



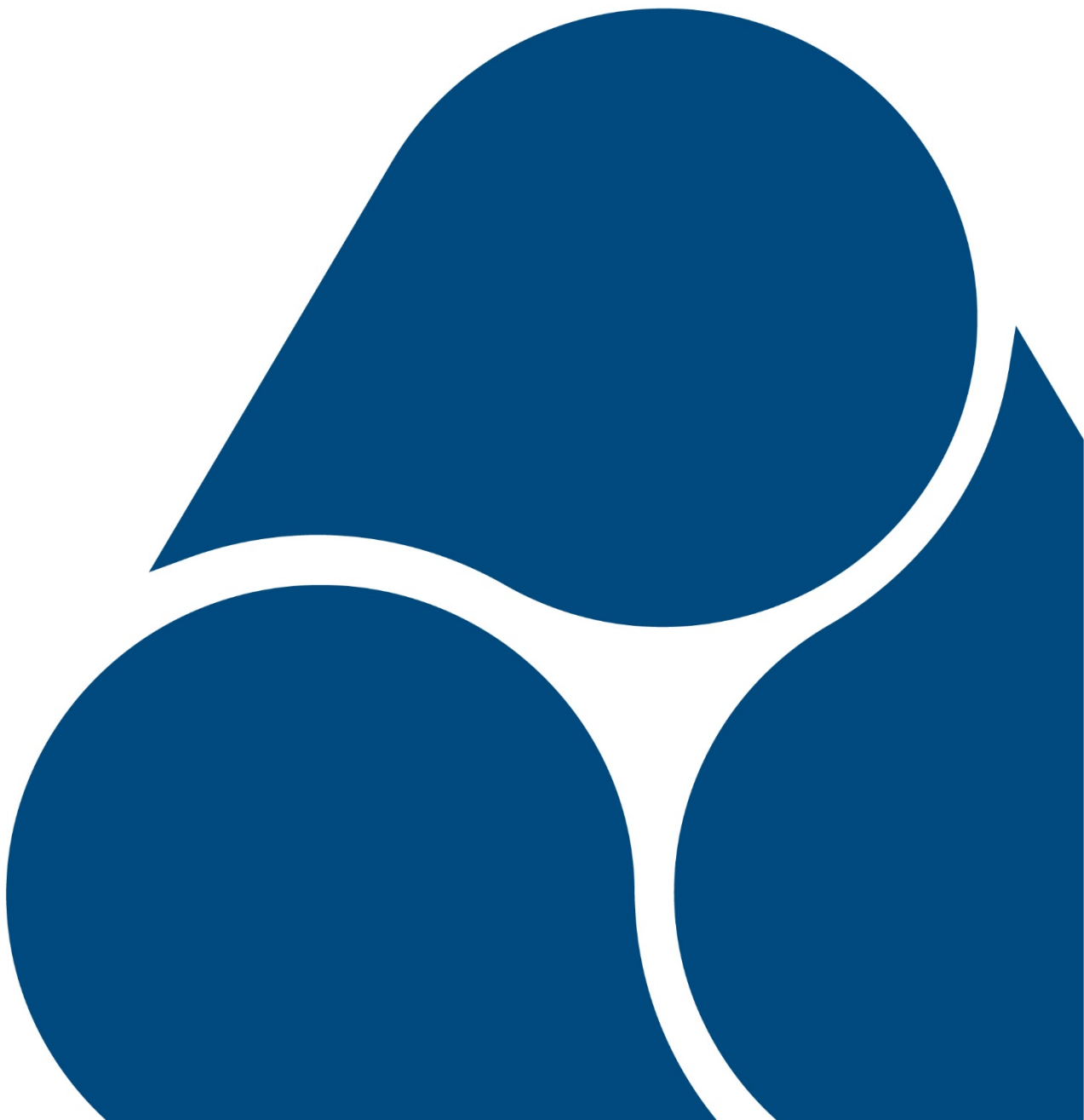
Office for Product
Safety & Standards

Radio Equipment Regulations 2017

As they apply to equipment being supplied in or into Northern
Ireland

Guidance v2

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Guidance

1. Introduction

This Guide is for businesses placing radio equipment on the market in Northern Ireland.

