



Department for
Business, Energy
& Industrial Strategy

Regulatory Delivery

RADIO EQUIPMENT DIRECTIVE

CONSULTATION ON DRAFT UK
REGULATIONS

July 2017

RADIO EQUIPMENT DIRECTIVE

CONSULTATION ON THE DRAFT UK REGULATIONS

The consultation [and Impact Assessment] can be found on the BEIS section of GOV.UK: <https://www.gov.uk/beis>

Radio equipment directive

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Any enquiries regarding this publication should be sent to us at [insert contact for department].

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1. Purpose of this consultation

The Government seeks views from stakeholders on the UK implementation of the Radio Equipment Directive 2014/53/EU (the Directive). The Directive came into full effect on 13 June 2016. This consultation does not address the content of the Directive as this has already been negotiated and agreed and was previously consulted on¹. The UK is legally obliged to fully implement all of the requirements of the Directive. A link to the Directive text can be found [here](#).

The Directive replaces the Directive on Radio and Telecommunications Terminal Equipment (RTTE) 99/5/EC as amended. It ensures that radio equipment placed on the market or put into service in the EU and EEA (European Economic Area), meets essential safety requirements. The Directive also contains requirements for avoidance of harmful interference with the radio spectrum.

The Directive is one of a number of Directives that support the free movement of goods within the EU and EEA. This consultation seeks views on the Government's proposed implementation of the Directive into UK law. We are seeking views from stakeholders about 3 key areas of our proposed implementation:

- UK Draft Regulations to implement the Directive
- Enforcement of the UK Regulations
- The UK Impact Assessment on the Regulations

This consultation is relevant to: manufacturers, importers and distributors of radio equipment and white goods; enforcement authorities; trade associations; RED Notified Bodies; consumers; other Government Departments and Agencies including Department for Culture Media and Sport and the Home Office. A list of the consultees is attached at Annex 2.

¹ The Government consulted on the proposal for a European Directive in March 2013 (URN 13/658). The outcome of that consultation can be found on GOV.UK: <https://www.gov.uk/government/consultations/radio-equipment-directive-proposal>

2. Territorial extent

The Directive applies to the UK and the Regulations apply UK wide. This consultation is relevant to: manufacturers, importers and distributors of radio equipment and white goods; enforcement authorities; trade associations; RED Notified Bodies; consumers; and other Government Departments and Agencies including Department for Culture Media and Sport and the Home Office across the UK.

3. How to respond

Your response will be most useful if it is framed in direct response to the questions posed, though further comments and evidence are also welcome.

When responding 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 form and, where applicable, how the views of members were assembled.

You can reply to this consultation online. Please do so by 14 August 2017.

Responses and any enquiries can be submitted online, by email or by letter to:

Bulent Ismail
Product Safety Team
Regulatory Delivery Directorate
Department for Business, Energy & Industrial Strategy
1 Victoria Street, London, SW1H 0ET
Tel: 020 7215 1549

Email: REDconsultation@beis.gov.uk

A list of those organisations and individuals consulted directly is at Annex 2. We would welcome suggestions of others who may wish to be involved in this consultation process. Please feel free to forward this to anyone you think may be interested.

3.1 Additional copies

You may make copies of this document without seeking permission. Please let us know if you require a version in Braille. An electronic version can be found at:

<https://www.gov.uk/government/consultations>

3.2 Confidentiality and data protection

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information legislation (primarily the Freedom of Information Act 2000, the Data Protection Act 1998 and the Environmental Information Regulations 2004).

If you want information that you provide to be treated as confidential please say so clearly in writing when you send your response to the consultation. 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 by us as a confidentiality request.

We will summarise all responses and place this summary on the [GOV.UK website](#). This summary will include a list of names or organisations that responded but not people's personal names, addresses or other contact details.

3.3 Quality assurance

This consultation is carried out in accordance with the Government's Consultation Principles. A summary of the consultation principles can be found at Annex 1.

