

FAQs – Radio Equipment Directive (RE-D)

What is the objective of the RE-D?

The Radio Equipment Directive ([2014/53/EU](#)) was adopted in 2014 and Member States had to transpose it into their national law before 13 June 2016. It revises the Directive on Radio and Telecommunication Terminal Equipment ([1999/5/EC](#)) and sets down requirements on safety, health protection and electromagnetic compatibility. It also ensures the efficient use of radio spectrum and provides the basis for further regulation governing some additional aspects (e.g. access to emergency services, interoperability, safeguards to ensure the protection of privacy and personal data). The Directive applies to radio equipment, such as domestic television and radio sets, mobile phones as well as Wi-Fi, Bluetooth and GPS or other satellite transceivers. The aim is to provide an open market for telecoms products and allow equipment which has been approved for use in one EEA country to be made available in any other.

Which equipment will now fall within the scope of RE-D?

- Televisions and radio receivers, which were not covered by the R&TTED, now fall within the scope of the RE-D.
- Equipment operating below 9 kHz also now falls within the scope of the RE-D.
- Radio-determination equipment is now clearly included in the RE-D.
- Any other radio equipment which was under the R&TTED, with the exception of fixed line terminal equipment and custom built evaluation kits, falls under the RE-D.

When does the RE-D start applying?

The Directive is applicable as of 13 June 2016 but provides for a transitional period of one year, during which manufacturers are allowed to place on the market radio equipment compliant with either the new RE-D rules or the old applicable legislation. The transitional period ends on 12 June 2017.

Are you planning to postpone the application date?

No. An additional transitional year was granted to industry to ensure a smooth transition from the old to the new directive. Extending that deadline would imply reopening the whole Directive and the Commission would have to propose new legislation to the European Parliament and the Council. In fact, industry and standardisation organisations have had years to prepare for the new rules for radio equipment so there is no reason to postpone the application date even further.

What happens to the equipment which is already on the market but has not been sold to the end user yet?

It depends on the date when the equipment was first placed on the market. As long as equipment conformed to the legislation applicable at that time, it can continue to be sold.

What happens to mobile phones? Will people be able to buy them?

Mobile phones and any other radio equipment that was already placed on the market before 12 June 2017 will continue to be sold, provided they comply with the legislation applicable at that time. The EU is not banning the sale of such products. Manufacturers can also bring new mobile phones and other equipment to the market after 12 June 2017, provided these products comply with the requirements set in the RE-D. Actually, mobile phones are already placed on the market without a full application of harmonised standards. There is a 4-digit number aside the CE marking on your mobile phone: this is the number of the Notified Body that assessed its compliance because some harmonised standards do not exist and/or are not applied. This system is in place since 1999, the date of applicability of the R&TTED. With the RE-D nothing will change.

Will the EU withdraw radio equipment from the market because of the change of legislation from R&TTED to RE-D?

The EU does not withdraw products from the market. The Member States are in charge of market surveillance. In any case, once equipment is placed on the EU market, it can remain on the market even if the legislation changes in the meantime. This is a general rule of the Internal Market and full guidance is given in the '[Blue Guide](#)'. Independently from the availability of or the compliance with standards, the National Market Surveillance Authorities can always withdraw products from the market for justified reasons (e.g. they pose a risk to the safety of the users or the consumers). The rules on withdrawal of equipment in case of risks are specified in the RE-D. National Market Surveillance Authorities, not the Commission, are responsible for enforcing these rules.

What are harmonised standards for?

The application of harmonised standards is voluntary. They are used to demonstrate that products, services, or processes comply with relevant requirements of the EU legislation. However, manufacturers can use any technical specification to demonstrate that the radio equipment complies with all necessary requirements, upon their own responsibility. The essential performance requirements and use of radio spectrum laid down in Articles 3.2 and 3.3 must, however, be certified by a Notified Body, if alternative specifications are applied. The list of notified bodies can be found on the Commission [website \(NANDO\)](#). The manufacturer can give assurance that the equipment meets the safety and health and electromagnetic compatibility requirements laid down in Article 3.1 by showing conformance to harmonised standards, but there is always the option to use alternative technical specifications. In such a case, the manufacturer assumes the risk if a product subsequently presents a risk to anybody.

Notified bodies are overloaded, what can manufacturers do to get their products assessed?

The [NANDO database](#) provides a list of all notified bodies across the EU which can perform conformity assessments. Manufacturers can find a notified body in their own country or elsewhere in the EEA, which has the spare capacity to do the job.

Can manufacturers apply draft standards or other specifications that have not been published as harmonised standards?

Under the RE-D, it is allowed. It is important that the manufacturer demonstrates in the technical documentation that the radio equipment is compliant with EU legislation/the RE-D. In this case, the manufacturer must follow a conformity assessment procedure which involves a notified body as explained above.

Is there any guidance on the application of the RE-D?