While the Northern Ireland Protocol¹ ('the Protocol') is in force, from 1 January 2021, Northern Ireland ("NI") will align with relevant EU rules relating to the placing on the market of manufactured goods. Radio equipment placed on the NI market must follow UK law as it applies to NI. The relevant law is the Radio Equipment Regulations 2017, which apply across the UK but some of their provisions apply differently in NI so that they implement in NI Directive 2014/53/EU on radio equipment.

This Guide is designed to help you comply with the Radio Equipment Regulations 2017, as they apply in NI. References to "the 2017 Regulations" in this document are references to the Radio Equipment Regulations 2017 as they apply in NI.

The 2017 Regulations regulate the safety and electromagnetic compatibility of radio equipment and promote protection of the radio spectrum. They aim to improve the functioning of the NI and European Economic Area (EEA) markets by requiring equipment to comply with a high level of safety (in terms of the health and safety of persons and domestic animals and the protection of property); with an adequate level of electromagnetic compatibility; and to operate in a manner that promotes efficient use of the radio spectrum.

Radio equipment placed on the Great Britain ("GB") market (GB comprises England, Scotland and Wales) must follow the separate rules for the GB market. If you are placing radio equipment on the market in GB, you should read the relevant separate guidance:

<https://www.gov.uk/government/publications/radio-equipment-regulations-2017>

The government has committed to providing unfettered access for qualifying NI goods to the rest of the UK market after 1 January 2021. Radio equipment that can be placed on the market in NI in accordance with the 2017 Regulations, as they apply to NI, can be sold in the rest of the UK without any additional approvals. The arrangements here are explained in detail in the separate guidance for placing radio equipment on the market in GB.

2. Legislative Background

Directive 2014/53/EU of 16 April 2014 on the harmonisation of the laws of Member States (the "[RED Directive](#)") relating to Radio Equipment entered into force on 12 June 2016 and has been implemented into UK law with effect from 26 December 2017 by way of the Radio Equipment Regulations 2017 ("the Regulations"). From this date manufacturers of electronic and electrical products within scope have to comply with the Regulations.

¹ The Protocol on Ireland/Northern Ireland (also known as 'The Northern Ireland Protocol' and referred to in this document as 'the Protocol').

The RED Directive replaced the Directive on Radio and Telecommunications Terminal Equipment (RTTE) 1999/5/EC and the Regulations revoked the Radio Equipment and Telecommunications Terminal Equipment Regulations 2000, subject to certain exemptions relating to equipment already placed on the market.

The RED Directive will continue to be implemented in NI, for as long as the Protocol on Ireland/ Northern Ireland is in force. However, the 2017 Regulations (as they apply in NI) also implement parts of the Protocol which have particular provisions in them, recognising that the UK has left the EU.

There is therefore one set of UK 2017 Regulations, but some of the provisions apply differently in NI and GB. References to the 2017 Regulations in this guidance are references to those Regulations as they apply in NI.

The 2017 Regulations were amended by The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 and The Product Safety and Metrology etc. (Amendment etc.) (UK(NI) Indication) (EU Exit) Regulations 2020 to give effect to The Protocol as it relates to the placing on the NI market of radio equipment².

3. Scope

The scope covers most equipment that contains radio equipment when placed on the market and/or put into service. Radio equipment is electrical or electronic products (including when it needs to be completed with an accessory) which intentionally emits or receives radio waves for the purposes of radio communication or radiodetermination.

There are a number of important exclusions including:

- equipment covered by other specific EU instruments governing the conformity of the equipment with the essential requirements;
- airborne products, parts and appliances referred to in European Regulation (EC) 216/2008;
- Marine equipment falling within the scope of Council Directive 96/98/EC; and
- custom-built evaluation kits destined for professionals to be used solely at research and development facilities for such purposes.

For a full list of exclusions please refer to the Regulations.

The 2017 Regulations do not apply to radio equipment placed on the market before 26 December 2017.

