

Are there specific cases?

Yes: national restrictions

Some EU Member States may apply restrictions on the marketing of radio equipment.

The legislation provides that the information available on the packaging shall allow the **identification of the Member States** where such restrictions exist. There are 2 types of restrictions:

- **restrictions on putting into service** related to national specifications for the use of spectrum;
- **requirements for authorisation of use** which concern individual licences or conditions related to an authorisation of use.

The Commission Implementing Regulation (EU) 2017/1354, which entered into force on 9 August 2018, provides two ways to present the information concerning the restrictions on the packaging:

1. A **table** which must include the pictogram below, as well as (under or next to the pictogram) the abbreviations of the Member States concerned.

	BG	EE	BE
---	----	----	----

2. The words "**Restrictions or Requirements in**", followed by the abbreviations of the Member States concerned.

The purpose of this information is to draw the attention of importers, distributors and potential buyers on the restriction conditions.

Situation in Belgium

The **possession and use** of certain types of radio communication devices require a prior authorisation.

Manufacturers, importers and distributors who place these devices on the market must **have a general holder's licence** (see information at the end of this document).

These authorisations can be obtained from **BIPT**.

What administration monitors the market ?

BIPT is responsible for ensuring compliance with the radio equipment legislation.

The Market Surveillance - Equitel Department monitors the market (e.g. shops selling home appliances, IT hardware, medical equipment, electrical or electronic equipment, DIY materials, etc.) as well as the external borders in cooperation with the customs service (importation of containers, postal parcels, e-commerce, etc.).

If the equipment does not comply with the **legislative requirements**, it will be withdrawn from the market, seized or recalled and placing them on the market will be prohibited.

Market monitoring protects the consumer, contributes to fair competition and prevents the marketing of equipment that may pose a risk to the population or that may cause harmful interference.

Additional information:

Our website: <http://www.bipt.be>
Operators » Telecoms » Equipment

Market surveillance: equipment@ibpt.be
Tel. : 02 226 87 01

General holder's licence:
Assignment Department: licencesradio@ibpt.be
Tel. : 02 226 88 61

Edition of **01/01/2020**. Please check the legislation updates.



Belgian Institute for Postal Services
and Telecommunications

Marketing of radio equipment:

Information to
traders,
importers
and distributors



IBPT –Market Surveillance – Equitel Department

Ellipse building C
Boulevard du Roi Albert II 35
B - 1030 Brussels

Tel. +32 (0)2 226 87 01
equipment@bipt.be

www.bipt.be

What do we mean by radio equipment?

It concerns all the devices which can transmit and/or receive radio waves, be it for communication purposes or the provision of audiovisual media services and/or radiodetermination services.

Here are a few examples:

- Smartphones and DECT cordless telephones;
- Mobile radio transmitters/receivers (PMR) used in the maritime and aviation domains, security services, broadcasting...;
- Remote controls of doors (garages, cars, etc.);
- Wireless alarm systems, wireless microphones and earpieces, wireless cameras;
- Devices equipped with a Wi-Fi or Bluetooth chip: computers, tablets, smartwatches, remote controlled toys...;
- Aids to navigation (GPS, Galileo, Glonass), geolocation systems (trackers);
- Connected home appliances: fridges, coffee machines...

In short, any device that has a radio transmitter and/or receiver.

What is the applicable law?

The **Act of 13 June 2005** on electronic communications (in particular art. 32) supplemented by the **Royal Decree of 25 March 2016** on the making available on the market of radio equipment transpose into Belgian law **directive 2014/53/EU** of the European Parliament and of the Council (RED).

The legislation provides that radio equipments placed on the market (i.e. marketed) must comply with **essential** and other requirements.

These requirements are related to:

- health;
- the safety of persons and of domestic animals and the protection of property;
- electromagnetic compatibility;
- an effective and efficient use of radio spectrum to avoid harmful interference;
- certain administrative provisions.

What are the manufacturers' obligations?

Manufacturers must ensure that their products comply with the requirements. They must, among other things:

- draw up the **technical documentation**;
- affix the **CE marking**;
- draw up the **EU declaration of conformity**;
- **keep** the technical documentation and the EU declaration of conformity **for 10 years** after the product has been placed on the market;
- **identify (themselves)**: trade name, address, type, batch or serial number on the product;
- **inform** the competent authorities **in case of risk** to the consumer;
- **provide** enforcement authorities with **all the documents** demonstrating the conformity of the product.
- **ensure** that the **instructions and safety information** are written at least in **all the languages of the country of destination**.

The manufacturer is responsible for its product!

What are the obligations of the traders, importers and distributors?

By affixing the **CE marking** and by adding the **UE declaration of conformity**, the manufacturer declares that its device complies with all the requirements applicable to its product.

What should you check?

- the **CE marking** on the **packaging**



- the **CE marking** on the **product**



- the presence of the **EU declaration of conformity** of the manufacturer or the presence of an internet link to the declaration.

Example :

The form is titled 'EU DECLARATION OF CONFORMITY' and includes the following sections:

1. Model No: AS 100 L240001
2. Name and address of the manufacturer's authorised representative: 2014/53/EU: Radio Equipment
3. This declaration of conformity is issued under the sole responsibility of the manufacturer: _____
4. Object of the declaration: Mobile Phone
5. The object of the declaration described above is in conformity with: _____
6. Where applicable, references to the relevant harmonised standards used or references to the technical specifications in relation to which conformity is declared: EN 50365-2:2006 + A1:2010 + A2:2013 + A11:2009 + A12:2011, EN 50366:2017, EN 50566:2017, EN 50478:2010, Draft ETSI EN 301 488-10:2017 (V2.1.0), Draft ETSI EN 301 488-02:2016 (V1.1.0), EN 301487-17:2017 (V2.1.1), Draft ETSI EN 301 488-10:2017 (V2.1.1), EN 300330:2016 (V2.1.1), EN 300330-2:2017 (V2.1.1), Draft ETSI EN 300440:2017 (V2.2.0), EN 201511:2017 (V12.6.1), EN 301881:2017 (V2.1.1), EN 301880-13:2017 (V1.1.1), EN 301880-1:2016 (V1.1.1), EN 301880-2:2017 (V1.1.1), EN 300413:2017 (V1.1.1), EN 300417:2017 (V1.1.1)
7. Where applicable, the notified body (name and number), description of intervention and certificate: CETECOM GmbH GmbH, An 1.16, An 3.16, An 3.3, M18-1081-1762
8. Where applicable, description of accessories and components, including software, which allow the radio equipment to operate as intended and covered by the EU declaration of conformity: Software: S1, S2, S3
9. Additional information: Accessories/ies: BPT Mobile Accessories

Signed for and on behalf of: IBPT - IBPT Belgium, Bâtiment C - 1030 Bruxelles

Brussels, 2018-06-09

ACCREDITED
Diversity
Branch Manager

IBPT Belgium Limited. A company registered in Belgium.
Registered Address: Bâtiment C, Boulevard de la Woluwe 62 - 1200 Brussels. Registered company number: 0888661.
Website: www.ibpt.be

If you receive a batch of 500 wireless doorbells, each one must bear the CE marking on it as well as on its packaging, AND each one must have its declaration of conformity.

- **Traceability**



If during an inspection you are unable to provide the identity of the "person responsible for placing the equipment on the market", you shall be presumed to be that person and will shoulder all the responsibility.

Articles 9 and 10 of the Royal Decree of 25 March 2016 on the making available on the market of radio equipment

At a legal level, you (traders, importers or distributors) assume a share of responsibility: you must then check all the points of attention, even if the manufacturer bears the ultimate responsibility.