

Technical Guidance Note on Requirements for Radio Kits

Introduction

Radio Kits are under the scope of the R&TTE Directive unless specifically excluded.

Therefore, a Radio Kit when placed on the Community market is an apparatus according to Article 2 of the R&TTE Directive 1999/5/EC and must comply with the essential requirements of the R&TTED and must be assessed against the essential requirements of the R&TTE Directive (and other relevant Directives where applicable).

Excluded from the scope of the R&TTED (see Annex I of the R&TTED) are:

- ❑ Radio Kits, when assembled resulting in radio equipment operating in frequency bands allocated to the Amateur Radio Service and thus made exclusively for use by Radio-amateurs;
- ❑ Radio Kits, when assembled, resulting in a receive only equipment for the reception of sound and TV broadcasting;
- ❑ Radio Kits, when assembled, resulting in radio equipment under the scope of other Directives that exclude the use of the R&TTED (e.g. the Marine Equipment Directive).

Note that the R&TTED in its definition of “apparatus” (Article 2) does not mention **finished** products, which includes Kits into the scope of the R&TTED.

Also, a Kit need not contain all the necessary materials to make a finished product. If a kit includes a “relevant component” as envisaged in Article 2 of the R&TTED or the Kit makes a “relevant component” when assembled then the R&TTED will apply.

This R&TTE CA Guidance Note has been constructed to allow a harmonised approach by Authorities, Manufacturers, and Notified Bodies across Europe regarding the assessment, documentation and labelling of Radio Kits. (Note: This TGN does not cover TTE Kits, for which a separate R&TTE CA TGN may be necessary).

Conformity Assessment to the Directive's Essential Requirements

Issue:

The R&TTED requires that:

“The conformity assessment procedures shall be used to demonstrate the compliance of the apparatus with all the relevant essential requirements”

“Where a manufacturer has applied the harmonised standards, radio equipment not within the scope of paragraph 10.3 of the R&TTED shall be subject to the procedures described in any one of Annexes III, IV or V at the choice of the manufacturer”.

“Where a manufacturer has not applied or has only applied in part the harmonised standards, radio equipment not within the scope of paragraph 10.3 of the R&TTED shall be subject to the procedures described in any one of Annexes IV or V at the choice of the manufacturer”.

It is clearly the responsibility of the manufacturer of the Radio Kit to demonstrate compliance of the Radio Kit with the essential requirements of the R&TTED. This approach is logical because when Radio Kits are being assembled according to the instructions of the manufacturer the resulting product shall not be in any sense in conflict with the essential requirements of the R&TTED.

However the assessment should be based on the product that results from assembling the Radio Kit in accordance to all instructions given by the Manufacturer of the Radio Kit. To be able to perform this assessment it is necessary that the Manufacturer of the Radio Kit clearly indicates the intended purpose and use of the assembled product in respect to the functional aspects as would normally be required for marketing a finished product for the end user.

Guidance:

1. In all cases assessment of the assembled Radio Kit, according to the instructions of the manufacturer of the Radio Kit must be made against the Essential requirements of the R&TTE Directive Articles 3.1(a) and (b), and Article 3.2 as well as any relevant Article 3.3 requirements if applicable.
2. The assessment procedure applied should be identical to any of the procedures applied to the assembled product, if such product would have been marketed directly as finished product for the end user. This will lead to application of Annexes III, IV or V.

Technical Documentation, Assembling Instructions, User instruction, etc.

Issue:

The R&TTED requires that: "*The manufacturer must establish the technical documentation described in point 4 and he or his authorised representative established within the Community must keep it for a period ending at least 10 years after the last product has been manufactured at the disposal of the relevant national authorities of any Member State for inspection purposes.*"

It is the responsibility of the manufacturer of the Radio Kit, his authorised representative or person first placing the product on the community market to declare that the Kit meets with the essential requirements of the R&TTED. It is also their responsibility to provide all relevant technical documentation to the relevant national authorities of any Member States for inspection purposes.

Guidance:

1. The Radio Kit Manufacturer, his authorised representative or person first placing the Kit on the community market, must ensure that he is aware that all documentation pertaining to the Kit must be supplied, on demand, to the relevant national authority of any Member States as required by the R&TTE Directive.
2. The technical documentation shall include:
 - Description on intended purpose and use of the Radio Kit when assembled in accordance with the Manufacturers instructions;
 - Description on the technical specification of the assembled Radio Kit;
 - List of Standards applied in full or in part, and descriptions and explanations of the solutions adopted to meet the essential requirements of the R&TTED where such standards have not been applied or do not exist;
 - results of design calculations made, examinations carried out and test reports
 - Instructions for the user for assembling the Radio Kit;
 - The user instruction for operating the assembled Radio Kit;
 - Indication to the user of the required level of experience for assembling the Radio Kit;
 - A copy of the Declaration of Conformity
3. All instructions for the user necessary to assemble the Radio Kit and operate the assembled product shall be packed together with the Radio Kit.

Notification

Issue:

The R&TTED requires that: *"Notification shall be given no less than four weeks in advance of the start of placing on the market and shall provide information about the radio characteristics of the equipment (in particular frequency bands, channel spacing, type of modulation and RF-power) and the identification number of the Notified Body."*

Guidance:

1. Notification is the responsibility of the Manufacturer of the Radio Kit
2. The Notification procedure applied shall be identical to any of the procedures applied to the assembled product, if such product would have been marketed directly as finished product for the end user. In the case where a Notified Body has assessed the Radio Kit this will be the Notified Body number given on the notification to the Spectrum Management Agencies.

Marking and identification of the Radio Kit

Issue:

The R&TTED requires that:

"Apparatus complying with all relevant essential requirements shall bear the CE marking. It shall be affixed under the responsibility of the manufacturer, his authorized representative within the Community or the person responsible for placing the apparatus on the market. This includes the identification number of the Notified Body used, if any and the Alert Sign if applicable"

Apparatus shall be identified by the manufacturer by means of type, batch and/or serial number and by the name of the manufacturer or the person responsible for placing the apparatus on the market"

The manufacturer of the Radio Kit however has no real control over the assembled equipment and requiring that the assembled equipment (at the user level) needs identification and CE marking is unrealistic and unnecessary. Although the user is responsible for the actual use and operation of the assembled product the user can not be forced to apply any CE marking to the assembled product. The Radio Kit itself being on the market shall be clearly identified and marked such as to indicate compliance with the requirements of the Directive.

Guidance:

1. The Radio Kit shall bear CE marking on the package and accompanying documents such as the user assembling instructions;
2. The Radio Kit shall be identified by the manufacturer by means of type, batch and/or serial number and by the name of the manufacturer or the person responsible for placing the Radio Kit on the market. The identification shall be on the packaging and accompanying documents such as the user assembling instructions;

Disclaimer

This guidance document does not replace the text of the R&TTE Directive and is for guidance only. In legal disputes the text of the Directive, or its implementation in National legislation takes precedence.