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Committee on the Internal Market and Consumer Protection

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AMENDMENTS

88 - 123

Draft report
Barbara Weiler
(PE510.528v01-00)

Harmonisation of the laws of the Member States relating to the making available on the market of radio equipment

Proposal for a directive
(COM(2012)0584 – C7-0333/2012 – 2012/0283(COD))

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United in diversity

EN

Amendment 88
Barbara Weiler

Proposal for a directive
Recital 6

Text proposed by the Commission

(6) Equipment which intentionally **transmits** radio waves in order to serve its purpose makes systematic use of radio spectrum. ***In order to ensure an efficient use of spectrum so as to avoid harmful interference, all such equipment should fall within the scope of this Directive, whether equipment is capable of communication or not.***

Amendment

(6) Equipment which intentionally ***emits or receives*** radio waves in order to serve its purpose makes systematic use of radio spectrum. ***Despite the fact that some products intentionally use magnetic or electric fields to serve their purpose, there is no communication from the transmitter and consequently such fields do not propagate as radio waves.*** Such equipment ***has very limited potential for localised interference and should therefore be excluded from the scope of this Directive.***

Or. en

Justification

In accordance with the amendment to Article 2(1)(1) of the proposed Directive.

Amendment 89
Christel Schaldemose

Proposal for a directive
Recital 11

Text proposed by the Commission

(11) Although receivers do not themselves cause harmful interference, reception capabilities are an increasingly important factor in ensuring the efficient use of radio spectrum by way of an increased resilience of receivers against interference and unwanted signals on the basis of the essential requirements ***of Directive 2004/108/EC.***

Amendment

(11) Although receivers do not themselves cause harmful interference, reception capabilities are an increasingly important factor in ensuring the efficient use of radio spectrum by way of an increased resilience of receivers against interference and unwanted signals on the basis of the ***relevant*** essential requirements.

Amendment 90
Christel Schaldemose

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) Receiver capabilities of receive-only equipment are subject to the essential requirements *of Directive 2004/108/EC* in particular with regard to unwanted signals resulting from the efficient use of shared or adjacent frequency bands, *and it is therefore not necessary to include such equipment within the scope of this Directive.*

Amendment

(12) Receiver capabilities of receive-only equipment are subject to the **relevant** essential requirements in particular with regard to unwanted signals resulting from the efficient use of shared or adjacent frequency bands.

Or. en

Amendment 91
Malcolm Harbour

Proposal for a directive
Recital 13

Text proposed by the Commission

(13) *In some cases* interworking via networks with other radio equipment and connection with interfaces of the appropriate type throughout the Union *may be necessary*. Interoperability between radio equipment and accessories such as chargers *may simplify* use of radio equipment *and reduce* unnecessary waste.

Amendment

(13) Interworking via networks with other radio equipment and connection with interfaces of the appropriate type throughout the Union **is necessary in some cases**. Interoperability between radio equipment and accessories such as chargers **simplifies** use of radio equipment, **reduces** unnecessary waste **and costs**.

Or. en

Justification

This AM is a counter proposal to DR AM 5. Chargers should not be classed as radio products

per se. Depending on how chargers are placed on the market in future, the applicable rules would either be the R&TTE-D or EMC-D/LVD, so adding any requirement here would eventually create conflict with relevant requirements on the same charger, depending simply on the way it is placed on the market. The EU standardisation process is likely the best way to make progress.

Amendment 92

Barbara Weiler, Wim van de Camp

Proposal for a directive

Recital 13

Text proposed by the Commission

(13) In some cases interworking via networks with other radio equipment and connection with interfaces of the appropriate type throughout the Union ***may be necessary***. Interoperability between radio equipment and accessories such as chargers ***may simplify*** use of radio equipment ***and reduce unnecessary waste***.

Amendment

(13) In some cases interworking via networks with other radio equipment and connection with interfaces of the appropriate type throughout the Union ***is necessary in some cases***. Interoperability between radio equipment and accessories such as chargers ***simplifies*** use of radio equipment, ***reduces unnecessary waste and costs***. ***A renewed effort to develop a common charger is therefore expected, as it would be highly beneficial in particular for consumers and other end-users***.

