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Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Industrial Transformation and Advanced Value Chains  
**Advanced Engineering and Manufacturing Systems**

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### **Guidance on Article 10 (10) of RED (Directive 2014/53/EU)**

#### **Disclaimer**

*The purpose of this document is to provide guidance only on the applicability of Article 10 (10) of the RED (Radio Equipment Directive 2014/53/EU). It incorporates clarifications given in the RED Guide on Article 10 (10) of the RED and includes also some additional clarifications on that provision..*

***This document is intended purely as a guidance document and it is distributed for information purposes only.***

*In the event of any inconsistency between the provisions of Union law (such as the RED) and this document, the provisions of the Union law prevail.*

*As this document was prepared by the Commission services, it does not commit the European Commission.*

*It is highlighted that only the Court of Justice of the European Union is competent to authoritatively interpret Union law.*

#### **Geographical information in case of restrictions**

##### **Article 10 (10) RED**

Where restrictions on putting into service or requirements for authorisation for use of radio equipment exist in the Union, Article 10 (10) of the RED requires manufacturers to add information on the package that allows the identification of the Member States or the geographical area within a Member State where these restrictions or requirements exist. In addition, further information on the actual restrictions or requirements shall be completed in the instructions accompanying the radio equipment.

Restrictions on putting into service relate to national frequency allocations, i.e. frequencies that are not harmonised throughout the whole European Union. Requirements for authorisation of use relate to individual licencing or conditions attached to authorisation of use (licencing conditions), e.g. indoor/outdoor use or a minimum operation distance from certain protected/restricted areas. Other examples for conditions attached to authorisation of use are the requirements to hold an operator

certificate, e.g. radio amateur examination certificate, short range certificate for use of marine VHF-radio. Article 10.10 applies when these restrictions relate to the radio function of the equipment.

### Implementing act

The Commission adopted an implementing act specifying how to present this information<sup>1</sup>. In particular, the implementing act provides two options on how the information can be presented on the packaging. The manufacturer may either provide, visibly and legibly, a brief written statement or a pictogram on the packaging.

In addition, the implementing act provides that detailed information shall be provided in the instructions in a language easily understood by end-users as determined by the Member State concerned.

### Pictogram

The details of the pictogram are described in Annex I to the Commission Implementing Regulation (EU) 2017/1354.

The pictogram shall include the abbreviations of:

- those EU Member States that have any restrictions on putting into service or any requirements for authorisation of use exist;
- those EEA-EFTA states (as the said Implementing Regulation was incorporated into the EEA Agreement by Joint Committee Decision No 145/2018 ), that have any restrictions on putting into service or any requirements for authorisation of use exist; and
- Switzerland and Turkey, if they have any restrictions on putting into service or any requirements for authorisation of use exist.

The abbreviations of these countries (without including United Kingdom) are as follows:

Belgium (BE), Bulgaria (BG), Czech Republic (CZ), Denmark (DK), Germany (DE), Estonia (EE), Ireland (IE), Greece (EL), Spain (ES), France (FR), Croatia (HR), Italy (IT), Cyprus (CY), Latvia (LV), Lithuania (LT), Luxembourg (LU), Hungary (HU), Malta (MT), Netherlands (NL), Austria (AT), Poland (PL), Portugal (PT), Romania (RO), Slovenia (SI), Slovakia (SK), Finland (FI), Sweden (SE), Norway (NO), Iceland (IS), Lichtenstein (LI), Switzerland (CH) and Turkey (TR).

For United Kingdom (Great Britain) and Northern Ireland: see below.

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<sup>1</sup> Commission Implementing Regulation (EU) 2017/1354 of 20 July 2017 specifying how to present the information provided for in Article 10(10) of Directive 2014/53/EU of the European Parliament and of the Council (Text with EEA relevance), OJ L 190, 21.7.2017, p. 7–10.

