

Electromagnetic Compatibility Directive 2014/30/EU: Main elements of the NLF integration

Structure in Chapters

A typical internal market harmonisation legislation – a few additional elements articulating the relation with national regulation on the use of radio spectrum

- **General Provisions:** subject matter, scope, Definitions, Free Movement Article, Essential requirements
- **Obligations of economic operators**
- **Conformity of equipment:** harmonised standards, conformity assessment procedures, CE marking and related declaration of conformity and technical documentation
- **Notification of conformity assessment bodies**
- **Market surveillance**
- **Committee, Implementing acts, Penalties, Final and Transitional provisions**

Scope and Essential Requirements

Scope:

Remains the same except of the following exclusions:

- custom built kits destined for professionals to be used solely at R&D
- kits of components to be assembled by radio amateur and equipment made available on the market

Essential Requirements:

Remain the same

Main changes

- **New Definitions** (Decision 768/2008/EC)
- **Specific provisions on the obligations of economic operators** (Decision 768/2008/EC)
- **Harmonised Standards** (Reference to 1024/2012)
- **Chapter on notifying authorities and notified bodies** (Decision 768/2008/EC)
- **Conformity Assessment** (Module A/B and C)
- **Saveguard Clause procedure** (Decision 768/2008/EC)
- **Committee procedure** (Aligned with the Treaty)
- **Penalties**

Entry into force-Implementation

Published

29 March 2014

Entry into force

20 days after publication (18/04/2014)

Transposition

By 19 April 2016

Applicability

20/04/2016

Low Voltage Directive 2014/35/EU: Main elements of the NLF integration

Structure in Chapters

A typical internal market harmonisation legislation – a few additional elements articulating the relation with national regulation on the use of radio spectrum

- **General Provisions:** subject matter, scope, Definitions, Free Movement Article, Essential requirements
- **Obligations of economic operators**
- **Conformity of equipment:** harmonised standards, conformity assessment procedures, CE marking and related declaration of conformity and technical documentation
- **Market surveillance**
- **Committee, Implementing acts, Penalties, Final and Transitional provisions**

Scope and Essential Requirements (Safety Objectives)

Scope:

Remains the same, in addition the following exclusion was inserted:

- custom built kits destined for professionals to be used solely at R&D

Safety Objectives:

Substance remains the same

Main changes

- **New Definitions** (Decision 768/2008/EC)
- **Specific provisions on the obligations of economic operators** (Decision 768/2008/EC)
- **Harmonised Standards** (Reference to 1024/2012)
- **Conformity Assessment** (Module A)
- **Saveguard Clause procedure** (Decision 768/2008/EC), so no reference to notified bodies
- **Committee procedure** (Aligned with the Treaty)
- **Penalties**

Entry into force-Implementation

Published

29 March 2014

Entry into force

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Transposition

By 19 April 2016

Applicability

20/04/2016

Radio Equipment Directive 2014/53/EU: Main elements of the political compromise

Objectives

- To reinforce the obligations of economic operators, and to improve the legal tools available to MSAs in order to improve their efficiency, in particular regarding traceability
- To Clarify and simplify certain provisions-including the scope-in order to facilitate the application of the Directive
- To modify or suppress a number of administrative obligations which create burden but bring in only limited value-added
- To insert certain requirements aiming at facilitating the use of radio equipment (e.g. possibility to issue delegated acts for interoperability)

Structure in Chapters

A typical internal market harmonisation legislation – a few additional elements articulating the relation with national regulation on the use of radio spectrum

- **Chapter 1:** scope (complemented by Annexes I-II), definitions, 3 main essential requirements and 7 additional essential requirements, provisions on software defined radio possible registration of some categories of radio equipment, notification by Member States of regulations on the use of radio spectrum
- **Chapter 2:** obligations of economic operators (reference provisions in Decision 768/2008/EC)
- **Chapter 3:** harmonised standards, conformity assessment procedures (complemented by Annexes III-IV-V, as per Decision 768/2008/EC), CE marking and related declaration of conformity and technical documentation (complemented by Annexes VI-VIII)
- **Chapter 4:** notification of conformity assessment bodies (as per Decision 768/2008/EC)
- **Chapter 5:** market surveillance (as per Decision 768/2008/EC)
- **Chapter 6:** committee, implementing acts (as per Regulation (EU) No 182/2011) and delegated acts (in accordance with the inter-institutional agreement)
- **Chapter 7:** final and transitional provisions