² In 2019, the 2017 Regulations were amended by the Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 to fix any deficiencies that arose from the UK leaving the EU (such as references to EU institutions) and make specific provision for the UK market. The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 were then amended by the Product Safety and Metrology etc. (Amendment to Extent and Meaning of Market) (EU Exit) Regulations 2020 to apply to Great Britain only, and not to Northern Ireland, in support of implementing The Northern Ireland Protocol.

4. Obligations of manufacturers

A manufacturer is a person who manufactures radio equipment, or has radio equipment designed or manufactured, and markets that equipment under their name or trademark.

The obligations of manufacturers of radio equipment include:

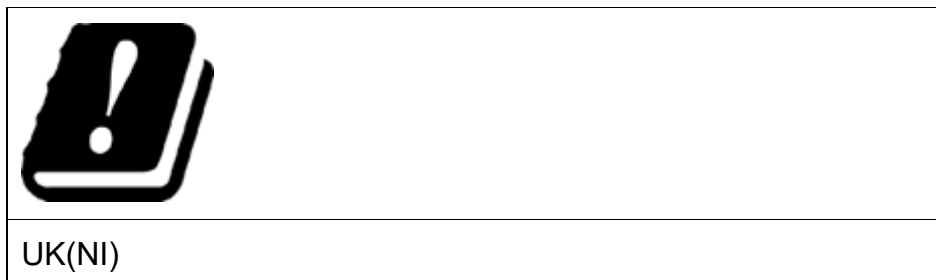
1. Before placing radio equipment on the NI market, a manufacturer must ensure that it has been designed and manufactured in accordance with the essential requirements and that they have had a relevant conformity assessment procedure carried out and technical documentation drawn up. See regulations 6-9.
2. Once this has been done, a manufacturer must draw up an EU Declaration of Conformity, and affix the CE marking visibly, legibly and indelibly to the radio equipment or data plate and its packaging. Where it is not possible or warranted, on account of the nature of the equipment, to affix the CE marking to the radio equipment, it must be affixed to the packaging only. See regulation 10 and regulation 44.
3. When conformity assessment has been carried out by a UK notified body, the UKNI marking (also known as the UK(NI) indication) must be affixed as well as the CE marking. A product with both the CE and the UKNI markings cannot be placed on the EEA market. There is separate guidance on when and how to use the UKNI marking:
<https://www.gov.uk/guidance/using-the-ukni-marking>
4. Manufacturers must keep technical documentation and the EU declaration of conformity for 10 years after the radio equipment has been placed on the NI market. See Regulation 11.
5. Manufacturers must also label radio equipment with their name, registered trade name or registered trade mark and address; the type batch or serial number (or other identification) and ensure that accompanied by relevant instructions and safety information in clear, legible and in easily understandable English. Where the size or nature of the equipment prevents the manufacturer from placing this information on the product itself, he may place it on the packaging or in an accompanying document. See regulations 12-13
6. When placing radio equipment on the NI market, the manufacturer must ensure that it is accompanied by information concerning any restrictions on putting into service or requirements for authorisation of its use. See regulation 14.
7. Manufacturers must put procedures in place to ensure that series production remains in conformity with the Regulations and, when appropriate, take action to monitor equipment made available on the NI market by them which may present a risk, keeping a register of such equipment and any complaints or action taken. See regulations 17 and 18.
8. Manufacturers must take action where they have reason to believe that the radio equipment they have placed on the NI market is not in conformity with the 2017 Regulations. See regulation 15.
9. Manufacturers must also cooperate with and provide information to enforcing authorities following any requests. See regulation 16.

5. Complying with regulation 14

The 2017 Regulations as amended³ for NI, require that restrictions are to be identified by:

- (a) a Pictogram (see below) followed by the abbreviation “UK(NI)” or
- (b) the words “Restrictions or Requirements in the UK(NI)”

The Pictogram



NI remains subject to EU laws after 31 December 2020 by virtue of the Northern Ireland Protocol. The amendments to Regulation 14 reflect Article 7.2 of the Protocol which requires the UK(NI) indication for the UK in respect of NI.

Products to be placed on the NI, or EEA, market will need to use the UK(NI) indication to comply with the 2017 Regulations and Directive 2014/53/EU on Radio Equipment respectively. (See also new EU guidance entitled, [Guidance on Article 10 \(10\) of RED \(Directive 2014/53/EU\)](#)).

