

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

1997/0149(COD) - 22/04/2004 - Follow-up document

Directive 1999/5/EC ("the R&TTE Directive") set out new rules for ensuring the internal market of Radio Equipment and Telecommunications Terminal Equipment. It replaced Directive 98/13/EC and over 1000 national approval regulations. This is the first progress report on the Directive. The report discusses the operation of the Directive, its effectiveness, particularly with regard to questions on radio spectrum, and international aspects of the Directive. The report concludes that the policy set by the Directive needs to be continued, and a number of actions are proposed: As regards the Directive itself, a limited revision of its provisions should be pursued, addressing, inter alia, the following issues: - Create possibilities for rendering implementing details and interpretations of the Directive legally binding through a comitology procedure; - Reconsider the use of Article 3.3 Decisions for "safety of life" purposes and consider their inclusion in sector specific regulations; - Scope: coverage of aeronautical equipment, radio equipment not used for radio communication; - Review the provisions on the handling of non-compliant products, so as to ensure effective market surveillance but avoiding where possible the need for Commission opinions; - Rationalise requirements for user information and marking arising under this Directive and other New Approach Directives (particularly the Low Voltage and EMC Directives) so as to arrive at obligations which are proportional to the objective; consider how to make relevant information accessible to all types of users, in particular the disabled, where relevant; - Review the provisions obliging operators to publish the characteristics of their networks and consider whether certain provisions should be removed for smaller operators; - Consider whether terminal equipment that is not radio equipment should be removed from the Directive and thus only be covered by the EMC and Low Voltage Directive. In so doing, attention would need to be paid to the existence of dominant players, the possible reintroduction of national regulations and bundling of equipment with network services and the need for stability for manufacturers; - Consider how to ensure a coherent legal framework for avoiding harmful interference from radio and other equipment; - Ensure coherence of the Directive, its provisions and terminology with the Electronic Communications framework; - Consider the application of art 3(3) f to include accessibility requirements for certain types of terminals. This is particularly important for emergency equipment where accessibility should be guaranteed. Discussions should be launched with the Member States to clarify the borderline between equipment and networks for issues related to accessibility and to undertake joint actions to foster solutions at European level. As regards the management of the Directive a number of actions are proposed: - the co-operation between notified bodies (R&TTE Compliance Association) and the national spectrum regulators should be improved so as to ensure that the guidance on innovative products is not contentious; - The Commission should study the compatibility of technical provisions of local planning regulations for base stations with the Directive. As regards spectrum harmonisation and management: - Migrate more equipment from Class 2 (subject to national restrictions) to Class 1 (use anywhere in the Community). The Spectrum Decision should be used to arrive at more harmonised spectrum, especially for consumer products and short-range devices; - Launch discussions with Member States in the context of the Radio Spectrum Decision on streamlining the decision-making process for frequency allocations for emerging applications, including the creation of possibilities for experimentation in the EU so as to arrive at a more permissive environment, which fosters competitiveness of EU industry; - Discuss in the same context the policy benefits of lowering access barriers to spectrum and on the potential for new technological developments to reduce the need for individual licences and rigid segmentation of the spectrum. Finally, on the question of international trade, the report feels that, given the level of deregulation existing and the substantial resources required for managing MRAs, the real added value of such arrangements for EU manufacturers and certification interests is questionable. The Commission is studying more effective ways to address market access problems for EU manufacturers.

