

Office of the Director of
**Telecommunications
Regulation**

Information on the R&TTE Directive

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Edition 1

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Information on the R&TTE Directive

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1 Introduction

The introduction of the R&TTE Directive substantially changes the ways in which radio and terminal equipment is type approved in Europe. The old formal type approval regimes will be replaced by this Directive allowing manufacturers to choose the most suitable conformity procedures for their purpose. In addition, the Directive gives manufacturers much greater flexibility to market their product throughout the European Union.

This is the first edition of a document which gives information on the R&TTE Directive. This document will be amended as and when additional information on the Directive becomes available.

This is not a legal document and does not constitute legal, commercial or technical advice. It is for guidance purposes only.

2 Background

Directive 1999/5/EC of the European Parliament and Council on “Radio Equipment and Telecommunications Terminal Equipment and the Mutual Recognition of their Conformity” (The R&TTE Directive)¹, was published in the Official Journal on 7 April 1999. The aim of the Directive is to establish a regulatory framework to harmonise the placing on the market, free movement and putting into service in the community of radio equipment² and telecommunications terminal equipment. The Directive applies to all radio equipment except equipment used exclusively for public or State security and equipment referenced in Annex 1 of the Directive (Amateur kit, Broadcast receive only equipment, aviation and most marine equipment).

The new Directive is intended to complete the European internal market for radio equipment and telecommunications terminal equipment. In addition, this is the first time radio equipment has been included in an EC Directive on type approval. The R&TTE Directive replaces the current approvals systems for telecommunications terminal equipment i.e. it replaces the current terminal equipment Directive (98/13/EC)³ and the Common technical regulations adopted under that Directive, as well as the existing national type approval regulations⁴. The R&TTE Directive also incorporates the requirements of the EMC⁵ and LVD⁶ Directives.

¹ A copy of the Directive is available from the Commission website: <http://www.europa.eu.int/comm/enterprise/rtte/index.htm>

² It should be noted that all radio equipment operating in Ireland requires a licence from the ODTR (unless it is licence exempt). This requirement is not affected by the R&TTE Directive.

³ Council Directive of 12 February 1998 relating to telecommunications terminal equipment and satellite earth station equipment, including the mutual recognition of their conformity

⁴ S.I.45/92: European Communities (Telecommunication Services) Regulations, 1992

⁵ COUNCIL DIRECTIVE of 3 May 1989 on the approximation of the laws of the Member States relating to electromagnetic compatibility(89/336/EEC)

⁶ Council directive of 19 February 1973 on the harmonization of the laws of member states relating to electrical equipment designed for use within certain voltage limits (73/23/EEC)

The new system will provide a simpler procedure for manufacturers to access the EU market as it provides the manufacturer with a choice of conformity assessment procedures. In addition, except in the case of radio equipment where a harmonised standard is not used, the involvement of third parties in the conformity assessment will not be mandatory.

3 Transposition into Irish Law

Directives are a form of European Community (EC) law. Unlike some other forms of EC law, Directives leave the form and manner of implementation to the individual member States. National legislation, either in the form of an Act of the Oireachtas or alternatively a Statutory Instrument or Regulation, is therefore required to bring a Directive into Irish law. The enactment, or making of Irish legislation to give effect to a EC Directive is referred to as the 'transposition' of EC Directives. Section 2(2) of the European Communities Act 1972 provides the means of transposing EC Directives into Irish law by way of Statutory Instruments, or Regulations. It is intended to transpose the RTTE Directive into Irish law by means of a Regulation made by the Minister for Public Enterprise under this Act. The transposition of the R&TTE Directive is the responsibility of the Department of Public Enterprise.

4 Information to Manufacturers

4.1 Manufacturers Responsibilities

Under the Directive, the person placing the equipment on the market (manufacturer, agent, importer etc) will be responsible for ensuring that

- the equipment complies with the essential requirements of the R&TTE Directive
- the equipment is marked correctly and
- correct and adequate user information is supplied.

4.2 What are the essential requirements of the Directive?

Under the R&TTE Directive, rather than equipment being approved to individual national standards or being required to meet the relevant CTR⁷, the equipment is required to meet certain essential requirements, set out in article 3 of the Directive i.e.

