



Position Paper

Non-Radio Products Functioning with Radio Equipment

Proposed Text for the Radio Equipment Guide

Brussels, 2 March 2017

Introduction / Current Situation

FEM represents European manufacturers of materials handling, lifting and storage equipment. CECE represents the European construction equipment manufacturers.

We have followed with sheer interest the recent developments (at the level of the Telecommunications Conformity Assessment and Market Surveillance Committee (TCAM) WG and AdCo Radio Equipment) regarding the status of combined equipment (non-radio products functioning with radio equipment)¹ and the legislation that applies to it.

According to Article 2(1), the Radio Equipment Directive 2014/53/EU (“RED”) is applicable to any radio equipment which intentionally emits and/or receives radio waves for the purpose of radio communication and/or radio-determination. In the case of combined equipment, latest discussions have focused on assessing whether the radio equipment is permanently affixed to the non-radio product or separable from the non-radio product, in order to determine which relevant legislation is to be applied.

Although the engineering industry put forward proposals to tackle the applicability of relevant legislation to combined equipment, the matter is currently put on hold because no consensus has been reached between the views of the TCAM, Member States, market surveillance and the European Commission. Our manufacturers are highly concerned about this lack of certainty around the situation of combined equipment, from both a compliance view-point and a legal perspective. Furthermore, the matter is rather critical given the upcoming application date of the RED for manufacturers, namely 13 June 2017.

We therefore strongly urge the European Commission to provide clarification on this matter in the RED Guide. In the following sections, FEM and CECE would like to present their its main concerns and at the same time, make a concrete proposal to be considered in a dedicated chapter of combined equipment in the abovementioned Guide.

¹ For example machines



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FEM and CECE concerns

A lot of our equipment may incorporate radio components or radio modules which are not intended to be installed by the end-user in the equipment, or may have a radio accessory (e.g. USB radio plug-in) intended to be installed by the end-user.

FEM and CECE request that, regardless of the permanent or non-permanent incorporation of the radio equipment into the non-radio product, the product resulting from such incorporation (“final product”), shall not be subject to the Radio Equipment Directive as a whole. What needs to be ensured is that the non-radio product (for which the base legislation is, for instance, the Machinery Directive), continues being subject to its base legislation when it is in operation with the incorporated radio equipment, while the radio equipment continues to comply with the RED.

The installation of radio equipment into a non-radio product (regardless of whether the radio equipment is permanently affixed or can be easily separated) does not mean that the non-radio product manufacturer should be responsible for the compliance of the radio equipment to the RED. On the contrary, it is the sole responsibility of the radio equipment manufacturer, who has the knowledge and competence to check and state the conformity of the product he manufactured to the RED.

In addition, since the integration of radio equipment into a non-radio product impacts on the functionalities of the combined equipment, the respective responsibilities of the radio equipment manufacturer and the non-radio product manufacturer must be clearly differentiated.

The following proposal addresses these various concerns.

FEM and CECE proposal

The Declaration of Conformity (DoC) drawn up by the non-radio product manufacturer declares conformity to the legislation applicable to its product. We therefore stress that the manufacturer of the non-radio product should not be obliged to refer to the RED in the DoC of the final product.

Alternatively, as a pragmatic solution, we propose that **the technical file of the non-radio product should contain a copy of the DoC of the incorporated radio equipment**, provided by the radio equipment manufacturer, as a means to show that the radio equipment is compliant to the RED. As a matter of fact, this approach is currently applied in the case of pressure equipment incorporated into or connected to machinery, in accordance with Article 3 of the Pressure Equipment Directive



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2014/68/EU and as explained in the Guide to the application of the Machinery Directive (section ²§392).

On a voluntary basis, a copy of the radio equipment DoC can be added to the user manual and/or the other documentation of the final product which is given to the customer. The manufacturer placing the final product on the market will of course need to carry out the risk assessment for the installation of the radio equipment and illustrate the conclusions in the technical file of the non-radio product.

Conclusion

FEM and CECE would like to reiterate that the integration of the radio equipment into the non-radio product should definitely not lead to a duplication of the conformity assessment process borne by the non-radio product manufacturer for the final product. The non-radio product manufacturer cannot and should not become fully responsible for the compliance of the radio product to the RED, as this responsibility lies entirely with the radio equipment manufacturer. It is of fundamental importance to ensure that the non-radio product continues demonstrating conformity to its applicable pieces of legislation (other than RED), while the radio equipment sensibly remains subject to the RED requirements.

Having raised these key concerns, FEM and CECE request that the European Commission should resolve the current deadlock around the combined equipment matter, by duly taking into account our pragmatic proposal which would help give the necessary legal certainty to both the radio product and the non-radio product manufacturers.

² Extract from §392: *The EC Declaration(s) of conformity (...) do not have to accompany the machinery into which they are incorporated but must be included in the technical file for that machinery.*