If you have any complaints about the consultation process (as opposed to comments about the issues which are the subject of the consultation) please email them to enquiries@beis.gov.uk or write to:

Angela Rabess
BEIS consultation coordinator
1 Victoria Street
London
SW1H 0ET

4. Executive summary

This consultation seeks views on the implementation into UK law of the Directive. The Directive replaces the Directive on Radio and Telecommunications Terminal Equipment (RTTE) 1999/5/EC, as amended. It addresses the safety of radio equipment and avoidance of harmful interference with the radio spectrum by radio equipment products. It aligns the legislation with the New Legislative Framework (NLF). This will improve compliance, reduce risks to consumers and improve optimal use of the radio spectrum. The NLF alignment will help improve traceability of products through the supply chain. More information on the NLF can be found in Annex 4.

The Directive was made on 16 April 2014 and published in the Official Journal of the European Union on 22 May 2014 and implementation of the Directive is being undertaken as a continuing legal obligation as an EU member. This consultation cannot address the substance and content of the Directive but addresses the implementation of the Directive only. As far as possible, the Directive will be implemented into UK law in accordance with the Guiding Principles found at the following site:

<https://www.gov.uk/government/publications/guiding-principles-for-eu-legislation>

The draft UK Regulations (published alongside this document), set out the Government's proposals for implementing the Directive to ensure that products placed on the market or put into service in the UK are safe and do not interfere with the radio spectrum. The UK Regulations will also set out the enforcement regime, where breach of the essential requirements would give rise to safety risks or harmful interference with the radio spectrum. This includes providing powers to enforcement authorities to investigate any such breaches of the Regulations. The draft Regulations do not fundamentally change the existing enforcement regime.

This consultation is aimed at all stakeholders with an interest in the radio equipment and associated industry.

5. Catalogue of consultation questions

Consultation Questions

1.	Does the draft Impact Assessment (IA) adequately reflect the effect of the new Regulations on micro businesses (less than 10 employees) in the radio industry? (See accompanying copy of the IA).
2.	Does the draft IA adequately reflect the effect of the new Regulations as a whole? (See accompanying copy of the IA).
3.	What is your estimate of the costs on a yearly basis for your business to comply with the draft Regulations?
4.	What is your estimate of the benefits on a yearly basis for your business to comply with the draft Regulations?
5.	Have you any concerns about how the Regulations will be effectively enforced in view of the new responsibilities for distributors and importers? (See Annex 4: The New Legislative Framework).
6.	Could you suggest any areas covered by the Directive or the draft Regulations on which it would be beneficial to have more guidance for both consumers and manufacturers?
7.	In your view do the draft regulations impose requirements on you which go beyond the requirements set out in the Directive?
8.	Do you have any other comments that might aid the consultation process as a whole?

6. EU Referendum

In June 2016, the EU referendum took place and the people of the United Kingdom voted to leave the European Union. Until the exit negotiations are concluded the UK remains a full member of the European Union and all the rights and obligations of EU membership remain in force. During this period the Government will continue to negotiate, implement and apply EU legislation. The outcome of these negotiations will determine what arrangements apply in relation to EU legislation in future once the UK has left the EU.

7. The proposals

The directive is designed to improve optimal use of the radio spectrum and improve the level of compliance with its requirements, to clarify and simplify the requirements and to help 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 changes bring equipment such as receivers, broadcast receivers (e.g. TV free view box) and Radio determination (e.g. Radar) clearly into the scope of the Directive and remove from the scope fixed-line (wired) telecommunications terminals e.g. wired telephones. This should help to reduce existing ambiguity and unnecessary complexity. The revised Directive 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.