- Health and Safety requirements: as per Directive 73/23/EEC (LVD) but with the lower limit removed. (Article 3.1)

⁷ Common Technical Regulation - a harmonised standard under Directive 98/13/EC

- EMC requirements: as per Directive 89/336/EC (Article 3.1)
- In addition, radio equipment must be constructed so that it makes effective use of spectrum allocated to terrestrial/space radio communications so as to avoid harmful interference. (Article 3.2)

Under article 3.3 of the Directive, the Commission may decide that additional requirements may apply to certain equipment types in accordance with procedures laid down by TCAM, the regulatory committee set up under the Directive (Articles 13-15). Certain equipment should be constructed to ensure that:

1. Interworking and interoperability via networks is possible (where appropriate)
2. It does not harm the network or cause a degradation in the service
3. It protects personal data and the privacy of the user
4. It supports features to ensure the avoidance of fraud
5. It supports features to ensure access to the emergency services
6. It supports features to facilitate its use by users with a disability.

For information on equipment which comes under Article 3.3 please refer to the Commission website (<http://www.europa.eu.int/comm/enterprise/rtte/index.htm>).

4.3 Meeting the essential requirements - the Conformity Assessment Procedures (Article 10)

Under the Directive the manufacturer is given a choice of how to demonstrate that the apparatus complies with the requirements of the Directive. Article 10 of the Directive sets out a number of conformity assessment procedures which can be used to demonstrate compliance with the essential requirements of the Directive. The method of assessing the conformity of the equipment to the essential requirements depends on the type of equipment. These are less onerous for terminal equipment but stricter for radio equipment. Where harmonised standards⁸ are used for radio equipment, there is a presumption of conformity to the Directive. Where harmonised standards are not used the assessment procedures are most strict.

- For terminal equipment not using radio and for receive only radio equipment, manufacturers can choose to demonstrate conformity by way of the procedures laid down in either Annex II, IV, or V of the Directive. The simplest of these procedures is set out in Annex II and requires the manufacturer to declare conformity to the essential requirements (self declaration)
- For radio equipment - where the manufacturer has applied a harmonised standard - the Manufacturer has the choice of procedures set out in Annex III, IV, or V of the Directive. In addition to the requirement to make a “self declaration” in respect of the essential requirements, Annex III requires the manufacturer to perform

⁸ A harmonised standard means a technical specification adopted by a recognised standards body under a mandate from the Commission in conformity with the procedures laid down on Directive 98/13/EC for the purpose of establishing a European requirement, compliance of which is not compulsory.

specific equipment tests (chosen by a Notified Body, if not detailed in the harmonised standard) which ensure the effective use of the spectrum.

- For terminal or radio equipment which does not conform to a harmonised standard the Manufacturer can choose between the procedures laid down in Annex IV or V of the Directive. Annex IV requires that the Manufacturer maintain a technical construction file (TCF) on the equipment. This TCF describes the equipment and sets out the procedures used to ensure conformity with the essential requirements. The TCF must be forwarded to a Notified Body for review. Annex V requires the manufacturer to operate a full quality control system (similar to ISO 9000) for design, manufacturer and final production inspection and test, which is audited and approved by a Notified Body. In addition, for radio equipment, the file must contain the results of the radio test suite previously agreed with the Notified Body.

As an alternative to the above routes the manufacturer can choose the procedures specified in the Low Voltage Directive (73/23/EEC) and/or the procedures specified in Articles 10.1 and 10.2 of the EMC Directive (89/336/EEC) to demonstrate compliance with Articles 3.1(a) and/or 3.1(b) respectively, provided the equipment falls within the scope of these Directives.

It should be noted that regardless of which conformity procedure is chosen, it is the responsibility of the manufacturer to ensure that the product complies with the requirements of the Directives and to make the appropriate declaration of conformity.

The conformity assessment procedures described above are the same in all Member States so that once a product is tested and approved in accordance with the R&TTE Directive it can be marketed in all Member States.

4.4 Equipment Marking under the R&TTE Directive (Article 12)

Apparatus complying with all the relevant essential requirements must be marked with the CE mark (affixed by the manufacturer or agent). In addition, where the procedures employed involve the use of a notified body, then the identification number of the notified body(ies) shall be attached and where an equipment class identifier identifies radio equipment, then this must also be attached. (see annex 2 for information on equipment class identifiers)

4.5 User Information

Article 6.3 of the Directive requires that relevant information accompanies equipment if it is to be allowed onto the market. Such information to the user should include:

- The intended use of the apparatus
- The Declaration of conformity to the essential requirements
- For radio equipment, details of the Member State or geographical area where the equipment is intended to be used and an alert signal to warn the user that he may have to seek authorisation to use the equipment in Member States

- For Telecommunications terminal equipment information on the networks to which the equipment is intended to be connected

This information shall be prominently displayed.

