

# **Radio equipment and telecommunication terminal equipment and mutual recognition of their conformity**

1997/0149(COD) - 08/06/1998 - Council position

The common position incorporates, in whole or in part, 5 of the 19 amendments adopted by the European Parliament at first reading. The main changes to the Commission proposal concern the following points: a) Radio equipment: while maintaining the objective of ensuring free movement for such equipment, the common position includes a number of provisions intended to prevent radio equipment operating in frequency bands not yet harmonised throughout Community territory from causing harmful interference when used: - inclusion of a safeguard clause enabling Member States to prohibit on their markets radio equipment which has caused or is likely to cause interference; - an obligation on the person responsible for placing on the market equipment operating in as yet unharmonised frequency bands to inform the national authority responsible for spectrum management in the Member State concerned of his intention of marketing such equipment; - stricter conformity assessment for unharmonised radio equipment; - information for users on any restrictions on the geographical area of use of radio equipment; b) Committee assisting the Commission: the common position provides for a dual procedure: - an advisory procedure applicable to the following questions: the interpretation and publication of harmonised standards; the date of application of the essential requirements specific to certain categories of equipment; safeguard measures taken by Member States to remedy shortcomings in harmonised standards; - a type III(a) regulatory procedure for setting the essential requirements specific to certain categories of equipment and establishing the equivalence between interfaces notified by the Member States; c) The manufacturer's liability in the event of non-conformity: the Council considers that the Directive does not need to include any provision harmonising legislation on the manufacturer's liability in the Community; d) Scope of the new rules: the common position includes a specific list, annexed to the Directive, of equipment not to be subject to the new rules (e.g. equipment used exclusively by radio amateurs). The common position expressly excludes equipment exclusively used for activities concerning public security, defence, State security and the activities of the State in areas of criminal law; e) Information to users and marking: the Council has extended the obligations for manufacturers to inform users of the purpose for which equipment is to be used. The information is to be indicated both on the equipment (marking) and on its packaging; f) Reciprocity with third countries: the common position includes provisions to ensure that Community enterprises can enjoy similar treatment in third countries to that which those countries' enterprises will enjoy under the new Directive.