The guidance, published in November 2020, states that from 1 January 2021 “*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.*”

It should be noted that this requirement is distinct from and not related to the [UK\(NI\) marking](#), sometimes referred to as the UK(NI) mark or UK(NI) indication, the new conformity marking for products placed on the market in Northern Ireland which have undergone mandatory third-party conformity assessment by a body based in the UK.

Importers of radio equipment should take note of this section in connection with their obligations in Regulation 21 of the 2017 Regulations. Distributors of radio equipment should do so in connection with their obligations in Regulation 31 of the 2017 Regulations.

Regulation 14 also requires, as per the Implementing Regulation, that information must be included in the instructions indicating the geographical areas in the United Kingdom where such restrictions or requirements exist, as well as the types of restrictions or requirements applicable. However, because radio spectrum rules are harmonised across the UK, there is no additional need to refer to geographical areas within the UK when setting out restrictions. Existing instructions need not be amended further to comply with these requirements.

Products placed on the market in Northern Ireland or the EU must continue to comply with the requirements of the Implementing Regulation in its unamended EU form.

³ The 2017 Regulations were amended by the Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 to apply in NI from 1 January 2021 and Regulation 14 was amended by the Product Safety and Metrology etc. (Amendment etc.) (UK(NI) Indication) (EU Exit) Regulations 2020 to provide for the use of the abbreviation ‘UK(NI)’. This reflects the requirements of Article 7.2 of the NI Protocol.

6. Obligations of authorised representatives

A manufacturer can appoint an authorised representative to perform certain tasks on their behalf.

An authorised representative appointed by a manufacturer to represent them in either the NI or EEA markets cannot be based in GB. This means that GB based authorised representatives cannot carry out tasks on the manufacturer's behalf for products being placed on the NI or EEA markets.

An authorised representative based in NI can, under the 2017 Regulations as they apply in NI, carry out tasks on the manufacturer's behalf for products placed on the NI or EEA markets.

An authorised representative must comply with all the duties imposed on the manufacturer under the 2017 Regulations that they are appointed in writing by the manufacturer to perform. There are some duties that a manufacturer cannot mandate an authorised representative to perform (e.g. conformity assessment) and some that must form part of the authorised representatives mandate (e.g. retention of technical documentation).

A manufacturer remains responsible for the proper performance of any obligations the authorised representative performs on their behalf.

Any references in the 2017 Regulations to the manufacturer are to be taken to include a reference to the authorised representative including in relation to penalties for failure to comply with those duties.

7. Obligations of importers

For the purposes of the 2017 Regulations as they apply in NI, an importer is a business or person established in NI or the EEA who places radio equipment from outside of the EEA or NI on the NI or EEA market. Therefore, a business or person based in NI who is supplied with a product from GB will be an importer under the 2017 Regulations as they apply in NI, if they then sell that product on the NI (or EEA) markets.

The obligations of importers include:

1. An importer must not place radio equipment on the NI market unless it conforms with the essential requirements. Before placing radio equipment on the NI market, an importer must ensure that the relevant conformity assessment has been carried out by the manufacturer. See regulations 20 and 21.
2. The importer must ensure the manufacturer has drawn up the technical documentation and an EU Declaration of Conformity; the radio equipment is CE marked and is accompanied by the required documents and information regarding the manufacturer. See regulation 21.
3. When conformity assessment has been carried out by a UK notified body, the UKNI marking (also known as the UK(NI) indication) must be affixed as well as the CE marking. A product with both the CE and the UKNI markings cannot be placed on the EEA market. There is separate guidance on when and how to use the UKNI marking:

<https://www.gov.uk/guidance/using-the-ukni-marking>

4. The importer must keep a copy of the EU Declaration of Conformity and technical documentation for a period of 10 years after the radio equipment has been placed on the market. See regulation 28.