Or. en

Justification

Incompatibility of chargers for mobile phones, smart phones, tablets, digital cameras, music players and similar devices is a major inconvenience for consumers and other end-users as well as a considerable environmental problem. A universal charger will therefore bring significant benefits - especially to the consumers.

Amendment 93

Malcolm Harbour

Proposal for a directive

Recital 27 a (new)

Text proposed by the Commission

Amendment

(27a) In order to facilitate communication between economic operators, market surveillance authorities and consumers, Member States should encourage economic operators to include a website address as an alternative to the postal address.

Or. en

Justification

This Amendment aligns Mrs Weiler's suggestion to the adopted wording in the IMCO Reports on the NLF e.g. Amendments 12 and 16 to the EMC Directive and Amendments 17 and 19 to the Low Voltage Directive, to allow the introduction of a website address to fulfil the traceability information requirements for manufacturers and importers introduced.

Amendment 94

Christel Schaldemose

Proposal for a directive

Article 2 – paragraph 1 – point 1

Text proposed by the Commission

Amendment

(1) ‘radio equipment’ means a product which intentionally emits radio waves in order to serve its purpose, or a product which must be completed with an accessory, such as antenna, so as to emit radio waves in order to serve its purpose;

(1) ‘radio equipment’ means a product which intentionally emits **or receives** radio waves in order to serve its purpose, or a product which must be completed with an accessory, such as antenna, so as to emit **or receives** radio waves in order to serve its purpose;

Or. en

Amendment 95

Barbara Weiler

Proposal for a directive

Article 3 – paragraph 1 – point b

Text proposed by the Commission

(b) the protection of electromagnetic compatibility as set out in Directive 2004/108/EC, including in particular levels of immunity ***which lead to improvements in*** the efficient use of shared or adjacent frequency bands.

Amendment

(b) the protection of electromagnetic compatibility as set out in Directive 2004/108/EC, including in particular levels of immunity ***permitting*** the efficient use ***as intended*** of shared or adjacent frequency bands ***at all times***.

Or. de

Justification

Improvement of the wording to better reflect the intention of the article. Immunity enables equipment to be used as intended, irrespective of whether equipment has previously been used in a way which was not intended.

Amendment 96
Christel Schaldemose

Proposal for a directive
Article 3 – paragraph 2

Text proposed by the Commission

2. Radio equipment shall be so constructed that ***its transmitted signals*** efficiently ***use*** the spectrum allocated to terrestrial/space radio communication and orbital resources so as to avoid harmful interference. Only radio equipment that can be operated in at least one Member State without infringing applicable requirements on the use of spectrum can comply with this requirement.

Amendment

2. Radio equipment shall be so constructed that ***it uses*** efficiently the spectrum allocated to terrestrial/space radio communication and orbital resources so as to avoid harmful interference. Only radio equipment that can be operated in at least one Member State without infringing applicable requirements on the use of spectrum can comply with this requirement.

Or. en

Amendment 97
Toine Manders

Proposal for a directive
Article 3 – paragraph 3 – subparagraph 1 – point a

Text proposed by the Commission

(a) radio equipment interworks with accessories, and/or it interworks via networks with other radio equipment, and/or it can be connected to interfaces of the appropriate type throughout the Union;

Amendment

(a) radio equipment interworks with accessories, ***in particular chargers***, and/or it interworks via networks with other radio equipment, and/or it can be connected to interfaces of the appropriate type throughout the Union;

Or. en

Amendment 98
Toine Manders

Proposal for a directive
Article 3 – paragraph 3 – subparagraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) radio equipment and in particular mobile phones shall be made compatible with a universal charger. The seller shall ensure that the purchase of this equipment comes with a compatible universal charger.

Or. en

Amendment 99
Heide Rühle

Proposal for a directive
Article 3 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Where, for radio equipment, the essential requirements set out in this Article are wholly or partly laid down more specifically in other Union legislation, this Directive shall not apply, or shall cease to apply, to that radio equipment in respect of such requirements from the date of

implementation of that Union legislation.