4.6 Notification Procedure under Article 6.4

Article 6.4 applies specifically to radio equipment. Where it is intended to put radio equipment operating in non-harmonised frequency bands on the national market, the manufacturer must inform the national authority responsible for spectrum management, i.e. the ODTR in Ireland, of this intention. The notification must be made at least 4 weeks prior to placing the equipment on the market.

Notes:

Note 1: ‘Radio equipment, operating in non harmonised frequency bands (throughout the Community) is considered to be all radio equipment except those:

- Which do not transmit; or
- which only transmit under the control of a network; or
- which use a frequency band which is allocated to the same radio interface in every Member State in the following way:
 - a) There is a common frequency allocation; and
 - b) Within this allocation, the allotment and/or assignment of radio frequencies or radio frequency channels follows a common plan or arrangement and
 - c) The equipment satisfies common parameters (e.g. frequency, power, duty cycle, bandwidth, etc)

A notification form is available in annex 1.

Note 2: It should be noted that a notification under Article 6.4 is solely to inform the ODTR of an intention to place radio equipment on the market and:

- It does not in any way give implicit approval to use the equipment in Ireland.
- It cannot be used as a guarantee that users will be granted a licence to operate the equipment in Ireland
- It does not relieve manufacturers of their obligations under Article 6.3 or other articles of the Directive
- All radio equipment except those which have been licence exempted require a licence under the Wireless Telegraphy Act, 1926 .

4.7 Harmonised Standards

Under this Directive, harmonised standards will be produced and published in the official journal of the European Union. Harmonised standards may be used, at the choice of the manufacturer, and in such cases where the manufacturer has declared conformity to the essential requirements on the basis of the harmonised standard then Member States shall presume conformity to the essential requirements covered by that harmonised standard. A list of the harmonised standards currently available is available from the European Commission website (<http://www.europa.eu.int/comm/enterprise/rtte/index.htm>). In addition to these harmonised standards, CTR's under the TTE Directive may continue to be used by the manufacturer and they will have the same status as a harmonised standard under the R&TTE Directive.

4.8 Equipment approved under the old type approval regimes (Article 18)

Manufacturers can continue to place on the market equipment approved under the old regime until 8 April 2001. After this date all new equipment being placed on the market must conform to the requirements of the R&TTE Directive.

4.9 Notified Bodies

A notified body is a body properly authorised under the R&TTE Directive to carry out the relevant tasks detailed in the conformity assessment procedures. A notified body must be an independent body with the facilities and competence to evaluate the equipment under the R&TTE Directive. A notified body cannot be a designer, manufacturer, supplier, authorised representative, network operator, service provider etc and must be impartial in its dealing under the R&TTE Directive. A notified body is bound to observe professional confidentiality with regard to all information gained in carrying out the evaluation process. A manufacturer can choose to use the services of any body notified under this /directive.

The regulations transposing the Directive will specify the appropriate body with responsibility for the appointment of notified bodies in Ireland.

A list of notified bodies under the R&TTE Directive is available from the European Commission website (<http://www.europa.eu.int/comm/enterprise/rtte/index.htm>).

At present, there are no notified bodies under the R&TTE Directive in Ireland.

4.10 Licensing of Radio Equipment

The R&TTE Directive does not change the licensing regimes currently in operation for radio equipment. All radio equipment intended for use in Ireland requires a licence under the Wireless Telegraphy Act, 1926 unless it is exempt from licensing.

Licensing of radio in Ireland is the responsibility of the ODTR.

Information on the licensing requirements for radio is available from the ODTR website, www.odtr.ie, Document ODTR 00/62 “Licensing Requirements for Radio Services - A Summary”.