The new RE-D Guide, aiming at explaining and clarifying some of the most important issues related to the application of the RE-D, will be published soon on the [Commission website](#). The Guide should be read together with the '[Blue Guide](#)' on the implementation of EU product rules. These documents are intended purely as guidance and they are not legally binding.

Who develops harmonised standards?

The European Standardisation Organisations (ESOs) develop harmonised standards on the basis of a request from the Commission. The ESOs are the European Committee for Standardisation (CEN), the European Committee for Electro-technical Standardisation (CENELEC) and European Telecommunications Institute (ETSI). The standardisation organisations are private bodies, composed of industry experts and other stakeholders, and are fully independent from the Commission.

Why are the harmonised standards for the RE-D not available yet?

Some of the harmonised standards needed for the RE-D, and requested by the Commission, are currently not available, as they were not delivered on time by the

standardisation organisations. According to the [Standardisation Regulation 1025/2012](#), the Commission can only publish the harmonised standards in the official Journal (OJEU) if they have been formally delivered by the standardisation organisations.

The standardisation request was formally adopted in August 2015 and submitted to the European Telecommunications Standards Institute (ETSI) and the European Committee for Electro-technical Standardization (CENELEC). Until now, ETSI has submitted 124 standards under the RE-D. This represents roughly 75% of the standards applicable to products that would otherwise require a third-party certification.

The Commission has assessed all of the delivered standards in time, providing feedback to the standardisation organisations. Whenever asked for, the Commission has also given comments on the draft standards in a proactive way to prevent potential problems.

Out of the submitted standards, 98 have appeared in the Official Journal by 12 April 2017 and additional 10 are currently expected to be published on 12 May.

Some standards have shown substantial shortcomings, in particular with regard to their compliance with the essential requirements, and this is why their publication in the Official Journal is delayed. These shortcomings include mainly technical problems, which make the standards difficult to understand and unclear for industry to apply. Requests to improve the standards have been made to ETSI.

Can manufacturers use harmonised standards of the R&TTE to demonstrate compliance with the RED?

Not in all cases. Harmonised standards of the old R&TTE Directive may not fully address the essential requirements of the new RE-D. Old harmonised standards of the R&TTE that fully address the essential requirements of the RE-D have already been published under the RE-D list.

What is the Commission doing to solve the problem?

The Commission is working in close collaboration with the European standardisation organisations so that the vast number of standards, which are of voluntary nature, can be prepared and published before the end of the transitional period (12 June 2017). The Commission services proposed specific solutions to ETSI to increase the number of published standards. Thanks to this approach, the Commission was able to publish additional harmonised standards in the OJEU.

The Commission has also organised a joint workshop with the Standardization Organizations and other stakeholders to describe and explain the most common errors in drafting harmonised standards and avoid them in the future, ensuring a smooth publication in the OJEU.

At the same time, the Commission services are considering additional solutions and options to mitigate or overcome the problems posed by the delay in the preparation and publication of harmonised standards under the RE-D.

Why is the EU not helping the industry?

The EU is helping the industry. The transitional period was designed by the co-legislators to help the industry to prepare for the new rules. Moreover, the Commission has, in its standardization request to the European Standardization Organizations, put deadlines to ensure a smooth transition between the old and the new Directive. The preparation of harmonised standards is the only part of the implementation of the RE-D that has been delegated to the standardization organizations, which are composed of industry experts and other stakeholders. The Commission has also made specific arrangements to make sure that as many harmonised standards as possible can be published in the OJEU after they are delivered by the standardisation organisations. Last year, the Commission

started publishing the list of harmonised standards in the OJEU every month. This is an unprecedented exercise as harmonised standards for other Directives or Regulations (including the R&TTED) are usually published quarterly. The Commission has also been holding several meetings or initiatives to provide guidance on how to comply with the RE-D without harmonised standards (yes, it is possible!). These FAQs are an additional example in that respect.

Was the standardisation request published too late?

No. The standardisation request was formally adopted in August 2015 and submitted to the European Telecommunications Standards Institute (ETSI) and the European Committee for Electro-technical Standardization (CENELEC). The deadline for delivery – 15 March 2016 - of the standards was laid down in the official standardisation request of the Commission.

Furthermore, discussions on the mandate started between the Commission and ETSI and CENELEC immediately after the adoption of the RE-D in 2014. Both industry and ETSI were clear about the upcoming timelines and the possible necessity to carry out preparatory work ahead of the adoption of the standardisation request mandate.

The changes to the harmonised standards under the old R&TTE Directive to meet the requirements under RE-D are limited and should have been easy to accomplish within the time limit set in the standardisation mandate.

What is the Commission doing to avoid such situations in the future?

The Commission is working on the modernisation of the European standardisation system and launched the so-called [joint initiative on standardisation](#). The objective of this initiative is to work in a public and private partnership with standardisation bodies and EU Member States to better respond to European standardisation challenges; to exchange information on new rules and developments; and to improve the understanding on the role of standards.