Or. en

Amendment 100
Barbara Weiler, Wim van de Camp

Proposal for a directive
Article 4 – paragraph 2

Text proposed by the Commission

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 45 specifying which categories or classes of radio equipment are concerned by the requirement in the paragraph 1, the required information and the operational rules for making the information on compliance available.

Amendment

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 45 specifying which categories or classes of radio equipment are concerned by the requirement in the paragraph 1, the required information ***on compliance*** and the operational rules for making the information on compliance available.

Or. en

Justification

It should be clearly identified in the legislative act what information should be provided, as this might entail a significant burden on the economic operators.

Amendment 101
Barbara Weiler

Proposal for a directive
Article 6 – paragraph 1

Text proposed by the Commission

Member States shall ensure that radio equipment is made available on the market only if it complies with this Directive when ***it is*** properly installed and maintained ***and used for its intended purpose.***

Amendment

Member States shall ensure that radio equipment is made available on the market only if it complies with this Directive when ***used for its intended purpose or under the conditions which can be reasonably foreseen and*** when properly installed and maintained.

Justification

Consumers can be effectively protected only if their foreseeable behaviour is duly taken into account by manufacturers when designing products. In particular, consumers who are too young to read or cannot read are at a higher risk of being exposed to harm or injury.

Amendment 102
Barbara Weiler

Proposal for a directive
Article 7

Text proposed by the Commission

Member States shall allow the putting into service and use of radio equipment for its intended purpose where it complies with this Directive. Without prejudice to their obligations under Decision No 676/2002/EC, and to the conditions attached to authorisations for the use of frequencies in conformity with Union law, in particular under Articles 9(3) and 9(4) of Directive 2002/21/EC, Member States may only introduce additional requirements for the putting into service and/or use of radio equipment for reasons related to the efficient use of the radio spectrum, avoidance of harmful interference or matters relating to public health.

Amendment

Member States shall allow the putting into service and use of radio equipment for its intended purpose where it complies with this Directive. Without prejudice to their obligations under Decision No 676/2002/EC, and to the conditions attached to authorisations for the use of frequencies in conformity with Union law, in particular under Articles 9(3) and 9(4) of Directive 2002/21/EC, Member States may only introduce additional requirements for the putting into service and/or use of radio equipment for reasons related to the efficient use of the radio spectrum, avoidance of harmful *or electromagnetic* interference or matters relating to public health.

Or. de

Justification

Member States should be able to impose additional requirements concerning electromagnetic interference, too.

Amendment 103
Malcolm Harbour

Proposal for a directive
Article 10 – paragraph 6

Text proposed by the Commission

6. Manufacturers shall indicate their name, registered trade name or registered trade mark and the address at which they can be contacted on radio equipment or, where the size or nature of radio equipment does not allow it, on its packaging, or in a document accompanying radio equipment. The address must indicate a single point at which the manufacturer can be contacted.

Amendment

6. Manufacturers shall indicate their name, registered trade name or registered trade mark and the address at which they can be contacted on radio equipment or, where the size or nature of radio equipment does not allow it, on its packaging, or in a document accompanying radio equipment. The address **shall** indicate a single point at which the manufacturer can be contacted. ***Where radio equipment is fitted with an integral screen, this obligation may also be fulfilled by a function allowing the user to select the display of the required information on the integral screen.***

Or. en

Justification

This amendment proposes to make provision for the use of Electronic Labelling, bringing the draft R&TTE Directive into the digital age.

Amendment 104
Wim van de Camp

Proposal for a directive
Article 10 – paragraph 7 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The instructions and safety information referred to in the first subparagraph, as well as any labelling, shall be clear, understandable and intelligible, taking into account the designated end-user.

Or. en

Amendment 105
Malcolm Harbour

Proposal for a directive
Article 10 – paragraph 7 – subparagraph 2

Text proposed by the Commission

Amendment

The following information shall also be included: ***deleted***

frequency band(s) in which the radio equipment operates;

radio-frequency power transmitted in the frequency band(s) in which the radio equipment operates.