5 Sources of Additional Information

Further information on the R&TTE Directive is available from:

- The European Commission website (<http://www.europa.eu.int/comm/enterprise/rtte/index.htm>) UK information is available from the OFTEL website (<http://www.oftel.gov.uk>) and the Radiocommunications Agency website (<http://www.radio.gov.uk>)
- Additional general information on the Directive and information on harmonised standards can be obtained from the ETSI website (<http://www.etsi.org>)
- Additional information, including links to other administrations R&TTE webpages is available from the ERO website (<http://www.ero.dk/EROWEB/RTTE/Intro.htm>)

6 Queries

Queries relating to the transposition of the R&TTE Directive, the market surveillance role, and the appointment of notified bodies under the Directive should be forwarded to the Department of Public Enterprise at the address below:

Mr. Des Moore

Telecommunications (Legal & Regulatory) Division

Department of Public Enterprise

44 Kildare Street

Dublin 2

Phone: + 353 1 6041109, Fax: + 353 1 6041188, E-mail: DesMoore@dpe.ie

Additional queries relating to the implementation of the R&TTE Directive can be sent to:

Susan Fleming

ODTR, Irish Life Centre

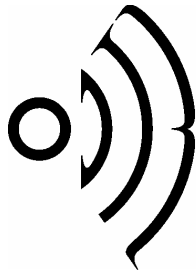
Abbey St.

Dublin 1

Phone: + 353 1 8049658, Fax: +353 1 804 9680, E-mail: flemings@odtr.ie

If you wish to be kept informed of any updates to this document or of any additional information relating to the implementation of the R&TTE Directive please send your address for correspondence (preferably e-mail address) to Susan Fleming.

Annex 1 - Article 6.4 Notification Form



Office of the Director of
**Telecommunications
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**NOTIFICATION OF THE PLACING ON THE MARKET OF RADIO EQUIPMENT USING
NON-HARMONISED FREQUENCY BANDS (ARTICLE 6.4 OF THE R&TTE DIRECTIVE)**

	Information	Response
1	Person placing equipment on the Market: Company/Name: Address: Telephone: Fax: Email:	

2	Contact Person For Further Information: Name: Address: Telephone: Fax: Email:	
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3	Manufacturer	
4	Equipment Identification	
5	Equipment Type Number(s)	
6	Intended Use/Purpose of Equipment	
7	EU Member States in which placing on the market is planned.	
8	All Consulted Notified Bodies (Name(s) and ID number(s))	
9	Frequency Bands	
10	Operating frequency/frequencies	
11	Reference Standard/specification	
12	Type of Modulation	
13	Channel Spacing and Emission Code if not defined in the standard	
14	Max Transmit Power	
15	Duty Cycle (or access protocol if applicable)	
16	Mode of Operation (simplex/duplex)	
17	Type of Antenna	
18	Remarks	

Declaration:

This notification is a notification pursuant to Article 6.4 of EU Directive 1999/5/EC. I/we am/are aware that the frequencies required for operation of the radio equipment must be assigned prior to usage in Ireland by the Office of the Director of Telecommunications Regulation in accordance with the Wireless Telegraphy Acts 1926-1988. No legal claim to a frequency assignment can be derived from this notification. In addition, this notification does not absolve me/us from any other requirements of the Directive.

Signature, Date

Please Return to:

Claire Nolan
Office of the Director of Telecommunications Regulation,
Irish Life Centre,
Abbey Street,
Dublin 1
Ireland

Telephone: +353 1 8049629
Fax: +353 1 8049665
e-mail: r&tte_directive@odtr.ie

Annex 2

Equipment Class Identifiers and the Alert Sign

Equipment Class Identifiers and the Alert Sign

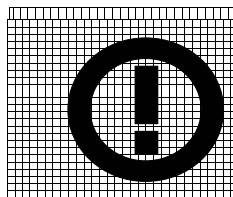
In relation to the equipment class identifiers noted in Article 4.1 of the Directive, the meetings of TCAM on 13/14 October and 16/17 December have highlighted that apparatus falling under the R&TTE Directive will be classified into 2 classes as follows:

Class 1:

Radio equipment and telecommunications terminal equipment which can be placed on the market and be put into service without restrictions will constitute a class. This class will be referred to as “Class 1”. An Equipment Class Identifier is not defined for this class of equipment.

Class 2:

Radio equipment and telecommunications terminal equipment for which Member States apply restrictions on the putting into service as foreseen in article 7.2 of Directive 1999/5/EC or for which Member States apply restrictions on the placing on the market as foreseen by article 9.5 of Directive 1999/5/EC will constitute a class. This class will be referred to as “Class 2”. The following Equipment Class Identifier or “alert sign” is defined for equipment within this class:



1. The Commission will publish and maintain, in consultation with the TCAM, an indicative and non-exhaustive list of product types falling within the above classes on the website containing information on Directive 1999/5/EC (<http://www.europa.eu.int/comm/enterprise/rtte>).