5. Where an importer believes equipment is not conformity, it must not be placed on the NI market and, where it presents a risk, inform the manufacturer and the market surveillance authority. See regulation 22.
6. The importer must provide their name, registered trade name or mark and a postal address at which they can be contacted on the radio equipment. Where the size or nature of the equipment prevents the importer from placing this information on the product itself, the importer may place it on the packaging or in an accompanying document. See regulation 23.
7. The importer must ensure that when placing radio equipment on the NI market, it is accompanied by instructions and safety information which in clear, legible and in easily understandable English. See regulation 24.
8. The importer must ensure that radio equipment under their responsibility is safely stored and transported, remaining in conformity with the 2017 Regulations. See regulation 25.
9. When appropriate, the importer must take action to monitor equipment made available on the NI market by them which may present a risk, keeping a register of such equipment and any complaints or action taken. See regulation 26.
10. The importer must take action where they have reason to believe that the radio equipment that they have placed on the NI market is not in conformity with the 2017 Regulations; including informing the relevant market surveillance authority where there is a risk to the health and safety of people. See regulation 27.
11. The importer must also cooperate with and provide information to enforcing authorities following any requests. See regulation 29.

8. Obligations of distributors

A distributor is any person, other than the manufacturer or importer, who makes radio equipment available on the NI market.

NI businesses which were distributors of radio equipment supplied to them from GB should now consider whether they are classified as importers under the 2017 Regulations and therefore what additional requirements they need to comply with – see section 7 above. Under the 2017 Regulations an NI business placing a product from GB on the NI market does so as an importer, not as a distributor under the 2017 Regulations.

The obligations of distributors include:

1. Before making radio equipment available on the NI market a distributor must take due care to ensure that it is in conformity with the 2017 Regulations. See regulation 30.
2. The distributor must verify that the radio equipment bears the CE marking⁴, is accompanied by the required documents as well as by instructions and information concerning the use of radio equipment. The distributor must also make sure that certain obligations on the manufacturer or importer have been complied with. See regulation 31.

⁴ When conformity assessment has been carried out by a UK notified body, the UKNI marking (also known as the UK(NI) indication) must be affixed as well as the CE marking. A product with both the CE and the UKNI markings cannot be placed on the EEA market. There is separate guidance on when and how to use the UKNI marking online at <https://www.gov.uk/guidance/using-the-ukni-marking>.

3. The distributor must not make radio equipment available on the NI market if they think it is not in conformity with the essential requirements. They must take action where they have reason to believe that the radio equipment that they have made available on the NI market is not in conformity with the 2017 Regulations. See regulations 32 and 34.
4. The distributor must ensure that radio equipment under their responsibility are safely stored and transported, remaining in conformity with the 2017 Regulations. See regulation 33.
5. The distributor must also cooperate with and provide information to enforcing authorities following any requests. See regulation 35.

9. Transitional arrangements

Products placed on the market before 1 January 2021

If you placed an individual fully manufactured product on the EEA or the UK market (either in NI or GB) before 1 January 2021, or put radio equipment into service, you do not need to do anything new. These individual goods can continue to circulate on either market until they reach their end user and do not need to comply with the changes that take effect from 1 January 2021.

A fully manufactured good is 'placed on the market' when there is a written or verbal agreement (or offer of an agreement) to transfer ownership or possession or other rights in the product. This does not require physical transfer of the good.

You can usually provide proof of placing on the market on the basis of any relevant document ordinarily used in business transactions, including:

- contracts of sale concerning goods which have already been manufactured and meet the legal requirements
- invoices
- documents concerning the shipping of goods for distribution

The relevant economic operator (whether manufacturer, importer or distributor) bears the burden of proof for demonstrating that the good was placed on the market before 1 January 2021.

10. Conformity Marking

Where radio equipment is being placed on the NI market, and the manufacturer chooses to have it conformity assessed by a EU recognised body, the marking for the NI and EEA markets continues to be the CE marking.

The CE marking can continue to be used for the GB market until 31 December 2021, as long as all the other rules have been met. After 31 December 2021, the UKCA marking must be used for the GB market, but there are special rules under unfettered access that apply for qualifying NI goods.

For qualifying Northern Ireland goods, radio equipment meeting NI rules (the 2017 Regulations as they apply in NI), which are CE or both CE and UKNI marked, can be placed on the GB market from 1 January 2021 and on an ongoing basis thereafter (there is further information on the reasons for this below and this arrangement is explained further in the separate guide to placing radio equipment on the GB market).

