



General information regarding the trade and use of radio equipment & telecommunications terminal equipment

CE or **CE NBnr** or **CE**  or **CE NBnr** 

(NBnr stands for the identification number – 4 figures – of the body intervening in the conformity assessment, eg 0678 and the marking becomes CE 0678)

February 2003

⁽¹⁾ **Disclaimer:**

The present text is intended to inform interested parties on issues related to the placing in the market, free circulation and use of radio and telecommunication terminal equipment. It is not binding and in legal disputes the text of the Directive, or its implementation in National legislation takes precedence.



What is radio equipment?

Radio equipment is equipment that enables wireless communication through transmit and /or receive of radio waves with the use of spectrum. Examples of radio equipment are : **mobile phones (GSM, ...), satellite terminals, PMR equipment, CB equipment, marine telephones, broadcast transmitters, radio pagers, cordless telephones, radio-relay links, short range devices (blue tooth applications, remote control – garage door openers, crane operation, wireless microphones, wireless LANs, wireless data transmission, remote controlled toys), base stations of mobile networks....**, in short any kind of equipment containing a transmitter and/or a receiver.

What is telecommunications terminal equipment?

Telecommunications terminal equipment is equipment intended to be connected directly or indirectly to an interface of a public telecommunications network. Public telecommunications networks are both the GSM mobile telephony networks and the regular public analogue or digital telephone and data networks. Examples of telecommunications terminal equipment are: **fixed and mobile telephones, answering machines, modems, telephone exchanges.**

It should be noted that telecommunications terminal equipment can be at the same time radio equipment, like for example GSM mobile telephones.

Legislation


In the European Community the placing on the market and use of radio equipment and telecommunications terminal equipment is regulated by directive 1999/5/EC – the R&TTE directive. The above directive has been transposed in the Greek regulation with Presidential Decree 44/2002 which was published on the 7th of March 2002. With this Presidential Decree a new legal framework is been established for the trading and use of radio equipment and telecommunications terminal equipment and all valid up to that time provisions (national entry requirements) are abolished (like type approvals).

According to the new regulatory framework equipment can be placed on the market only if it complies with essential requirements as well as a number of administrative provisions (eg adequate user information). The essential requirements are the following:

- Requirements for the protection of health and safety of users and any other person
- Requirements for the protection of electromagnetic compatibility
- In addition for radio equipment, requirements for effective spectrum use so as to avoid harmful interference.

European Commission can issue decisions for the introduction of new essential requirements, when this is considered mandatory.

Compliance of equipment with the above mentioned essential requirements is liability of the manufacturer in the first place and is declared through the special CE marking and the declaration of conformity.

Especially for radioequipment, free movement of apparatus on the market does not necessarily mean free use of the equipment. In case of restrictions (e.g. special licence requirement), these should be indicated by means of the alert sign  as part of the CE marking.

Declaration of conformity

According to PD 44/2002, the manufacturer of the equipment should draw up a written declaration of conformity to the essential requirements. The declaration of conformity should contain all relevant information to the equipment (e.g. manufacturer details, equipment identification, reference to harmonised standards or other normative documents). Declaration of conformity should be kept for at least 10 years from the last manufacture date of the equipment and should be in the disposition of Authorities when requested.



In addition, it has been agreed that in the user manual or in any other accompanying document the following statement should be included:

"Hereby, *[Name of manufacturer]*, declares that this *[type of equipment]* is in compliance with the essential requirements and other relevant provisions of Directive 1999/5/EC."

How can you find out from the equipment marking whether it can be placed on the market freely?

If the radio equipment or the telecommunication terminal equipment bears the CE marking, with or without the alert sign, then it can be placed on the market. By affixing the CE marking, the manufacturer states that his equipment meets all legal requirements.

Depending on the conformity assessment procedure followed, the manufacturer can appeal to or has to appeal to a third party- the Notified Body. In that case the identification number of that notified body (NBnr) should also be part of the CE marking as shown below:

CE or CE NBnr or CE ⚠ or CE NBnr ⚠

(NBnr stands for the identification number of the body intervening in the conformity assessment, eg 0678 and the marking becomes CE 0678)

How can you see whether there are limitations on the use of radio equipment?