Or. en

Justification

Improvements to surveillance are welcome, but specifying frequency bands and power information in the user manual is superfluous, since detailed technical specifications can be found in the technical construction file for radio products, and available to authorities upon request to verify compliance. Also, users do not know what the applicable limits are, and manufacturers may not be able to obtain the exact same values as stated in user manuals.

Amendment 106
Wim van de Camp

Proposal for a directive
Article 10 – paragraph 8

Text proposed by the Commission

Amendment

8. A copy of the full EU declaration of conformity shall accompany each piece of radio equipment. This requirement may also be fulfilled by the provision of a simplified EU declaration of conformity. Where only a simplified EU declaration of conformity is provided, it shall be immediately followed by the exact internet or e-mail address where the full EU declaration of conformity can be obtained. ***deleted***

Justification

In alignment with the NLF package. Manufacturers would be relieved from one more unnecessary administrative burden.

Amendment 107
Malcolm Harbour

Proposal for a directive
Article 10 – paragraph 8

Text proposed by the Commission

Amendment

8. A copy of the full EU declaration of conformity shall accompany each piece of radio equipment. This requirement may also be fulfilled by the provision of a simplified EU declaration of conformity. Where only a simplified EU declaration of conformity is provided, it shall be immediately followed by the exact internet or e-mail address where the full EU declaration of conformity can be obtained. **deleted**

Justification

There is no requirement for DoCs to accompany products for other NLF Directives covering electronics, notably the Low Voltage Directive, where this is arguably more important. Article 10.6 already requires manufacturer contact details so that DoCs can be obtained as well as the detailed information needed to check the product. Traceability is also ensured by Article 15 covering identification of economic operators in the supply chain.

Amendment 108
Malcolm Harbour

Proposal for a directive
Article 10 – paragraph 9

Text proposed by the Commission

9. Information available on the packaging shall allow to identify the Member States or the geographical area within a Member State where radio equipment can be put into service, **and** shall **alert** the user **to** potential restrictions or requirements for authorisation of use in certain Member States. Such information shall be completed in the instructions accompanying radio equipment. The Commission may adopt implementing acts specifying how to present this information. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 44(2).

Amendment

9. Information available on the packaging shall allow, **in cases where there are restrictions to put radio equipment into service in at least one Member State**, to identify the Member States or the geographical area within a Member State where **that** radio equipment can be put into service. **This information shall also inform** the user **of any** potential restrictions or requirements for authorisation of use in certain Member States. Such information shall be completed in the instructions accompanying radio equipment. The Commission may adopt implementing acts specifying how to present this information. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 44(2).

Or. en

Justification

The Commission's proposal would require geographical information in all cases, which is disproportionate. The current R&TTE Directive mandates geographical information to alert users to potential restrictions on use of radio equipment in certain Member States, only in those cases where there are actual restrictions. This AM ensures that manufacturers shall add geographical information and alert the user to potential restrictions of use on the package only where restrictions on use exist.

Amendment 109
Wim van de Camp

Proposal for a directive
Article 10 – paragraph 9

Text proposed by the Commission

9. Information available on the packaging shall allow to identify the Member States or the geographical area within a Member State where radio equipment can be put

Amendment

9. Information available on the packaging shall allow, **in cases where there are restrictions to put radio equipment into service in at least one Member State**, to

into service, **and** shall alert the user **to** potential restrictions or requirements for authorisation of use in certain Member States. Such information shall be completed in the instructions accompanying radio equipment. The Commission may adopt implementing acts specifying how to present this information. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 44(2).

identify the Member States or the geographical area within a Member State where **that** radio equipment can be put into service. **This information** shall **also** alert the user **in case of** potential restrictions or requirements for authorisation of use in certain Member States. Such information shall be completed in the instructions accompanying radio equipment. The Commission may adopt implementing acts specifying how to present this information. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 44(2).

Or. en

Justification

In order to clarify that manufacturers shall add "geographical information" and alert the user to potential restrictions of use on the package only in those cases where restrictions of use exist.

Amendment 110 **Barbara Weiler**

Proposal for a directive **Article 18 – paragraph 1**

Text proposed by the Commission

1. The EU declaration of conformity shall **state** that the **fulfilment of the** essential requirements set out in Article 3 **has** been **demonstrated**.

