

Brussels, 03 September 2013

Amendments on the draft European Parliament's Report on the Radio Equipment Directive: Regulate only where this is necessary

Amendments 88-123 ([E 513.158v01-00](#)) on the
European Commission's Proposal [COM \(2012\) 584 final](#) 2012/0238 (COD)

1. INTRODUCTION

Orgalime welcomes the amendments tabled by the Members of the Internal Market and Consumer Protection Committee of the European Parliament on the Commission's proposal for a revised Radio Equipment Directive (RED).

These amendments go along the lines of Ms Weiler's draft Report and improve further the Commission's proposal. In particular, we acknowledge the Parliament's consensus **against any register** (am. 6, 27, 81) and superfluous administrative obligations.

We urge the European Council to follow the Parliament's choice to **preserve the scope's clarification in relation with other directives** (am. 15 and 99). Amendment 99's formulation, which is similar to the one in Machinery Directive (2006/42, Art. 3), enables manufacturers to decide with certainty which conformity assessment procedure to apply and, where relevant, which notified body to address.

Furthermore, we consider it crucial that the Council and Parliament should **keep "communication" as the discriminatory criterion for the definition of "radio equipment"** (amendments 1, 2, 16, 24, 25, 26, 88 and 96). Thereby, equipment using electromagnetic fields for purposes other than communication would stay out of the Directive's scope and continue to be successfully regulated by Electromagnetic Compatibility Directive (EMCD) and Low Voltage Directive (LVD).

Moreover, we urge the European Parliament and Council to endorse the amendments that:

- **exclude broadcast receivers from the Directive's scope** (amendments 118, 120) for the reasons explained hereafter
- **remove unnecessary administrative burden** for placing products on the market and efficiently use new technologies (amendments 37, 42, 93, 103, 104, 105, 106, 107, 108, 109, 111, 112, 113, 115, 121, 123)
- **keep the alignment of the Directive both with Decision 768/2008/EC and the latest developments in the "NLF Alignment Package" and Regulation EU 1025/2012 on European Standardisation** (amendments 3, 8, 9, 10, 11, 14, 19, 20, 21, 22, 30, 31, 32, 36, 40, 41, 44, 48, 52, 53, 55, 56, 57, 62, 66, 67, 68, 70, 71, 72, 73, 75, 77, 78, 85).

Orgalime, the European Engineering Industries Association, speaks for 38 trade federations representing some 130,000 companies in the mechanical, electrical, electronic, metalworking & metal articles industries of 23 European countries. The industry employs some 10.3 million people in the EU and in 2012 accounted for some €1,840 billion of annual output. The industry not only represents some 28% of the output of manufactured products but also a third of the manufactured exports of the European Union.

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For the same reasons we call on the Parliament to vote against amendments 33, 35, 38, 39, 45, 94, 101, 110, 117 and 122.

Finally, we would like to express in more detail our concern on two suggestions that negatively affect the overall Parliament's intention to establish an effective legal framework for the free movement of radio equipment in the internal market:

2. BROADCAST RECEIVERS SHOULD BE EXCLUDED

Orgalime supports amendments 118 and 120 which exclude broadcast receivers from the Radio Equipment Directive's scope. Therefore, we regret Ms Weiler and Mr Van De Camp's intention to withdraw their relevant amendments.

Broadcast receivers, which are pure receivers, should stay outside the RED's scope. So far, these are not regulated by the Radio and Telecommunications Terminal Directive (RT&TE D, Annex I, point 4), but are sufficiently covered by the Directives on Low Voltage (LVD) and Electromagnetic Compatibility (EMCD).

Certain Member States may regulate the functioning of the radio spectrum at national level in a stricter manner. Nevertheless, current experience shows that no action is necessary at EU level.

On the contrary, the inclusion of broadcast receivers in the RED's scope would entail a significant compliance cost with additional formal requirements. In particular, manufacturers of broadcast receivers in most Member States would need to:

1. adjust their conformity assessment procedures with substantive technical changes and
2. involve an accredited body to support their conformity assessment given that harmonised standards are not yet listed under the RED in the official Journal of the EU.

3. THERE IS NO NEED TO RUSH INTO A UNIVERSAL CHARGER

Orgalime considers that a regulatory text is not appropriate for promoting or imposing the compatibility of radio equipment with a universal charger (amendments 5, 92, 97, 98).

EU legislation should intervene in product design only when this is proportionate to protecting public interest, in relation to the scope of the planned legislation. Chargers' variety neither has any impact on the radio spectrum nor poses any danger to users' health or safety.

On the contrary Orgalime considers that users' needs from chargers can be optimized by means of using standards. Manufacturers covering a significant share of the EU market have already declared their intention to respect such European standards for chargers according to a "*memorandum of understanding on the harmonisation of a charging capability for mobile phones*", although this memorandum expired in 2012¹.

Such an approach is the best as it both guarantees flexibility to the market and allows manufacturers to continue to innovate.

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¹ [Letter of intent](#), signed on 13 April 2013