The simplification and reduction of administrative burdens includes the 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 directive is aligned to the NLF. The provisions of the NLF are being introduced in all product sectors regulated under EU harmonisation legislation. These include:

- Measures to address non-compliance such as improved and consistent documentation requirements to allow traceability down the distribution chain;
- Measures to address consistency of Conformity Assessment Bodies (CABs) such as strengthened notification requirements and information obligations for CABs;
- Measures to address consistency between Directives such as common definitions and to align conformity assessment modules.

More information on the NLF can be found in Annex 4

8. Public Sector Equality Duty

The Government has carried out an assessment of the impact that its implementation of this EU legislation may have on people who have 'protected characteristics'. The assessment is carried out in order to ensure that the UK regulations do not discriminate against people in certain protected groups. The assessment demonstrates that the Government has paid due regard to the requirements of the Public Sector Equality Duty in accordance with Section 149 of the Equality Act 2010 which applies whenever policies will have an impact on those with protected characteristics.

The protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, and marriage and civil partnership (in respect of eliminating unlawful discrimination only).

Our assessment is that the Radio Equipment Directive and the draft Regulations do not discriminate against people with the protected characteristics. However, if you have any reason to believe that they do discriminate against people in any way, please let us know and provide justification for your view.

9. Family Test

A range of government activity has a direct or indirect impact on families. The Family Test was introduced in August 2014. The objective of the test is to introduce a family perspective into policy making and to ensure that potential impacts on family relationships are recognised in the process of developing new policy.

Our assessment is that the Radio Equipment Directive and the draft Regulations will not have a negative impact on families. However, if you feel that they will have a negative impact on families please let us know and provide a justification for your view.

10. What happens next?

This consultation is necessary to inform Government about likely effects of the implementation into UK law of the Radio Equipment Directive (2014/53/EU). Following consideration of the replies to this consultation the Government will publish its response. The Government's response document will be placed on the GOV.UK website and copies of the replies made available on request. Please refer to Section 3.2 for the policy on confidentiality.

Annex 1: 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. For the principles in full see:

<http://www.gov.uk/government/publications/consultation-principles-guidance>

A summary is listed below:

- A. Consultations should be clear and concise.
- B. Consultations should have a purpose.
- C. Consultations should be informative.
- D. Consultations are only part of a process of engagement.
- E. Consultations should last for a proportionate amount of time.
- F. Consultations should be targeted.
- G. Consultations should take account of the groups being consulted.
- H. Consultations should be agreed before publication.
- I. Consultation should facilitate scrutiny.
- J. Government responses to consultations should be published in a timely fashion.
- K. Consultation exercises should not generally be launched during local or national election periods.

The consultation principles do not have legal force.

Annex 2: List of individuals/organisations consulted

Age UK	Federation of Small Businesses	Product Liability Forum
Amtri Veritas	GAMBICA	Product Safety Focus Group
Avaya	Global Group	Raymarine
AV technology	Great Circle Design	RFI Global
BAE Systems	Guide Dogs for the Blind	Ricability
British Engineering Services	Horiba MIRA	RN Electronics
British Telecom	HPi Verification Services	RNIB
British Toy and Hobby Association	i2 Media Research	RNID
BSI Products Services	Intel	RNLI
Bureau Veritas	Intertek Testing & Certification Ltd	Royal Yachting Association
Cable & Wireless	Lift Cert	Safenet
CBI	Lloyd's Register Verification	Safety Assessment Federation
CCQS	Maritime Industries	Sense
CEM International	Mattel	SGS
CESA Global	MCGA	Surrey University
Chartered Trading Standards Institute	Mitel	Technology International (Europe) Ltd
Cherry Clough	Motorola	TECHUK
Civil Aviation Authority	National Deaf Children's Society	Telecom Policy Services Ltd
Clive Shelton Associates	Nokia	TUV SUD BABT
Communications Consumer Panel	Nutwood UK	UKAS
Copsey Communications	O2	UL
DTG Group	OFCOM	VCA
Deafblind	Panasonic	Virgin Media
EE	PhoneAbility	Yaesu
Electrical Safety First	Polycom	Zurich Engineering
Element Materials Technology	Portland Communications	
Equality and Human Rights Commission	Powered Access Certification	

Annex 3: Impact Assessment on the UK implementation of the Radio Equipment Directive

There is insufficient data to monetise the costs as the number of businesses affected is unknown. For the New Legislative Framework (NLF) changes the costs are likely to be in line with the wider NLF Impact Assessment at around £540 one-off cost per business and ongoing costs of £1350 per business.