Based on these 2 classes, a preliminary and provisional list of sub-classifications was proposed (see attachment 1).

A copy of the Commission Decision on “establishing the initial classification of Radio Equipment and Telecommunications Terminal Equipment and associated Identifiers” together with the list of sub-classifications is available from the European Commission website.

Attachment 1: Draft list of subclasses

Terminal equipment attached to fixed networks and non-transmitting radio equipment:

- Class 1.1 ISDN⁹ (ISDN Basic Rate, ISDN Primary Rate, ISDN U, Broadband ISDN ATM)
- Class 1.2 PSTN¹⁰ (Analogue single line, Analogue multi-line (with/without DDI), equipment attached to Centrex interfaces or Virtual Private Networks)
- Class 1.3 Leased lines¹¹ (2w and 4w analogue (baseband), 2w and 4w analogue (voiceband), Digital, SDH, optical)
- Class 1.4 Wired data equipment¹² (X.21, X.25, ethernet, token ring, token bus, TCP/IP, frame relay)
- Class 1.5 Wired interactive broadcast equipment (unswitched vision/sound, switched vision/sound)
- Class 1.6 Telex (single line equipment, multiple line equipment)
- Class 1.7 Receive-only radio¹³ equipment
- Class 1.8 Other terminal equipment attached to fixed networks

Radio equipment, which transmits only under the control of a network:

- Class 1.9 GSM handsets¹⁴, including GSM 900, GSM 1800, GSM 1900 (and when it appears GSM 450)
- Class 1.10 TETS¹⁵ terminal equipment
- Class 1.11 Land Mobile earth stations¹⁶ in the 1,5/1,6 GHz bands
- Class 1.12 Land Mobile earth stations¹⁷ operating in the Ku-band
- Class 1.13 TETRA¹⁸ end-user equipment (non-DMO)
- Class 1.14 Satellite Personal Communication earth stations¹⁹ operating in the 1,6/2,4 GHz bands
- Class 1.15 Satellite Personal Communication earth stations²⁰ operating in the 1,9/2,1 GHz bands
- Class 1.16 Low data rate Land Mobile earth stations²¹ in the 1,5/1,6 GHz bands
- Class 1.17 Other Radio equipment, which transmits only under the control of a network²²

Radio transmitters, technically harmonised in the Community for which Member States do not constrain their putting into service

- Class 1.18 DECT²³ equipment

⁹ Equipment within the scope of TBR3 and TBR4

¹⁰ Equipment within the scope of TBR21 and TBR37

¹¹ Equipment within the scope of TBR12, TBR13, TBR15, TBR17, TBR24 and TBR25

¹² Equipment within the scope of TBR1/2

¹³ Including equipment within the scope of TBR7

¹⁴ Equipment within the scope of TBR19 and TBR31

¹⁵ Equipment within the scope of TBR23

¹⁶ Equipment within the scope of TBR26

¹⁷ Equipment within the scope of TBR27

¹⁸ Equipment within the scope of TBR35

¹⁹ Equipment within the scope of TBR41

²⁰ Equipment within the scope of TBR42

²¹ Equipment within the scope of TBR44

²² This class would typically include analogue mobile systems like NMT, TACS and ETACS, but also equipment, which can only be connected to mobile networks, which are not authorised in the Community as they would operate in bands allocated to other services (e.g. PDC, PHS, IS95).

²³ Equipment within the scope of TBR6

The following initial list of subclasses are proposed for Class 2:

Other Radio Equipment:

- Class 2.0 Other
- Class 2.1 VSATs²⁴ in the C-band
- Class 2.2 VSATs²⁵ in the Ku-band
- Class 2.3 Satellite News Gathering earth stations²⁶ in the Ku-band
- Class 2.4 TETRA Direct Mode of Operation
- Class 2.5 TETRAPOL
- Class 2.6 Private Mobile Radio
- Class 2.7 Short Range Devices
- Class 2.8 Microwave links
- Class 2.9 Fixed radio links
- Class 2.10 Broadcast transmitters
- Class 2.11 Maritime radio equipment
- Class 2.12 Infrastructure equipment (e.g. base stations)
- Class 2.13 Radio equipment, operating in amateur radio bands

²⁴ Equipment within the scope of TBR43

²⁵ Equipment within the scope of TBR28

²⁶ Equipment within the scope of TBR30