Equipment that does not fall within the definition of qualifying Northern Ireland goods will need to meet the GB rules, including being UKCA marked, if placed on the GB market after 31 December 2021.

From 1 January 2021, where the manufacturer chooses to have the equipment conformity assessed by a UK approved body, the CE marking must be accompanied by the UKNI marking (also known as the UK(NI) indication). Products with the UKNI marking cannot be placed on the EEA market.

There is separate guidance on when and how to use the UKNI marking:

<https://www.gov.uk/guidance/using-the-ukni-marking>

11. Notified Bodies

Notified Bodies are independent organisations notified to the European Commission to carry out the procedures for conformity assessment and certification set out in the 2017 Regulations.

From 1 January 2021, all UK Notified Bodies will remain Notified Bodies for the purpose of CE marking products for the NI market. When these UK bodies are used for mandatory conformity assessment activity, then the manufacturer will need to affix both the CE and the UKNI markings. A product with both the CE and the UKNI markings cannot then be placed on the EEA market.

There is separate guidance on when and how to use the UKNI marking:

<https://www.gov.uk/guidance/using-the-ukni-marking>

A list of EU Notified Bodies can be found on the [NANDO](#) website. If a manufacturer uses a Notified Body from this list, then they apply only the CE marking to their product (not both the CE and UKNI markings).

A list of UK Notified Bodies is available here:

<https://www.gov.uk/uk-market-conformity-assessment-bodies>

12. Qualifying Northern Ireland Goods

The government has committed to providing unfettered access for qualifying NI goods to the rest of the UK market after 1 January 2021. Radio equipment that can be placed on the market in NI in accordance with the 2017 Regulations legislation can be sold in the rest of the UK without any additional approvals. The guide to placing radio equipment on the GB market has further details on these arrangements.

You can find out more about qualifying Northern Ireland goods here:

<https://www.gov.uk/guidance/moving-qualifying-goods-from-northern-ireland-to-the-rest-of-the-uk>

13. Enforcement and penalties

In NI, the enforcing authority for radio equipment in relation to protection and management of the radio spectrum is OFCOM and for other aspects including safety of radio equipment, the District Councils.

The 2017 Regulations also provide powers to the Secretary of State or a person appointed to act on their behalf to enforce the 2017 Regulations.

The 2017 Regulations provide powers to enforcing authorities to take action against economic operators for products that presents a risk or is not in conformity with the 2017 Regulations as set out in regulation 57 to 60, 62 and 63 and Schedule 10. Economic operators are required to co-operate with the enforcement authority and on request, must provide information and take action as appropriate.

Safeguard procedure

Enforcement authorities are required under the 2017 Regulations to take all appropriate measures to withdraw from the NI market or to prohibit, and restrict the supply of products bearing CE Marking which may endanger the health and safety of persons, property or the environment if the relevant economic operator does not do so. Under the safeguard procedure, the UK must inform the European Commission and EU Member States immediately of any enforcement action taken indicating the reasons justifying the action. This will enable Member States to take action against similar products placed on the market on their territories. Similarly, if a Member State initiates the procedure with respect to action taken on their territories, certain actions are required of UK market surveillance authorities and the Secretary of State. The European Commission will determine whether the action taken is justified; if so enforcement authorities must take necessary measures to ensure the equipment is withdrawn from the market.

Regulators' Code

Market Surveillance authorities must have regard to the Regulators' Code when developing the policies and operational procedures that guide their regulatory activities in this area. They should carry out their activities in a way that supports those they regulate to comply and grow, including choosing proportionate approaches that reflect risk.

In responding to non-compliance that they identify, regulators should clearly explain what the non-compliant item or activity is, the advice being given, actions required or decisions taken, and the reasons for these. Unless immediate action is needed to prevent a serious breach, regulators should provide an opportunity for dialogue in relation to the advice, requirements or decisions, with a view to ensuring that they are acting in a way that is proportionate and consistent. The Secretary of State takes account of the provisions of both the Regulators' Code and the Growth Duty in exercising his regulatory functions.

