

**Market surveillance under Third Joint Cross Border
R&TTE Market Surveillance Campaign
++ Findings in 2008-2009 ++**

(ドイツ REGTP の WebSite より)

A joint cross-border market surveillance campaign in the field of the Radio Equipment & Telecommunications Terminal Equipment ('R&TTE') Directive 1999/5/EC was carried out between 1 September 2008 and 1 June 2009 by 23 market surveillance authorities ('MSA') participating in the R&TTE ADCO (Administrative Cooperation) group. The focus of that campaign was private mobile radio ('PMR') products and products that utilises the license exempt 2.4 GHz band. These products were chosen to reflect the importance of the applications to commerce as 2.4 GHz wireless Local Area Networks ('LAN'), CCTV video, PMR etc., are widely used for business communications.

The scope of the campaign included the assessment of compliance of products with the administrative requirements, including Technical Documentation, and the technical requirements of the R&TTE Directive regarding EMC and radio spectrum. In addition, electrical safety compliance checks were carried out by certain MSA on a voluntary basis.

ADCO R&TTE chose to concentrate the third campaign on following R&TTE products:

1. "Private mobile radio (PMR)"

examples: analogue and digital PMR, PMR 446, Tetra, trunk radio etc.

2. "2.4 GHz products."

examples: RLAN, wireless video, remote control etc.

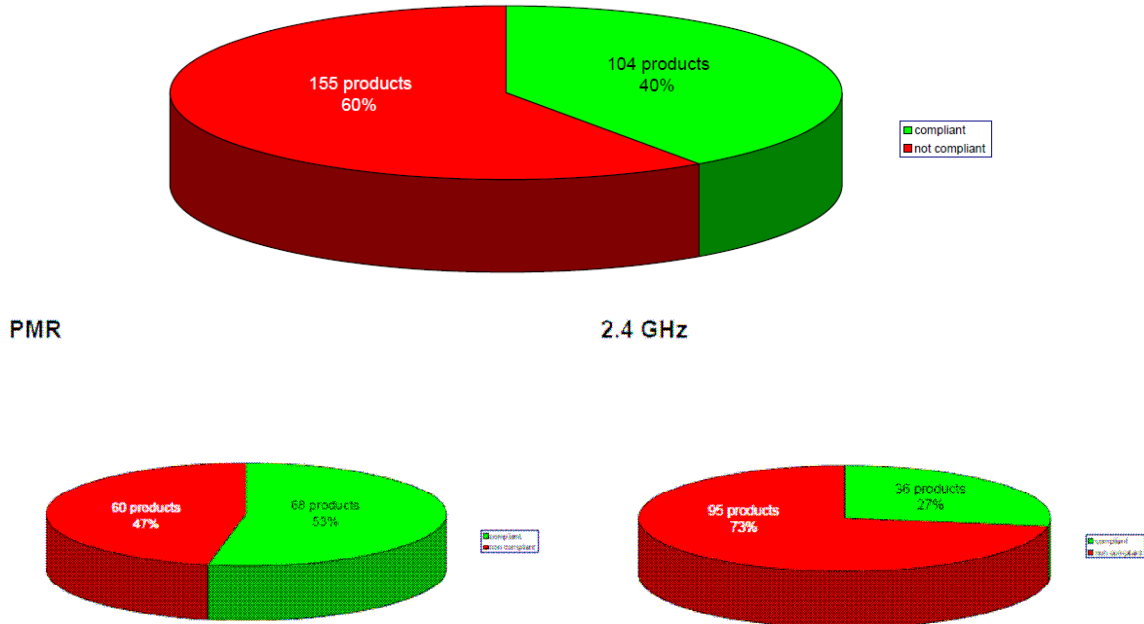
During the campaign 259 products were examined (128 PMR and 131 2.4 GHz products)