Amendment

1. The EU declaration of conformity shall **assume** that the essential requirements set out in Article 3 **have** been **met**.

Or. de

Justification

If the EU Declaration of Conformity is based on harmonised standards published in the Official Journal of the European Union, it can only be assumed that the basic requirements of Article 3 have been complied with.

Amendment 111
Malcolm Harbour

Proposal for a directive
Article 20 – paragraph 1

Text proposed by the Commission

1. The CE marking shall be affixed visibly, legibly and indelibly to the radio equipment or to its data plate, unless that is not possible or not warranted on account of the nature of radio equipment. The CE marking shall also be affixed visibly and legibly to the packaging.

Amendment

1. The CE marking shall be affixed visibly, legibly and indelibly to the radio equipment or to its data plate, unless that is not possible or not warranted on account of the nature of radio equipment. The CE marking shall also be affixed visibly and legibly to the packaging. ***Where radio equipment is fitted with an integral screen, this obligation may also be fulfilled by a function allowing the user to select the display of the CE marking on the integral screen following the general principles set out in Article 19.***

Or. en

Justification

This amendment proposes to make provision for the use of Electronic Labelling, bringing the draft R&TTE Directive into the digital age.

Amendment 112
Malcolm Harbour

Proposal for a directive
Article 21 – paragraph 5

Text proposed by the Commission

5. Following a reasoned request from the market surveillance authority of a Member State, the manufacturer shall provide a translation of the relevant parts of the technical documentation into the language of that Member State.

When a market surveillance authority requests the technical documentation from a manufacturer, it shall be

Amendment

deleted

transmitted without delay. When a market surveillance authority requests from a manufacturer a translation of technical documentation or parts thereof, it may fix a deadline for receipt of such translation, which shall be 30 days, unless a shorter deadline is justified in the case of serious and immediate risk.

Or. en

Justification

This paragraph is difficult to reconcile with the de facto internationalisation of the supply chain, where documents and reports are in any case already produced in well understood languages with the use of internationally used technical terminology.

Amendment 113
Wim van de Camp

Proposal for a directive
Article 21 – paragraph 5 – subparagraph 1

Text proposed by the Commission

Amendment

Following a reasoned request from the market surveillance authority of a Member State, the manufacturer shall provide a translation of the relevant parts of the technical documentation into the language of that Member State.

deleted

Or. en

Amendment 114
Barbara Weiler

Proposal for a directive
Article 21 – paragraph 5 – subparagraph 1

Text proposed by the Commission

Amendment

Following a reasoned request from the market surveillance authority of a Member

Following a reasoned request from the market surveillance authority of a Member

State, the manufacturer shall provide a translation of the relevant parts of the technical documentation into *the* language of *that Member State*.

State, the manufacturer shall provide a translation of the relevant parts of the technical documentation into *a* language *which can be easily understood by that authority*.

Or. en

Justification

To align with the provision established in Article 10(11) of the proposed Directive and to avoid disproportionate burden on economic operators, in particular SMEs, with regard to translation costs.

Amendment 115
Wim van de Camp

Proposal for a directive
Article 21 – paragraph 5 – subparagraph 2

Text proposed by the Commission

Amendment

When a market surveillance authority requests the technical documentation from a manufacturer, it shall be transmitted without delay. When a market surveillance authority requests from a manufacturer a translation of technical documentation or parts thereof, it may fix a deadline for receipt of such translation, which shall be 30 days, unless a shorter deadline is justified in the case of serious and immediate risk.

deleted

Or. en

Justification

The translation requirement would create unnecessary administrative burden and costs or legitimate manufacturers, in particular SMEs.

Amendment 116
Barbara Weiler

Proposal for a directive
Article 39 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall ensure that consumers and other interested parties are given an opportunity to submit complaints to the competent authorities at national or regional level on unsafe and non-compliant products. Member States shall ensure that these complaints are followed in a transparent and non-discriminatory way. They shall also inform consumers and other interested parties of the procedures established and make the public aware of the existence, responsibilities, identity and contact details of those competent authorities.