A link to the Regulator's Code can be found here:

<https://www.gov.uk/government/publications/regulators-code>

Penalties

A person committing an offence under the 2017 Regulations will be liable to a penalty. Penalties can include a fine or a prison sentence of up to three months for the most serious offences, or both. See regulations 65 and 66.

While it is matter for the enforcement authority to decide whether prosecution is appropriate in each case, should a prosecution take place, and the economic operator is found to be in breach, it is at discretion of the court to decide the penalties imposed on the offender.

14. European Commission Guidance

Detailed guidance on the RED Directive can be found on the European Commission's website at:

https://ec.europa.eu/growth/sectors/electrical-engineering/red-directive_en

The European Commission has produced guidance called the Blue Guide intended to contribute to a better understanding of EU product safety rules and to their more uniform and coherent application across different sectors and throughout the single market. A copy can be found at this link:

Blue Guide: <http://ec.europa.eu/DocsRoom/documents/18027/>

15. Glossary

- **Approved Body** – A conformity assessment body which has been approved by the Secretary of State or was a UK ‘Notified Body’ prior to 1 January 2021 able to carry out conformity assessment of products with a view to UKCA marking. They are not recognised by the EU (unless they have a presence in the EU) and cannot approve CE marking.
- **Authorised Representative** – A person appointed in writing by a manufacturer to perform specific tasks for the manufacturer. An authorised representative can be based anywhere in the EEA or NI, but cannot be based in GB, in respect of products being supplied on the NI market. Manufacturers remain ultimately responsible for ensuring these tasks are carried out properly.
- **CE marking** – the CE marking can be placed on products which have been conformity assessed by an EU Notified Body and are intended for the EEA or NI markets. CE marked products can only be placed on the GB market until 31 December 2021, although special arrangements have been agreed to ensure NI’s unfettered access to the rest of the UK.
- **EU Declaration of conformity** – A document prepared by the manufacturer which must detail, amongst other things, the following:
 - the specific product to which the declaration is referring; and
 - the name and address of the manufacturer and, where applicable, their authorised representative.

This must be kept by the manufacturer for a period of ten years from the date on which the product was placed on the NI market. This declaration must be made available to the enforcing authority upon request.

- **Distributor** – Any person in the EEA or NI supply chains, other than the manufacturer or the importer, who makes a product available in the EEA or NI markets.
- **Enforcing Authority** – In NI, the enforcing authority for radio equipment in relation to protection and management of the radio spectrum is OFCOM and for other aspects including safety of radio equipment, the District Councils.
- **Importer** – A person established in NI who places a product from a country outside of the EEA or NI on the NI market. A person based in NI who before 1 January 2021 distributed a product from GB on the NI (or EEA) market, will now be an importer if they are bringing products into NI from the GB.
- **Manufacturer** – A person who manufactures radio equipment or has it designed or manufactured and markets that product under their name or trademark.

- **Notified Body** – A conformity assessment body based in the EEA which has been approved by an EEA Member State to carry out conformity assessment for placing products on the EU and NI markets; or a conformity assessment body that is based in the UK and have been approved by the Secretary of State, including bodies which were notified bodies whilst the UK followed EU rules. If these UK based Notified Bodies are used, the CE marking must be accompanied by the UKNI marking and cannot be placed on the EEA market (just the NI market, or, where it is also a qualifying NI good, the GB market).
- **UKCA marking** – The UKCA (UK Conformity Assessed) marking is the new UK conformity marking used for certain goods being placed on the GB market, in place of the CE marking, which is the conformity marking used in the European Union. Products placed on the GB market from 1 January 2022 must be UKCA marked, but there are special arrangements in place to ensure NI's unfettered access to the rest of the UK. Products being placed on the NI market cannot be UKCA marked but must continue to be CE marked.
- **UKNI marking** (also known as the UK(NI) indication) – The UKNI marking must be used along with the CE marking if manufacturers wish to use a UK Notified Body for conformity assessment. The UKNI marking allows the product to be placed on the NI market (and, under the Government's unfettered access commitments, where the product is also a qualifying NI good, on the GB market), but not the EEA market.

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