



**Department
for Business
Innovation & Skills**

**CONSULTATION ON THE
PROPOSAL FOR A DIRECTIVE
ON RADIO EQUIPMENT**

**Government Response to the
Consultation**

SEPTEMBER 2013

Contents

Contents	2
1) Executive Summary	3
2) Introduction	5
3) Summary of Responses	6
Proposal for Registration	6
Interoperability	6
Innovative Technologies	6
Administrative Burdens	7
Definition of Radio Equipment	7
Other issues	7
4) Summary of Government Response	9
5) Next Steps	10
6) List of respondents to the Consultation	11

1) Executive Summary

The Government would like to thank all those who responded to the consultation. We appreciate the time you have taken to let us have comments.

The Government has received 20 responses to the Consultation.

The main issues raised in the response to the consultation are:

- The proposed possibility for a requirement to register products within a central database that have attained a low level of compliance.
- The proposed possibility to require radio equipment to interoperate with accessories such as chargers.
- Proposal for the provision of 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 proposed simplification and reduction of administrative burdens including the removal of the requirement to notify equipment under current Article 6(4) and the obligation to affix an equipment class identifier on the product (current Annex VII, 5)
- The proposed new definition of radio equipment to include only radio equipment that intentionally transmits together with the proposed reduction in scope in relation to telecommunications terminal equipment removes from scope receive only (stand-alone) radio receivers and fixed-line terminals

The Government shares a number of concerns that were expressed in the responses received, specifically we:

- agree that the current proposal for Registration could place an increased burden on economic operators that we do not see the justification for;
- Identify a need to explore the possibility to include receive - only radio equipment in the proposed Directive text subject to the impact on industry and recognise that industry has different views to market surveillance as to how receivers should be included.
- agree that the proposal needs to clarify the boundaries of Software Defined Radio (SDR) and ensure that any proposal for software and hardware compatibility does not serve to stifle innovation;

- need to further consider the interoperability proposal and be mindful of the range of diverse products available on the radio equipment market;
- Agree to support the proposed simplification and reduction of all unjustifiable administrative burdens on economic operators.

2) Introduction

There were 20 responses to the consultation which covered a wide range of interests within the radio equipment sector that will be affected by the proposal. Responses were received from trade associations, central government, a standards body, small, medium and large businesses and individuals. The responses covered issues such as registration of products, receive only radio receivers, interoperability of radio equipment with accessories, software defined radio, simplification of administrative burdens and definitions for radio equipment.

The Consultation was launched to seek views upon the European Commission's "Proposal for a Directive on Radio Equipment" ('the Proposal') published in October 2012. Since the Proposal was published, the Government has participated in a number of meetings with stakeholders to discuss the issues it has raised. The Government issued the formal consultation document on the Proposal on 8th March 2013. This consultation closed on 3rd June 2013. The response to the Consultation is set out in more detail in this document.

3) Summary of Responses

Proposal for Registration

This was a cause of concern for many respondents, with the overall view being that a registration scheme would place a disproportionate burden on SMEs and overall place an unnecessary administrative burden on all economic operators. Respondents also suggested that the resources necessary for operating a registration scheme would be better utilised in strengthening existing market surveillance activities. Views were expressed that the EU New Approach to product conformity, especially the 'self declaration' option, could be undermined by a registration system. One respondent raised the possibility that a huge business resource would need to be allocated to any registration scheme because of the sheer scale of radio-enabled products being placed on the EU market every year. The perceived burden may have less of an impact on SME's due to the smaller number of products that would require registration; however, their available resources to administer such a scheme would be less. Confidentiality issues in relation to the security of product design and Intellectual Property Rights were also cited by a number of respondents.

Interoperability

It was noted that historically interoperability of radio equipment related to parameters such as spectrum and networking protocols and was not intended to try and match equipment characteristics such as power supply limits or functionality. In this context the desire for increased interoperability between industrial market products and those of the consumer market may be brought into question. One respondent questioned whether the proposed RED was the right legislation to embody such requirements and whether the applicability of the interworking proposal to non-consumer equipment, where it might present a barrier to innovation. Respondents highlight the issues presented by 'bundled packages' and items sold separately, whereby if sold with a radio product, as in the case of mobile phones, a charger for example would remain under the Radio and Telecommunications Terminal Directive (R&TTED), but if sold separately would be in the scope of the Low Voltage Directive (LVD) or perhaps the Electromagnetic Compatibility Directive (EMCD). A number of respondents also noted the technical issues associated with 'universal chargers' for mobile phones, particularly again those relating to voltage limits and other technical parameters.

Innovative Technologies

Respondents concentrated on software defined radio (SDR) and stressed the complexities in developing a framework for this equipment. One respondent

drew attention to the relationship between the essential requirements of the Directive in Article 3.3 (g) and the caveat of a delegated act to define classes of radio equipment cited in Article 4.2. One respondent raised the question of traceability of software versions on equipment suggesting that on-screen information could provide part (or all) of the documentary information for compliance.