Or. en

Justification

Market surveillance will be more efficient, if citizens and other interested parties can contribute to the surveillance process by reporting observations of electromagnetic disturbances and harmful interference with regard to the radio spectrum. Additionally, such a possibility of participation will increase consumer trust.

Amendment 117
Barbara Weiler, Wim van de Camp

Proposal for a directive
Article 47 – paragraph 2 – subparagraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) reach a high level of consumer protection

Or. en

Justification

The review of the operation of the Directive by the Commission should also cover a high level of consumer protection.

Amendment 118
Malcolm Harbour

Proposal for a directive
Annex I – point -1 (new)

Text proposed by the Commission

Amendment

-1. Receive only radio equipment, intended to be used solely for the reception of sound and TV broadcasting services.

Or. en

Justification

This AM adds to DR AMs 4 and 6, ensuring that both transmitters and receivers are covered by the Radio Equipment Directive, while carrying over the existing exemption for receive only sound and TV equipment. A change in the scope of the R&TTE would be unwelcome given the suitable cover offered by the EMC and Low Voltage Directives for these products.

Amendment 119
Barbara Weiler

Proposal for a directive
Annex I – point 1

Text proposed by the Commission

Amendment

I. Radio equipment used by radio amateurs within Article 1, definition 56, of the International Telecommunications Union (ITU) radio regulations **unless the equipment is available commercially.**

Kits of components to be assembled by radio amateurs and commercial equipment modified by and for the use of radio amateurs **are not regarded as commercially available equipment.**

I. **Non-commercially available** radio equipment used by radio amateurs within Article 1, definition 56, of the International Telecommunications Union (ITU) radio regulations:

(i) **Radio assembly kits** modified by and for the use of radio amateurs.

(ii) **Commercially available radio equipment modified by and for the use of radio amateurs.**

(iii) Equipment for self-assembly by radio amateurs for experimental and scientific purposes related to amateur radio.

Or. de

Justification

The existing text has repeatedly led to interpretation difficulties in the past. The revised wording is a clarification and does not change the meaning.

Amendment 120
Barbara Weiler, Wim van de Camp

Proposal for a directive
Annex I – point 3 a (new)

Text proposed by the Commission

Amendment

3a. Receive only radio equipment intended to be used solely for the reception of sound and TV broadcasting services

Or. en

Justification

Broadcast devices are currently not regulated by the R&TTE directive and are sufficiently covered by EMCD and LVD, therefore it is appropriate to maintain the existing exemption especially in the light of the amendment to Article 2(1)(1) of the proposed Directive.

Amendment 121
Wim van de Camp

Proposal for a directive
Annex VII – point 1

Text proposed by the Commission

Amendment

1. No ... (unique identification of the radio equipment):

deleted

Or. en

Amendment 122
Malcolm Harbour

Proposal for a directive
Annex VII – point 1

Text proposed by the Commission

Amendment

1. No ... (unique identification of the **radio equipment**):

1. No ... (unique identification of the **declaration of conformity**):

Or. en

Justification

Annex III requests a Number as unique identification of the product, whereas EN ISO/IEC 17050-1 requests a Number as unique identification of the DoC. Annex III of the NLF already contains sufficient traceability information, so this amendment clarifies the article in order to ensure that point 1 of the model structure “No ... (unique identification of the radio equipment)” is not mistakenly understood as a requirement to state product serial numbers in the EU DoC.

Amendment 123
Wim van de Camp

Proposal for a directive
Annex VII – point 4

Text proposed by the Commission

Amendment

4. Object of the declaration (identification of the radio equipment allowing **traceability**. It may include a **photograph**, where appropriate):

4. Object of the declaration (identification of the radio equipment, **such as a type, batch, serial number or any other element** allowing **for the identification of the products covered by the DoC**. It may include a **picture**, where appropriate):

Or. en

Justification

The requirement in item 1 is redundant with item 4 and would actually oblige manufacturers to issue a unique DoC for each product, whilst currently a single DoC may apply to variations of the same product, in shape, colour or functionalities.