More detailed analysis of the impact is provided in the Impact Assessment which has been prepared and is published alongside this document.

Annex 4: The New Legislative Framework

In 2006 the European Commission conducted a review of the way that the single internal market for goods was working. The Commission found that though the harmonised legislation was working effectively across and within EU Member States to ensure the majority of products on the market were safe, experience showed that in some respects its performance could be significantly improved. They identified three main problems (i) the number of products that were on the EU market that did not comply with product safety legislation; (ii) the unsatisfactory performance of some Notified Bodies (the bodies which determine whether a product meets the essential requirements of the legislation) and (iii) difficulties in using and understanding the current legislation. The Commission issued a Decision to provide a framework to be used in future EU legislation to address these issues.

The New Legislative Framework (NLF) which resulted from the review provides a common set of principles which aims to make legislation on the single internal market for goods clearer, more consistent in the obligations that it imposes in relation to different products and easier to understand. It was adopted as an EU Regulation 765/2008/EC and an EU Decision 768/2008/EC in July 2008. Over time all single market directives are to be aligned to the NLF as they are revised. An “Alignment Package” was introduced to align nine existing EU Directives to the NLF. The Radio Equipment Directive was revised separately from the Alignment Package, because this Directive, in addition to being aligned to the requirements of the NLF, also introduces technical changes relating to the manufacture of radio equipment.

The main purpose of the NLF is to introduce common definitions and responsibilities for Economic Operators i.e. manufacturers, importers and distributors. The NLF also clarifies what economic operators must do when a product is non-compliant e.g. distributors who suspect a product does not comply must take corrective action to make it compliant or take steps to recall it. Further information on the NLF can be found in the Impact Assessment at Annex 3. A summary of the obligations placed upon economic operators as a result of the changes introduced by the NLF are set out below:

(i) All economic operators

Economic operators including manufacturers, importers and distributors will all have new record keeping responsibilities and will have to provide the following to enforcement authorities on request:

- Identification of any economic operator who has supplied them with a product within scope
- Identification of any economic operator to whom they have supplied a product within scope
- Keep this information for 10 years

In addition Notified Bodies could pass on costs from their new responsibilities (revised notification process, obligations to share information) to UK business clients such as manufacturers.

(ii) Manufacturers

There are new requirements for manufacturers which include:

- Keeping a record of the type, batch or serial number on the product or packaging.
- Carrying out sample testing following a justified request and keeping a register of complaints
- Complying with the economic operators obligations above

Although the Directive will require the labelling to include a product, batch or serial number, the choice between these different numbers will be left to the manufacturer. It is expected that most manufacturers will choose to include a product number (at a relatively small cost), rather than a batch number at a much large cost. Therefore this new labelling requirement is not expected to give rise to significant new costs for manufacturers.

(iii) Importers

New requirements for importers include:

- Keeping technical documentation and declaration of conformity (DoC) for 10 years
- Keeping a record of the type, batch or serial number on the product or packaging.
- Carrying out sample testing following a justified request and keeping a register of complaints
- Complying with the economic operators obligations above

(iv) Distributors

New requirements for distributors include:

- Where distributors consider or have reason to believe that a product within scope is not in conformity with the essential requirements, they must not make that product available on the market
- Ensuring that storage and transport conditions do not jeopardise compliance the essential requirements
- Complying with the economic operators obligations above.

Annex 5: Draft UK Regulations

The draft UK Regulations are published alongside this document.