Main changes (scope)

- **'radio equipment'** means an electrical or electronic product, which intentionally emits and/or receives radio waves for the purpose of radio communication and/or radio determination, or an electrical or electronic product which must be completed with an accessory, such as antenna, so as to intentionally emit and/or receive radio waves for the purpose of radio communication and/or radio determination
- **Exceptions:** Article 1(2) and (3)
- The Commission may adopt **implementing acts** to ensure consistent application of the definition of radio equipment
- **Examples:** Sound and TV broadcast receivers, previously excluded, will now fall within the scope of the Directive; Equipment operating below 9 KHz, previously excluded, will now fall within the scope of the Directive; Fixed-line terminals cease to fall within the scope of the Directive; ISM equipment continues not to fall within the scope of the Directive

Main changes (Essential requirements)

2. Essential requirements:

- **Article 3(2) has been clarified so as 'radio equipment effectively uses and supports the efficient use of radio spectrum'**
- **Article 3(3)(a) can be invoked to cover interoperability between radio equipment and accessories such as chargers for mobile telephones**
- **Article 3(3)(g) can be invoked to ensure that radio equipment can only upload software if the compliance of the combination of the software and the radio equipment has been demonstrated**
- **For the assessment of compliance with the essential requirement set out in point (a) of Article 3(1), the manufacturer shall also take into account reasonably foreseeable conditions of use**

Main changes (New instruments)

- **Article 4 may be invoked to ensure transparency on the compliance of combinations of software and radio equipment, so as to avoid barriers to competition in the market for third-party software**
- **Article 5 may be invoked to require registration within a central system of products within categories affected by low levels of compliance**

Main changes (Administrative obligations)

- **Prior notification of equipment using non-harmonised bands (current Article 6(4)) is suppressed**
- **The alert sign indicating restrictions to use is suppressed. Manufacturers shall make available on the packaging information on restrictions to use, the Commission may adopt implementing acts to ensure consistent application**
- **User instructions shall include information on frequency and power used by radio transmitter**
- **Requirements related to terminals (current Articles 4(2), 7(3)-to(5)) are removed from the text of the Directive**
- **Simplify SDoC is introduced**

Main changes (Alignment)

Alignment with Decision 768/2008/EC on a common framework for the marketing of products, including:

- **the definitions set out in chapter R1 of Decision 768/2008/EC**
- **the obligations of economic operators (manufacturers, importers, distributors) set out in chapter R2 of Decision 768/2008/EC**
- **three of the modules for conformity assessment set out in Annex II of Decision 768/2008/EC**
- **the obligations for the notification of conformity assessment bodies set out in chapter R4 of Decision 768/2008/EC**
- **the simplified safeguard procedures set out in chapter R5 of Decision 768/2008/EC**

Alignment with the Standardisation Regulation

Alignment with the Treaty on the Functioning of the European Union, on Delegated and Implementing acts

Delegated & Implementing Acts

Delegated acts

- **Essential requirements in Article 3 (3)**
- **Registration (Article 5) and Software (Article 4)**

Implementing Acts

- **Clarify the definition of radio equipment**
- **Some details on Registration and Software**
- **establishing the equivalence between notified radio interfaces and assigning a radio equipment class**
- **Info on restrictions on putting into service or requirements for authorisation of use exist**
- **Withdrawal of a notified body**
- **Compliant equipment which presents a risk**

Entry into force-Implementation

Published

22 May 2014

Entry into force

20 days after publication

Applicability

13 June 2016

Transitional

One additional year (13 June 2017)

Thank you for your attention!