement and compliance measures to be implemented by Member States including both criminal and civil sanctions. An assessment of which compliance measures are most appropriate will usually be carried out on a case by case basis in response to each complaint
- There is no requirement for regular inspections of manufacturers and products in the proposal
- The directive proposal is also flexible over the methods to be used to demonstrate compliance though in many cases manufacturers will need to involve a notified body authorised to conduct conformity assessments on every product which is to be placed on the market

### LEGAL IMPLEMENTATION/COPY-OUT:

The revised Directive (if adopted) will require legislative action to implement its provisions in the UK. It is anticipated that this will be through a new Statutory Instrument to replace the existing UK Regulations (SI 2000/730), which implemented the original directive (99/5/EC) as amended. This is because the changes envisaged in the proposal are substantial. It should be possible to apply the principles of copy out to implement the proposal. However, there would need to be some additions to implement an effective and dissuasive enforcement regime in the UK.

Ministerial sign-off:

***I have read the analysis above of the potential impacts of this proposal and I am satisfied that, given the significance of the proposal, the time and evidence available, and the uncertainty of the outcome of negotiations, it represents a proportionate view of possible impacts.***

Signed by the responsible Minister:

Date:

## Annex D: Consultation on Proposal for a Directive on Radio Equipment response form

The Department may, in accordance with the Code of Practice on Access to Government Information, make available, on public request, individual responses.

The closing date for this consultation is 03/06/2013.

Name:

Organisation (if applicable):

Address:

Please return completed forms to:  
 Andrew Frankton  
 Department for Business, Innovation & Skills  
 Orchard 1, 4th Floor  
 1 Victoria Street  
 London SW1H 0ET

Telephone: 020 7215 6248

Fax: 020 7215 6862

email: [RadioEquipmentDirective@bis.gsi.gov.uk](mailto:RadioEquipmentDirective@bis.gsi.gov.uk)

Please can you tick a box from a list of options below that best describes you as a respondent.

|                          |   |
|--------------------------|---|
| <input type="checkbox"/> | Business representative organisation/trade body |
| <input type="checkbox"/> | Central government                              |
| <input type="checkbox"/> | Charity or social enterprise                    |
| <input type="checkbox"/> | Individual                                      |
| <input type="checkbox"/> | Large business (over 250 staff)                 |
| <input type="checkbox"/> | Legal representative                            |
| <input type="checkbox"/> | Local Government                                |
| <input type="checkbox"/> | Medium business (50 to 250 staff)               |
| <input type="checkbox"/> | Micro business (up to 9 staff)                  |
| <input type="checkbox"/> | Small business (10 to 49 staff)                 |
| <input type="checkbox"/> | Trade union or staff association                |
| <input type="checkbox"/> | Other (please describe)                         |



### Question 1

Do you think the proposed possibility for a requirement to register products within a central database that have attained a low level of compliance is reasonable, proportionate, and achievable? Will the proposed possible registration requirement place increased burdens on SME's?

Comments:

### Question 2

The Proposal includes the possibility to require radio equipment to interoperate with accessories such as chargers. What effect might this have on the market for products coming within scope?

Comments:

### Question 3

Do you agree with the inclusion within the Proposal for the provision of a framework for the use of innovative technologies e.g. software-defined radio equipment, with the caveat that only compliant combinations of software and hardware come together? Have you any suggestions as to how it might be improved?

Comments:

### Question 4

Do you welcome the proposed simplification and reduction of administrative burdens including the removal of the requirement to notify equipment under current Article 6(4) and the obligation to affix an equipment class identifier on the product (current Annex VII(5))?

Comments:

## Question 5

The proposed new definition of radio equipment to include only radio equipment that intentionally transmits together with the proposed reduction in scope in relation to telecommunications terminal equipment removes from scope receive only (stand-alone) radio receivers and fixed-line terminals. Do you think this would be an improvement? Please provide reasons for your answer.

Comments:

## Do you have any other comments that might aid the consultation process as a whole?

Please use this space for any general comments that you may have, comments on the layout of this consultation would also be welcomed.

Thank you for taking the time to let us have your views. We do not intend to acknowledge receipt of individual responses unless you tick the box below.

Please acknowledge this reply

At BIS we carry out our research on many different topics and consultations. As your views are valuable to us, would it be okay if we were to contact you again from time to time either for research or to send through consultation documents?

Yes

No

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London SW1H 0ET  
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