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STATUTORY INSTRUMENTS

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**2017 No. 1206**

**The Radio Equipment Regulations 2017**

**PART 1**

Preliminary

**Citation and commencement**

1. These Regulations may be cited as the Radio Equipment Regulations 2017 and come into force on 26th December 2017.

**Interpretation and application**

2.—(1) In these Regulations—

“the 1987 Act” means the Consumer Protection Act 1987<sup>(1)</sup>;

“accreditation” has the meaning set out in point 10 of Article 2 of RAMS (as amended from time to time);

“accreditation certificate” means a certificate, issued by either the United Kingdom Accreditation Service (a company limited by guarantee incorporated in England and Wales under number 03076190) or by a national accreditation body in another Member State, attesting that a conformity assessment body meets the notified body requirements;

“authorised representative” means a person appointed in accordance with regulation 19;

“CE marking” means a marking which takes the form set out in Annex II of RAMS (as amended from time to time);

“competent national authority” means an authority having responsibility for enforcing the law of a Member State which implements the Directive;

“conformity assessment” means the process demonstrating whether the essential requirements relating to radio equipment have been fulfilled;

“conformity assessment body” means a body that performs conformity assessment activities;

“distributor” means any person in the supply chain, other than the manufacturer, authorised representative or the importer, who makes radio equipment available on the market;

“the Directive” means [Directive 2014/53/EU](#) of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment<sup>(2)</sup>;

“economic operator” means a manufacturer, authorised representative, importer or distributor;

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(1) 1987 c.43.

(2) OJ L 153, 22.5.2014, p.62.

“electromagnetic disturbance” has the meaning set out in point (5) of paragraph 1 of Article 3 of [Directive 2014/30/EU](#) of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to electromagnetic compatibility<sup>(3)</sup>;

“enforcing authority” means any person enforcing these Regulations under regulation 56 (enforcement);

“essential requirements” means the requirements set out in regulation 6;

“EU declaration of conformity” means a declaration of conformity required to be drawn up in accordance with regulation 42 by regulation [10\(1\)\(a\)](#) (EU declaration of conformity);

“European Commission” means the Commission of the European Union;

“harmful interference” has the meaning set out in point (r) of Article 2 of [Directive 2002/21/EC](#) of the European Parliament and of the Council on a common regulatory framework for electronic communications networks and services<sup>(4)</sup> (as amended from time to time);

“harmonised standard” has the meaning set out in Article 2(1)(c) of Regulation (EU) No 1025/2012 of the European Parliament and of the Council on European standardisation<sup>(5)</sup> (as amended from time to time);

“importer” means any person who—

- (a) is established within the EU; and
- (b) places radio equipment from a third country on the EU market;

“make available on the market” means any supply for distribution, consumption or use of radio equipment on the EU market in the course of a commercial activity, whether in return for payment or free of charge, and related expressions must be construed accordingly;

“manufacturer” means a person who—

- (a) manufactures radio equipment or has radio equipment designed or manufactured; and
- (b) markets that radio equipment under that person’s name or trade mark;

“market surveillance authority” has the meaning set out in regulation 55 (designation of market surveillance authorities”);

“national accreditation body” has the meaning set out in point 11 of Article 2 of RAMS (as amended from time to time);

“notified body requirements” means the requirements set out in Schedule 8 (notified body requirements);

“OFCOM” means the Office of Communications established under the Office of Communications Act 2002<sup>(6)</sup>;

“Official Journal” means the Official Journal of the European Union;

“place on the market” means the first making available on the EU market of radio equipment, and related expressions must be construed accordingly;

“put into service” means the first use of radio equipment in the EU by its end-user for the purposes for which it was intended, and related expressions must be construed accordingly;

“radiodetermination” means the determination of the position, velocity and/or other characteristics of an object, or the obtaining of information relating to those parameters, by means of the propagation properties of radio waves;

“radio communication” means communication by means of radio waves;

(3) OJ L 96, 29.3.2014, p.79.

(4) OJ L 108, 24.04.2002, p.33.

(5) OJ L 316, 14.11.2012, p.12.

(6) [2002 c.11](#).