When there are limitations/restrictions on the use of the equipment, the CE marking contains the special alert sign ⚠. The CE marking including that alert sign, should be affixed clearly and distinctly to the apparatus itself, as well to the packaging and the instructions for use. Where ever the alert sign is included this should be accompanied by information on the related restrictions or general license request. In addition there should be a reference on which EU countries or regions the radio equipment may be used.

Why is the use of radio equipment sometimes restricted ?

Radio equipment makes use of radio frequencies (spectrum). Spectrum is a scarce resource and as a result its effective use in such a way that harmful interference is reduced is imposed. The use of these radio frequencies is not always common i.e harmonised within the EU. This means that in the various EU countries the same frequencies are not always available for the same application or type of equipment. The frequencies allocated and used may differ from one country to another.

The consequence of this is that sometimes the use of radio equipment may be allowed in certain member states, whereas the use of the equipment in other member states could lead to interference on other equipment or other services. That is why the use of this equipment cannot be allowed or only after explicit and prior authorisation (licence system).

The alert sign included in the CE marking is intended to draw the attention of traders and potential buyers to these conditions or restrictions.

Sale of the stock

Until April 7th 2001 equipment manufacturers and importers could market equipment which complied with the former technical requirements imposed. In Greece for the marking of the equipment the following applied:



- Telecommunication Terminal Equipment should carry EETT sign accompanied by the related type approval number (in accordance with the Common Ministerial Decision 51477/1996, B- 48) or the CE marking in the form: **CE** NBnr (in accordance with 98/13 Directive).
- Radio equipment should carry marking in accordance with Common Ministerial Decision 63600/1997, B - 463 (with GR-YME sign) and Common Ministerial Decision 63000/1998, B-616.

Since April 8th 2001 only radio equipment and telecommunications terminal equipment complying with the R&TTE directive may be placed on the EU market. Equipment in stock before 8 April 2001 in retail or wholesale may still be sold accompanied with the required by the former regulatory framework. Equipment, the use of which was allowed before may normally continue to be used under the same conditions.

Fairs, exhibitions and demonstrations

At fairs and exhibitions, it is under certain conditions allowed to show equipment that does not (yet) comply with the RTTE directive. In that case there has to be placed next to the equipment and clearly visible for the public, a statement saying that the apparatus does not (yet) meet all legal requirements.

Market surveillance

EETT is responsible for the compliance with the articles of PD44/2002. Under this framework it can perform surveillance operations on the equipment circulated on the market. Market surveillance offers in that way protection to consumers, it stimulates fair competition and prevents disturbance of radio communications.

Liability

The manufacturer or his authorized representative within the Community, or the responsible person for placing the equipment on the market, is liable for the equipment marking.

The **manufacturer** is ultimately responsible for the conformity of his product with the legislation in force – whether he has manufactured the product himself or whether he is considered to be the manufacturer because he places a product on the market under his own name.

The manufacturer may appoint any natural or legal person – established inside the community - to act on his behalf as an **authorised representative** in carrying out certain tasks required in the legislation in force. The authorized representative may be addressed by the authorities instead of the manufacturer with regard to the latter's obligations.

The **importer**, i.e. the **person placing the product on the market**, depending on the conformity procedure followed must be able to provide the surveillance authority with a copy of the EC declaration of conformity, and make the technical documentation available. He must ensure, in order to fulfill his duties that he can always contact the manufacturer.

The **retail, wholesale traders** and all other **distributors** should act in such way so as to prevent non conformed product from circulating in the European market. He should know, for instance, which products must bear the CE marking, or what information (for example declaration of conformity) has to accompany the product. He should also be in a position to identify the manufacturer, or his authorized representative within the community, the importer or the person who provided to him the equipment in order to aid the national surveillance authority.



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In case of not fulfilling the above liabilities, EETT can impose to the manufacturer or his authorized representative within the Community, or the responsible person for placing the equipment on the market, a fine that ranges per case from 3.000 Euros to 30.000 Euros.