Indicative examples of pictogram

		
ES	LU	RO
CZ	FR	HU
SI	DK	HR

	BG	EE	BE
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Article 10 (10) Information/ Pictogram : ‘UK’ / ‘UK(NI)’

Since 1 February 2020, the United Kingdom (abbreviation: ‘UK’) has withdrawn from the European Union and has become a “third country”. The Withdrawal Agreement between the EU and the UK provides for a transition period ending on 31 December 2020. Until that date, EU law in its entirety applies to and in the United Kingdom. After the end of the transition period, the UK will no longer be part of the Internal Market and therefore:

- the reference to United Kingdom and the abbreviation “UK” can no longer be included, for the purposes of Article 10 (10) of the RED, with respect to products placed on the EU market as of 1 January 2021;
- with respect to Northern Ireland, if there are restrictions on putting into service or any requirements for authorisation of use, as provided for in Article 10 (10) of the RED, the abbreviation "UK(NI)" shall be used on products placed on the EU market as of 1 January 2021 pursuant to Article 7(2) of the Protocol on Ireland / Northern Ireland of the EU-UK Withdrawal Agreement; according to the Protocol, relevant EU legislation on goods, including the RED, will continue to apply to and in the United Kingdom in respect of Northern Ireland after the end of the transition period.

As regards products placed on the market in the EU or the United Kingdom before the end of the transition period but not yet delivered to their end-user, Article 41(1) of the Withdrawal Agreement provides that those products may be further made available on the market of the EU or of the United Kingdom and circulate between these two markets until they reach their end-user. Hence, any individual product meeting those conditions can continue to bear the abbreviation “UK” when further made available or used in the EU, even after the end of the transition period.

For more information on the consequences of the withdrawal of the UK from the Union on industrial products, you may consult the relevant Notice to Stakeholders published by the Commission and available here:

[https://ec.europa.eu/info/sites/info/files/notice\\_to\\_stakeholders\\_industrial\\_products.pdf](https://ec.europa.eu/info/sites/info/files/notice_to_stakeholders_industrial_products.pdf)

Additional information assisting stakeholders to prepare for the end of the transition period can be found here:

[https://ec.europa.eu/info/european-union-and-united-kingdom-forging-new-partnership/future-partnership/getting-ready-end-transition-period\\_en](https://ec.europa.eu/info/european-union-and-united-kingdom-forging-new-partnership/future-partnership/getting-ready-end-transition-period_en)

### Third States which are not part of the internal market (including UK as of the end of the transitional period)

The purpose of the pictogram, and in general the requirements of Article 10 (10) of the RED, is to provide information only of the countries which are part or participate in Internal Market and as a consequence apply RED (including CE Marking) but they have the restrictions indicated in Article 10 (10) of the RED.

The information and the pictogram provided for the purposes of Article 10 (10) RED cannot thus include UK (as of the end of the transitional period) or any third country (which is not part of the internal market).

It is possible however to provide information or markings that relate to the national legislation of UK as third state (as of the end of the transitional period) or of any third country (which is not part of the internal market), provided that the said information and markings:

-are mentioned separately from the information and markings provided for the purposes of the RED, so it is clear that they concern third states;

-do not affect the applicability of and compliance with the EU legislation (including the requirements of the RED, the CE marking and any information-markings foreseen in the RED).

### Size-packaging

As regards the size, according to Annex I to the above Implementing Regulation:

*‘ 3. The pictogram shall also mention, below or next to the sign indicated in paragraph 2, the abbreviations of the Member States, as prescribed in Annex II, [...].*

*4. The pictogram and its contents may take different variations (e.g. colour, solid or hollow, line thickness), provided that they remain visible and legible.’*

Moreover, Article 2 (1) (b) of the above Implementing Regulation allows, instead, to indicate the information as follows: ‘Restrictions or Requirements in’, in a language easily understood by end-users as determined by the Member State concerned, followed by the abbreviations of the Member States, as prescribed in Annex II, where such restrictions or requirements exist.

Hence, there are different options on how to place this information on the packaging and it is only exceptionally that a market surveillance authority will allow not to provide this information on the packaging (for example when there is no packaging or the packaging is extremely small).

Explanation of the inclusion or not of information on the packaging in accordance with Article 10(10) shall be given in the Technical Documentation as indicated in Annex V (para i) to the RED. It means that justification should be given if the manufacturer does not provide this information on the packaging.

Such information shall always (whether there is packaging or not) be completed in the instructions accompanying the radio equipment (see Article 10.10 of the RED).