Administrative Burdens

Respondents highlighted that there may be little overall improvement in reducing the administrative burden to economic operators if a requirement for product registration was introduced; both the proposed deletions at Article 6 and the current requirement in Annex VII(5) are arguably outweighed by newly introduced administrative requirements associated with registration. On balance the majority of respondents welcomed the reduction and simplification of administrative requirements.

Definition of Radio Equipment

There was a general consensus against the exclusion of receive-only radio equipment from respondents. The efficiency of radio receivers has an impact on the way the increasingly intensive use of radio spectrum is utilised. One respondent questioned the requirement to demonstrate compliance of one part of a radio system (the transmitter) with one Directive (the proposed RED) and the other part (the receiver) with another, the EMC Directive. They argued that this could impose significant additional costs and administrative burdens on all manufacturers and particularly on SMEs.

The removal of the provisions for telecommunications terminal equipment (TTE) from the scope of the proposed Radio Equipment Directive, for both fixed-line and wireless terminals, was broadly welcomed by respondents. Current provisions for TTE equipment could now be considered redundant, given technological developments in the industry and more suitable superseding legislation issued in the last decade. Further, the exclusion of fixed-line terminals from the scope of the directive may lead to some uncertainty for certain terminal equipment which is currently within the scope of the current legislation concerning this equipment. One example of such equipment is professional telephone network equipment which operates below the voltage limits of the Low Voltage Directive. The European Commission will need to clarify how such equipment may be managed after the Radio Equipment Directive enters into force.

Other issues

The amended definition of radio equipment was cited by one respondent as it will bring into scope the use of radio frequencies to transfer energy, which raises issues for 'wireless charging' technology.

One respondent commented that passive antennas have also been removed from the scope of the RED. These antennas are typically made by a different manufacturer to the radio to which they are attached and are selected on a case by case basis to satisfy the specific conditions and requirements of different installations. By including passive antennas within the scope of the RED it would help maintain the clear parameters that are established via standardisation.

The proposed change in the wording in the essential requirements from 'effective' to 'efficient' in relation to spectrum use was identified as problematic and could result in a need to review harmonised standards and declarations of conformity against the new wording contained within Article 3.

4) Summary of Government Response

The Government's own concerns reflect those raised by respondents in regard to the proposal for a registration scheme and we will try to ensure that these proposed provisions are excluded in their entirety; it is desirable that the proposed text should only be aligned to Decision No. 768/2008EC and the negotiated text for the New Legislative Framework alignment package. The European Commission has two new regulations aimed at improving consumer product safety and the functioning of the European single market through effective market surveillance. It is anticipated that the introduction of these regulations will result in a strengthening of Market Surveillance Authority powers and thereby reduce the need for a registration scheme.

The Government is concerned that the proposal on interoperability, whilst potentially strengthening environmental initiatives e.g. universality and decreased duplication of accessories, also has the potential to attempt to bring together incompatible products and create a fractured legislative background. The proposed benefits of the introduction of such a scheme will need to be balanced against any additional burdens to industry.

The Government is committed to providing a strong market for innovative radio products and considers this proposal a step in the right direction.

In line with the majority of respondents the Government welcomes the reduction of administrative burdens and will continue to compare the proposed administrative developments against those of the current legislation.

The Government believes that the issue of receive-only radio and the definition of radio equipment will need careful consideration. Consideration will need to be given to the definition of radio equipment, especially in the context of innovative technologies.

5) Next Steps

The Government will use the views expressed in the responses to the Consultation to assist in developing UK lines for the ongoing negotiation of the Proposal. We will be seeking clarification of the suggested wording where this is ambiguous to ensure we are clear as to the meaning intended. As this is a European legislative proposal it is not always possible for BIS to change the Proposal in response to the concerns raised in the Consultation. However, BIS can and will raise these concerns with other stakeholders during the course of the negotiation and will work to propose and develop amendments which could further address these concerns. In particular we will:

- Make the case against the proposal for a registration scheme for radio products.
- Ensure that the proposal for interoperability is proportionate and able to reflect the diverse market in radio equipment products.
- Ensure there is sufficient clarity and certainty over the scope of proposed provisions for innovative technologies
- Ensure that the administrative burden of the proposal is kept to the minimum required to meet the regulatory objectives
- Explore the possibilities to include receive only radio equipment within the proposal during the negotiations subject to the impact on industry being acceptable.

6) List of respondents to the Consultation

Aviat Networks
British Standards Institute
DTG
EMEA
Hampshire County Council
Honeywell Control Systems Ltd
Intellect
JLR Ltd
LPRA
Nick Hooper
PGMC Ltd
R F Tags Ltd
Telecom Policy Services Ltd
Trac Global Ltd
TUV SUD BABT
TYCO
UL VS Ltd
Samsung
Trading Standards Institute
Vodafone

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