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1. Introduction

In the New Legal Framework (NLF), article 24 of the Regulation 765/2008¹ gives a clear mandate to Member States to cooperate in the field of market surveillance: “*Member States shall ensure efficient cooperation and exchange of information between their market surveillance authorities ...*”

ADCO RED recognised this need before the adoption of the NLF and started initiatives to actively promote this way of cooperation. One initiative was the setting up of common market surveillance campaigns in the field of R&TTE Directive. Until today, ADCO R&TTE has organised four common cross-border market surveillance campaigns. Results of these campaigns were presented to TCAM and discussed with European Commission, manufacturers, industry and importers. More than giving a good indication on the level of compliance of some defined sectors, such campaigns helped to elaborate common views in the way market surveillance authorities judge the compliance of products.

Besides the organisation of common cross-border market surveillance campaigns, ADCO R&TTE recognised also that the improvement of the level of compliance in the field of R&TTE can also be reached by collecting statistics information from the national market surveillance authorities and that this information should be published on their websites and commission website, compared and also has to be brought to attention to the manufacturers and persons responsible for bringing R&TTE on the EU-market.

The setting up of common statistics may have following goals:

- to inform all involved parties, such as stakeholders, European Commission, manufactures etc. on market surveillance activities and on the level of compliance;
- to exchange national market surveillance statistics in order to improve the efficiency of market surveillance activities in the member states;
- to define targets for future common cross-border campaigns;
- to have better insight of the shortcoming R&TTE requirements and/or the shortcomings of the harmonised standards;
- to concentrate of market surveillance authorities activities on really difficulties;
- to inform the stakeholders about the results of (national) market surveillance activities;
- to improve the efficiency of EU market surveillance;
- to identify and solve practical problems in the market surveillance.

ADCO R&TTE took the decision to create a common basis for common statistics on market surveillance activities in the field of R&TTE. A common template has been agreed by ADCO R&TTE and used for the results of 2007.

ADCO concluded that the national market surveillance authorities do not collect the same information. ADCO/R&TTE members agreed that they would make an effort to fill in completely the agreed form in 2009 for the results of 2008. These results were presented at

¹ Regulation No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation No 339/93

the restricted session of TCAM 28. ADCO R&TTE members have decided to establish these statistics regularly and to present them in the open session of TCAM. All the reports are also available on the [ADCO webpage](#) hosted on the Commission's webpage.

2. Results for 2018

Totally, **452** R&TTE and **2889** RED equipment has been inspected by **17** market surveillance authorities in **2018**:

About **180 equipment** were been found non-compliant to the provisions of the R&TTED and **1904** to the provision of the RED . However, due to the fact that not all provisions were checked by all involved market surveillance authorities, the effective amount of non compliant equipment may be higher.

Detailed results for R&TTE:

R&TTE	Not compliant equipment	Inspected equipment
Overall	180	452
Declaration of conformity	148	437
CE marking	40	361
Geographical use	26	364
Essential requirements	45	190
Safety (art. 3.1.a)	2	50
EMC (art. 3.1.b)	5	48
Radio (art. 3.2)	42	183
Technical documentation	18	63
Test reports	13	62
Drawing and explanations	1	13
Other elements	5	26

Detailed results for RED:

RED	RED Reference	Checked	Non compliant	Non compliance rate
Overall				
Overall compliance		2889	1904	65.91%
Administrative				
Overall "Formal requirements"		2879	1811	62.90%
Radio equipment can be operated without infringing applicable requirements on the use of radio spectrum	art. 10.2	2590	49	1.89%
CE marking	art. 19 & 20	2858	908	31.77%
Type, batch or serial number or other element allowing their identification	art. 10.6	2777	1199	43.18%
Name and adress of manufacturer	art. 10.7	2818	1200	42.58%
Name and adress of importer (if necessary)	art. 12.3	2695	1181	43.82%
Instructions and safety information	art. 10.8	2765	195	7.05%
Description of accessories and components, including software, which allow the radio equipment to operate as intended	art. 10.8	2680	92	3.43%
Information on frequency band(s) in which the radio equipment operates	art. 10.8	2718	222	8.17%

Information on maximum radio-frequency power transmitted in the frequency band(s) in which the radio equipment operates.	art. 10.8	2675	366	13.68%
Instructions and safety information are clear, understandable and intelligible	art. 10.8	1553	104	6.70%
Information on restrictions on putting into service or of requirements for authorisation of use (on the packaging and in the accompanying instructions)	art. 10.10	2582	118	4.57%
Declaration of Conformity with the radio equipment	art. 10.9	1637	485	29.63%
Declaration of Conformity (content of the complete form)	Annex VI	2692	1227	45.58%
Declaration of Conformity (content of the short form - if applicable)	Annex VII	2600	335	12.88%
Technical documentation				
Overall	-	220	56	25.45%
General description of the radio equipment	Annex V (a)	193	32	16.58%
Risk assessment	-	183	16	8.74%
List of the hEN published in OJEU applied in full or in part	Annex V (d)	164	36	21.95%
Descriptions of the solutions adopted to meet the essential requirements if hEN published in OJEU have not been applied	Annex V (d)	153	12	7.84%
Copy of the EU declaration of conformity	Annex V (e)	213	12	5.63%
Copy of the EU-type examination certificate and its annexes as delivered by the notified body, if applicable	Annex V (f)	154	12	7.79%
Test reports	Annex V (h)	172	8	4.65%
Explanation of the compliance with the requirement of Article 10(2) and of the inclusion or not of information on the packaging in accordance with Article 10(10)	Annex V (i)	191	25	13.09%
Essential requirements				
Overall	-	821	297	36.18%
Art. 3.1.a	Art. 3.1.a	135	13	9.63%
Art. 3.1.b	Art. 3.1.b	161	19	11.80%
Art. 3.2	Art. 3.2	701	253	36.09%
Art. 3.3	Art. 3.3	138	17	12.32%

3. Remarks

It should be noticed that **statistics showed in this report, don't reflect the overall compliance rate of R&TTE/RED products on the market** as most of the market surveillance authorities are focussing their activities in sectors known as “sectors with high non-compliance rate”. Some market surveillance authorities are screening the market randomly.

Some market surveillance authorities consider radio and terminal equipment from radio equipment. It means that a certain number of presented numbers related to radio equipment are in reality numbers for radio and terminal equipment.

It should be also noted that it is not possible to determine the level of compliance from the information gathered. This is due to the fact that market surveillance authorities do not always assess the compliance of products with all requirements: assessments limited to administrative check, measurements only against article 3.2 (effective use of spectrum) of the R&TTED/RED, no assessment of the technical documentation in most of the cases, stop of the assessment as soon as a non compliance is detected. Therefore the presented results are only related to non-compliance levels *of the products which were checked*.