The analysis of the results were divided into

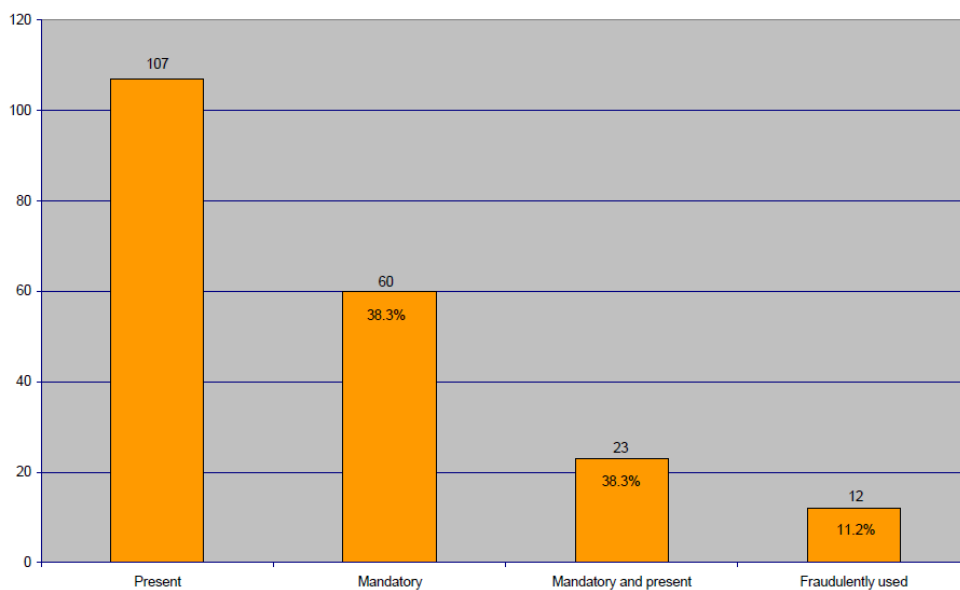
- administrative compliance
- compliance of the Technical Documentation
- technical compliance with the essential requirements set out in article 3.1.a (safety), article 3.1.b (EMC) and article 3.2 (efficient use of spectrum) of the R&TTE Directive based on testing against Harmonised Standards
- a summary of products' overall compliance with the provisions and requirements of the R&TTE Directive mentioned in the previous three bullet points

In summary the results of the third campaign

1. Only 40% of the 259 products surveyed comply with the administrative requirements of the R&TTE Directive (compliance rate PMR: 53% and 2.4 GHz products: 27 %).



2. A total of 107 products were marked with a Notified Body number (41% of all surveyed products). Notified Body involvement was mandatory for 60 products (23.2% of all surveyed products) of which only 23 were marked accordingly. A Notified Body number was fraudulently used on 12 products (11% of all products marked).

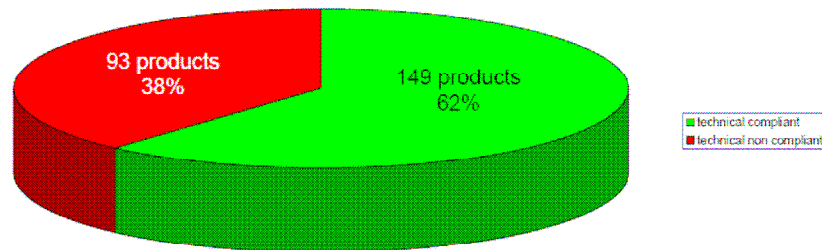


3. 24.8% of the Technical Documentation examined fulfilled the requirements of the R&TTE Directive. Taking in account of cases where no Technical Documentation was available, only 15.7% of the required Technical Documentations complied with the R&TTE Directive (33 out of 219 requested Technical Documentations).

