

Directive 2014/53/EU of the European Parliament and of the Council of
16 April 2014 on the harmonisation of the laws of the Member States
relating to the making available on the market of radio equipment
and repealing Directive 1999/5/EC (Text with EEA relevance)

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter and scope

- 1 This Directive establishes a regulatory framework for the making available on the market and putting into service in the Union of radio equipment.
- 2 This Directive shall not apply to equipment listed in Annex I.
- 3 This Directive shall not apply to radio equipment exclusively used for activities concerning public security, defence, State security, including the economic well-being of the State in the case of activities pertaining to State security matters, and the activities of the State in the area of criminal law.
- 4 Radio equipment falling within the scope of this Directive shall not be subject to Directive 2014/35/EU, except as set out in point (a) of Article 3(1) of this Directive.

Article 2

Definitions

- 1 For the purposes of this Directive, the following definitions apply:
 - (1) ‘radio equipment’ means an electrical or electronic product, which intentionally emits and/or receives radio waves for the purpose of radio communication and/or radiodetermination, or 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;
 - (2) ‘radio communication’ means communication by means of radio waves;
 - (3) ‘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;
 - (4) ‘radio waves’ means electromagnetic waves of frequencies lower than 3 000 GHz, propagated in space without artificial guide;
 - (5) ‘radio interface’ means the specification of the regulated use of radio spectrum;
 - (6) ‘radio equipment class’ means a class identifying particular categories of radio equipment which, under this Directive, are considered similar and those radio interfaces for which the radio equipment is designed;

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- (7) 'harmful interference' means harmful interference as defined in point (r) of Article 2 of Directive 2002/21/EC of the European Parliament and of the Council⁽¹⁾;
- (8) 'electromagnetic disturbance' means electromagnetic disturbance as defined in point 5 of Article 3(1) of Directive 2014/30/EU;
- (9) 'making available on the market' means any supply of radio equipment for distribution, consumption or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge;
- (10) 'placing on the market' means the first making available of radio equipment on the Union market;
- (11) 'putting into service' means the first use of radio equipment in the Union by its end-user;
- (12) 'manufacturer' means any natural or legal person who manufactures radio equipment or has radio equipment designed or manufactured, and markets that equipment under his name or trade mark;
- (13) 'authorised representative' means any natural or legal person established within the Union who has received a written mandate from a manufacturer to act on his behalf in relation to specified tasks;
- (14) 'importer' means any natural or legal person established within the Union who places radio equipment from a third country on the Union market;
- (15) 'distributor' means any natural or legal person in the supply chain, other than the manufacturer or the importer, who makes radio equipment available on the market;
- (16) 'economic operators' means the manufacturer, the authorised representative, the importer and the distributor;
- (17) 'technical specification' means a document that prescribes technical requirements to be fulfilled by radio equipment;
- (18) 'harmonised standard' means harmonised standard as defined in point (c) of point 1 of Article 2 of Regulation (EU) No 1025/2012;
- (19) 'accreditation' means accreditation as defined in point 10 of Article 2 of Regulation (EC) No 765/2008;
- (20) 'national accreditation body' means national accreditation body as defined in point 11 of Article 2 of Regulation (EC) No 765/2008;
- (21) 'conformity assessment' means the process demonstrating whether the essential requirements of this Directive relating to radio equipment have been fulfilled;
- (22) 'conformity assessment body' means a body that performs conformity assessment activities;
- (23) 'recall' means any measure aimed at achieving the return of radio equipment that has already been made available to the end-user;
- (24) 'withdrawal' means any measure aimed at preventing radio equipment in the supply chain from being made available on the market;
- (25) 'Union harmonisation legislation' means any Union legislation harmonising the conditions for the marketing of products;

(26) ‘CE marking’ means a marking by which the manufacturer indicates that the radio equipment is in conformity with the applicable requirements set out in Union harmonisation legislation providing for its affixing.

2 The Commission may adopt implementing acts to determine whether certain categories of electrical or electronic products meet the definition set out in point 1 of paragraph 1 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 45(3).

Article 3

Essential requirements

1 Radio equipment shall be constructed so as to ensure:

- a the protection of health and safety of persons and of domestic animals and the protection of property, including the objectives with respect to safety requirements set out in Directive 2014/35/EU, but with no voltage limit applying;
- b an adequate level of electromagnetic compatibility as set out in Directive 2014/30/EU.

2 Radio equipment shall be so constructed that it both effectively uses and supports the efficient use of radio spectrum in order to avoid harmful interference.

3 Radio equipment within certain categories or classes shall be so constructed that it complies with the following essential requirements:

- a radio equipment interworks with accessories, in particular with common chargers;
- b radio equipment interworks via networks with other radio equipment;
- c radio equipment can be connected to interfaces of the appropriate type throughout the Union;
- d radio equipment does not harm the network or its functioning nor misuse network resources, thereby causing an unacceptable degradation of service;
- e radio equipment incorporates safeguards to ensure that the personal data and privacy of the user and of the subscriber are protected;
- f radio equipment supports certain features ensuring protection from fraud;
- g radio equipment supports certain features ensuring access to emergency services;
- h radio equipment supports certain features in order to facilitate its use by users with a disability;
- i radio equipment supports certain features in order to ensure that software can only be loaded into the radio equipment where the compliance of the combination of the radio equipment and software has been demonstrated.