“radio equipment” means—

- (a) an electrical or electronic product, which intentionally emits and/or receives radio waves for the purpose of radio communication and/or radiodetermination, or
- (b) an electrical or electronic product which must be completed with an accessory, such as antenna, so as to intentionally emit and/or receive radio waves for the purpose of radio communication and/or radiodetermination;

“radio waves” means electromagnetic waves of frequencies lower than 3,000 GHz, propagated in space without artificial guide;

“RAMS” means Regulation (EC) No 765/2008<sup>(7)</sup> of the European Parliament and of the Council setting out the requirements for accreditation and market surveillance relating to the marketing of products;

“recall” means taking any measure aimed at achieving the return of radio equipment that has already been made available to the end-user and related expressions must be construed accordingly;

“relevant conformity assessment procedure” means a conformity assessment procedure referred to in regulation 41 (conformity assessment procedures);

“relevant economic operator” means, in relation to radio equipment, an economic operator with obligations in respect of that radio equipment under Part 2;

“technical documentation” has the meaning set out in regulation 45 (technical documentation);

“technical specification” means a document that prescribes technical requirements to be fulfilled by radio equipment;

“weights and measures authority” means a local weights and measures authority within the meaning set out in section 69 of the Weights and Measures Act 1985<sup>(8)</sup>;

“withdraw” means taking any measure aimed at preventing radio equipment in the supply chain from being made available on the market and related expressions must be construed accordingly.

(2) In these Regulations, a reference to radio equipment being “in conformity with Part 2” means that—

- (a) the radio equipment is in conformity with the essential requirements, and
- (b) each relevant economic operator has complied with the obligations imposed on them under Part 2 which must be satisfied at or before the time at which they make the radio equipment available on the market.

(3) In these Regulations (except in Part 4 (notification of conformity assessment bodies) and Schedules 8 (notified body requirements) and 9 (operational obligations of notified bodies)), “notified body” means—

- (a) a notified body within the meaning set out in regulation 46 (notified bodies), or
- (b) a notified body under the laws of any other Member State which implements the Directive.

(4) In regulations 18 and 26 (monitoring in relation to manufacturers and importers respectively) “risk” means a risk which could arise from lawful and readily predictable human behaviour.

(5) In the other provisions of these Regulations, “risk” means a risk—

- (a) which could arise from lawful and readily predictable human behaviour, or
- (b) of non-conformity with the essential requirements.

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(7) OJ L 218, 13.8.2008, p.30.

(8) 1985 c.72; section 69 was amended by Schedule 1 to the Statute Law (Repeals) Act 1989 (c.43); paragraph 75 of Schedule 16 to the Local Government (Wales) Act 1994 (c.19); and paragraph 144 of Schedule 13 to the Local Government etc. (Scotland) Act 1994 (c.39).

(6) In these Regulations, a reference to a Member State must be read as a reference to an EEA State and a reference to the EU must be read as a reference to the European Economic Area.

### Scope

3.—(1) These Regulations apply to radio equipment.

(2) These Regulations do not apply to—

- (a) radio equipment which has been placed on the market before the commencement date,
- (b) equipment listed in Schedule 1 (radio equipment outside the scope of these Regulations), or
- (c) radio equipment exclusively used for activities concerning public security, defence, State security (including the economic well-being of the State) or the activities of the State in the area of criminal law.

(3) Save as provided for in regulation 6(1)(a), radio equipment falling within the scope of these Regulations are not subject to [Directive 2014/35/EU](#) of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to the making available on the market of electrical equipment designed for use within certain voltage limits<sup>(9)</sup> or the Electrical Equipment (Safety) Regulations 2016<sup>(10)</sup>.

(4) Save as provided for in regulation 6(1)(b), radio equipment falling within the scope of these Regulations are not subject to [Directive 2014/30/EU](#) of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to electromagnetic compatibility or the Electromagnetic Compatibility Regulations 2016<sup>(11)</sup>.

### Exception for trade fairs and exhibitions

4.—(1) Nothing in these Regulations prevents the display, of radio equipment which does not comply with these Regulations, at a trade fair, exhibition or similar event provided that a visible sign clearly indicates that the radio equipment—

- (a) is not in conformity with Part 2, and
- (b) may not be made available on the market or put into service until it has been brought into conformity with Part 2.

(2) Nothing in these Regulations prevents the demonstration, of radio equipment which does not comply with these Regulations, at a trade fair, exhibition or similar event provided that all reasonable measures have been taken to avoid harmful interference, electromagnetic disturbances and risk to health and safety of persons, domestic animals or property.

### Putting into service and use

5.—(1) Nothing in these Regulations prevents the putting into service and use of radio equipment in the United Kingdom which is in conformity with these Regulations when the radio equipment is properly installed, maintained and used for its intended purpose.

(2) Nothing in these Regulations prevents the application of additional requirements for the putting into service or use of radio equipment in the United Kingdom for reasons related to—

- (a) the effective and efficient use of the radio spectrum,
- (b) the avoidance of harmful interference,
- (c) the avoidance of electromagnetic disturbances, or

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<sup>(9)</sup> OJ L 96, 29.3.2014, p.357.

<sup>(10)</sup> S.I. 2016/1101.

<sup>(11)</sup> S.I. 2016/1091.

(d) public health.