Requirement	Available		Correct	
	Products	%	products	%
General description of the product	109	82%	104	78.2%
Conceptual design and manufacturing drawings and schemes of components, sub-assemblies, circuits	84	63.4%	74	55.6%
Descriptions and explanations necessary for the understanding of said drawings and schemes and the operation of the product	59	44.4%	52	39.1%
Check of the compliance with the requirements of article 3.1.a	111	83.5%	92	69.2%
Check of the compliance with the requirements of article 3.1.b	132	99.2%	117	88.0%
Check of the compliance with the requirements of article 3.2	131	98.5%	123	92.5%
List of the Harmonised Standards referred to in article 5	133	100 %	²	
TD with all above mentioned items			33	24.8%

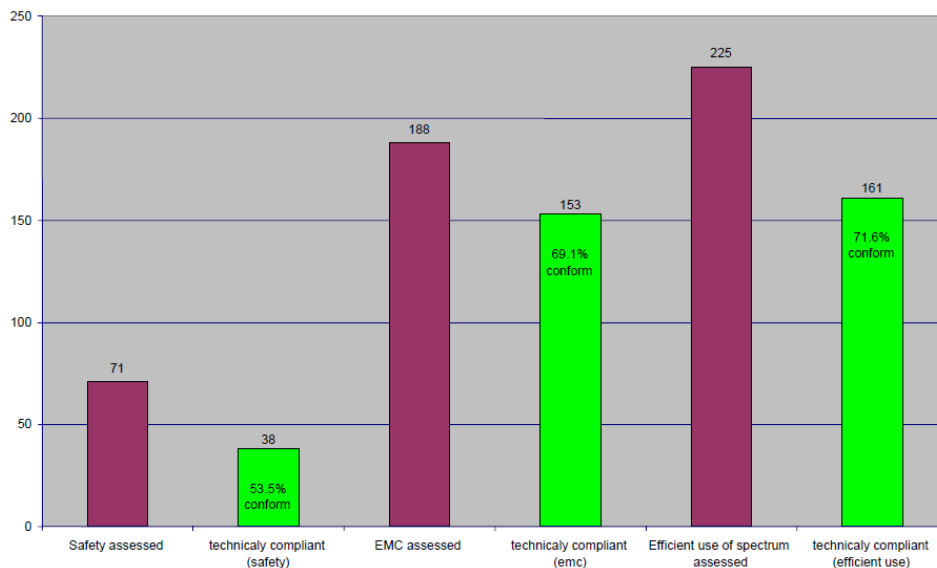
² The requirement was the availability of the list, the correctness of the content was not checked.

4. Only 62% of 242 products tested for their compliance with technical requirements of the R&TTE Directive fulfil the technical requirements when assessed on the basis of relevant standards.