The Commission shall be empowered to adopt delegated acts in accordance with Article 44 specifying which categories or classes of radio equipment are concerned by each of the requirements set out in points (a) to (i) of the first subparagraph of this paragraph.

Article 4

Provision of information on the compliance of combinations of radio equipment and software

1 Manufacturers of radio equipment and of software allowing radio equipment to be used as intended shall provide the Member States and the Commission with information on

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the compliance of intended combinations of radio equipment and software with the essential requirements set out in Article 3. Such information shall result from a conformity assessment carried out in accordance with Article 17, and shall be given in the form of a statement of compliance which includes the elements set out in Annex VI. Depending on the specific combinations of radio equipment and software, the information shall precisely identify the radio equipment and the software which have been assessed, and it shall be continuously updated.

2 The Commission shall be empowered to adopt delegated acts in accordance with Article 44 specifying which categories or classes of radio equipment are concerned by the requirement set out in paragraph 1 of this Article.

3 The Commission shall adopt implementing acts laying down the operational rules for making the information on compliance available for the categories and classes specified by the delegated acts adopted pursuant to paragraph 2 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 45(3).

Article 5

Registration of radio equipment types within some categories

1 As from 12 June 2018, manufacturers shall register radio equipment types within categories of radio equipment affected by a low level of compliance with the essential requirements set out in Article 3 within a central system referred to in paragraph 4 of this Article prior to radio equipment within those categories being placed on the market. When registering such radio equipment types, manufacturers shall provide some, or where justified all, elements of the technical documentation listed in points (a), (d), (e), (f), (g), (h) and (i) of Annex V. The Commission shall allocate to each registered radio equipment type a registration number, which manufacturers shall affix on radio equipment placed on the market.

2 The Commission shall be empowered to adopt delegated acts in accordance with Article 44 specifying which categories of radio equipment are concerned by the requirement set out in paragraph 1 of this Article, and the elements of the technical documentation to be provided, taking into account the information on the compliance of radio equipment provided by Member States in accordance with Article 47(1) and following an evaluation of the risk of non-implementation of the essential requirements.

3 The Commission shall adopt implementing acts laying down the operational rules for registration and the operational rules for affixing the registration number on radio equipment for the categories specified by the delegated acts adopted pursuant to paragraph 2 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 45(3).

4 The Commission shall make available a central system allowing manufacturers to register the required information. That system shall ensure appropriate control of access to information of confidential nature.

5 Following the date of application of a delegated act adopted pursuant to paragraph 2 of this Article, the reports prepared in accordance with Article 47(1) and (2) shall evaluate its impacts.

Article 6

Making available on the market

Member States shall take appropriate measures to ensure that radio equipment is made available on the market only if it complies with this Directive.

Article 7

Putting into service and use

Member States shall allow the putting into service and use of radio equipment if it complies with this Directive when it is properly installed, maintained and used for its intended purpose. Without prejudice to their obligations under Decision No 676/2002/EC and to the conditions attached to authorisations for the use of frequencies in conformity with Union law, in particular under Article 9(3) and (4) of Directive 2002/21/EC, Member States may only introduce additional requirements for the putting into service and/or use of radio equipment for reasons related to the effective and efficient use of the radio spectrum, to the avoidance of harmful interference, to the avoidance of electromagnetic disturbances or to public health.

Article 8

Notification of radio interface specifications and assignment of radio equipment classes

1 Member States shall notify, in accordance with the procedure set out in Directive 98/34/EC, the radio interfaces which they intend to regulate except:

- a the radio interfaces which fully and without any deviation comply with the Commission decisions on the harmonised use of radio spectrum adopted pursuant to Decision No 676/2002/EC; and
- b the radio interfaces which, in accordance with implementing acts adopted pursuant to paragraph 2 of this Article, correspond to radio equipment which can be put into service and used without restrictions within the Union.

2 The Commission shall adopt implementing acts establishing the equivalence between notified radio interfaces and assigning a radio equipment class, details of which shall be published in the *Official Journal of the European Union*. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 45(3).

Article 9

Free movement of radio equipment

1 Member States shall not impede, for reasons relating to aspects covered by this Directive, the making available on the market in their territory of radio equipment which complies with this Directive.

2 At trade fairs, exhibitions and similar events, Member States shall not create any obstacles to the display of radio equipment which does not comply with this Directive, provided that a visible sign clearly indicates that such radio equipment may not be made available on

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the market or put into service until it has been brought into conformity with this Directive. Demonstration of radio equipment may only take place provided that adequate measures, as prescribed by Member States, have been taken to avoid harmful interference, electromagnetic disturbances and risk to the health or safety of persons or of domestic animals or to property.

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- (1) Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive) ([OJ L 108, 24.4.2002, p. 33](#)).