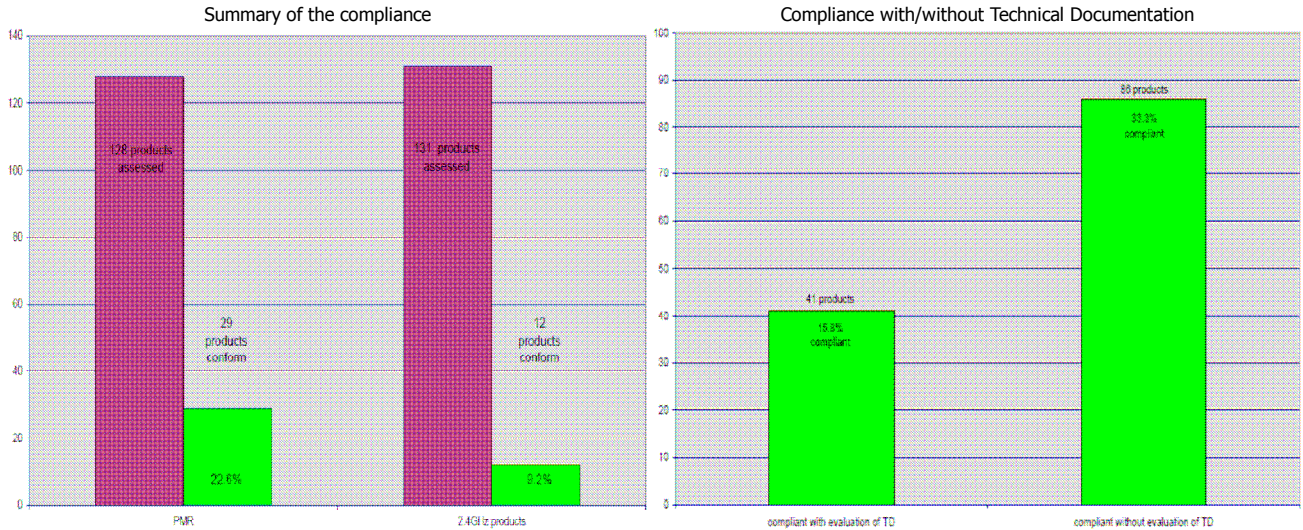


5. Only 53.5% of 71 products assessed against safety are technically compliant.

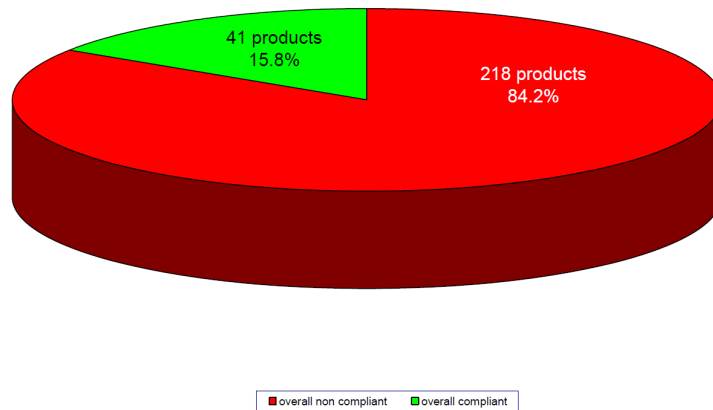
From the 242 products surveyed, 71 were assessed against article 3.1.a (safety), 188 against article 3.1.b (EMC) and 225 against article 3.2 (efficient use of spectrum).



6. Overall, only 22.6% of the checked PMR and 9.2% of the checked 2.4 GHz products fulfil all the requirements of the R&TTE Directive



7. Overall, only 15.8% of the examined 259 products complied with all the requirements of the R&TTE Directive that were addressed in the campaign.



Overall conclusions

The campaign looked at PMR and 2.4 GHz products, which are mass-market products. Clearly, it was only possible to assess a small sample of the overall market. Accordingly the results of the campaign may not exactly reflect the state of products on the European market. Nevertheless, they indicate a significantly low level of overall compliance (only 15.8%). This is partly attributed to shortcomings in fulfilling the TD requirements (level of compliance without taking the Technical Documentation in account: 33.3%).

The level of administrative compliance of PMR from this campaign is 53%. An interesting comparison can be made with the results of the first Market surveillance campaign when a significant number of PMR was assessed. The results then showed a compliance rate of 15% for the same requirements. This indicates a clear improvement, but still shown a low level administrative compliance.

The level of administrative compliance of 2.4 GHz from this campaign is 27% which is lower than the administrative compliance rate for general SRD which was assessed in the second Market Surveillance campaign (41.7%).

The overall level of technical compliance for PMR and 2.4 GHz products is 62%. A total of 93 products failed in one or more of measured aspects. The compliance rate for 2.4 GHz products is slightly higher (62.5%) than for PMR products (59.1%).

Recommendations

1. Efforts should be made to ensure that manufacturers, importers and suppliers of surveyed product groups are continuously informed about the requirements of the R&TTE Directive and their responsibilities.
2. It is recommended to the Commission that a future revision of the R&TTE Directive requires the involvement of a NB in the conformity assessment procedure to be documented and included within the Technical Documentation.
3. It is recommended to the Commission that any future revision of the R&TTE Directive has to clarify the requirements on TD.
4. All national MSA should participate in future Market surveillance campaigns to fulfil the requirements of Market surveillance obligations included in the New Legislative Framework (NLF).
5. Efforts should be made to ensure that the person responsible for placing equipment on the market under his own brand provides, in addition to the Technical Documentation relating to the basic product, sufficient information to identify the original type of products to which it refers.