The Regulatory Environment in Europe

How does ETSI help?

ETS Seminar
© ETSI 2014. All rights reserved
European regulations on radio equipment and spectrum

Policy positions
Legal certainty
Political support

Harmonizing National Frequency Allocations
Harmonizing NRA activities
Coordinating International Negotiations

THE REGULATORY ENVIRONMENT
How does it work?

Harmonized Standards and other deliverables to support EU legislation & market development

EC
European Commission

CEPT
ECC
Electronic Communications Committee

ETSI
European Telecommunications Standards Institute

© ETSI 2014. All rights reserved
Regulatory needs to use a radio equipment

- Permission to put an equipment on the market
- Harmonized Standard
- Permission to use the related radio frequencies
- System Reference Document
<table>
<thead>
<tr>
<th>Albania</th>
<th>Lithuania</th>
</tr>
</thead>
<tbody>
<tr>
<td>Andorra</td>
<td>Luxembourg</td>
</tr>
<tr>
<td>Austria</td>
<td>The Former Yugoslav Republic of Macedonia (FYROM)</td>
</tr>
<tr>
<td>Azerbaijan</td>
<td>Malta</td>
</tr>
<tr>
<td>Belarus</td>
<td>Moldova</td>
</tr>
<tr>
<td>Belgium</td>
<td>Monaco</td>
</tr>
<tr>
<td>Bosnia and Herzegovina</td>
<td>Montenegro</td>
</tr>
<tr>
<td>Bulgaria</td>
<td>Netherlands</td>
</tr>
<tr>
<td>Croatia</td>
<td>Norway</td>
</tr>
<tr>
<td>Cyprus</td>
<td>Poland</td>
</tr>
<tr>
<td>Czech Republic</td>
<td>Portugal</td>
</tr>
<tr>
<td>Denmark</td>
<td>Romania</td>
</tr>
<tr>
<td>Estonia</td>
<td>Russian Federation</td>
</tr>
<tr>
<td>Finland</td>
<td>San Marino</td>
</tr>
<tr>
<td>France</td>
<td>Serbia</td>
</tr>
<tr>
<td>Georgia</td>
<td>Slovak Republic</td>
</tr>
<tr>
<td>Germany</td>
<td>Slovenia</td>
</tr>
<tr>
<td>Greece</td>
<td>Spain</td>
</tr>
<tr>
<td>Hungary</td>
<td>Sweden</td>
</tr>
<tr>
<td>Iceland</td>
<td>Switzerland</td>
</tr>
<tr>
<td>Ireland</td>
<td>Turkey</td>
</tr>
<tr>
<td>Italy</td>
<td>Ukraine</td>
</tr>
<tr>
<td>Latvia</td>
<td>United Kingdom</td>
</tr>
<tr>
<td>Liechtenstein</td>
<td>Vatican City</td>
</tr>
</tbody>
</table>

© ETSI 2014. All rights reserved
CEPT-ETSI Memorandum of Understanding

- ETSI develops “System Reference Documents” to accompany requests for aligned radio frequencies in CEPT countries
- CEPT/ECC studies compatibility and develops conditions for spectrum sharing
- ETSI members may participate in studies and the drafting of spectrum measures
- ETSI is a permanent observer in CEPT/ECC groups that adopt Decisions & Recommendations on spectrum allocations
- Individual National Administrations may commit themselves to implement CEPT/ECC Decisions
The implementation of CEPT/ECC deliverables is subject to the decision of National governments

- If use of frequencies is not harmonised in all EU Member States, the manufacturer is required to inform the National authorities 4 weeks before placing his equipment on the market!
How can ETSI help (3)?

ETSI and CEPT assist the European Commission to develop spectrum measures which are binding on National governments.

Commission Decisions provide legal certainty in:
- EU Member States
- EEA Countries
Spectrum: How do we get an ETSI input?

Basic description of application
Simple technical description
- Current ETSI standards
Justified spectrum requirements
- Possible compatibility issues
Market forecasts
- Traffic evaluation
- Economic/social benefit
- Market window
Requested action from CEPT

Guide EG 201 788
Spectrum: How do we get an ETSI view?

System Reference Document

Affected ETSI TBs

Have all interested parties been consulted?

Is there consensus?

Resolution by members of affected TBs

SRDoc to CEPT
Spectrum and equipments regulation in Europe

- Spectrum requirement from ETSI members, EC etc.
- Creation of SRDoc
  - System Reference Document (SRDoc)
  - ETSI Liaison Officer
- Creation of Decision / Recommendation
  - ECC Decision / Recommendation
  - ETSI Representative
- Creation of EC Decision
  - EC Decision
- National frequency allocations
- National licensing regimes
  - RSCom
- World Radio Conference (WRC)
  - Global spectrum allocation
  - Spectrum allocation with legal certainty
The Radio Spectrum Decision (676/2002/EC)

Radio Spectrum Committee (RSCOM)

European Commission requests CEPT to provide frequency allocations in support of EU policies

CEPT output codified into a Commission Decision

Legal certainty!
Permission to put an equipment on the EU market
Directives and Regulations (equipment)

Radio & Telecommunications Terminal Equipment (RTTE) Directive
1999/5/EC (replaced by RED)

Radio Spectrum Decision
676/2002/EC

(replaced by 2014/30/EU on 20/04/16)

© ETSI 2014. All rights reserved
Aim of the RTTE Directive

- Directive establishes a regulatory framework for the placing on the market, free movement and putting into service in the Community of radio equipment and telecommunications terminal equipment.

The market for RTTE equipment exceeds 30 BEURO and is undergoing rapid growth.

It was previously regulated through an EU Directive (98/13/EC) and more than 1000 national approval regulations.

As of 8 April 2000 the RTTE directive has replaced these national regulations and governs the marketing and use of R&TTE equipment.

Directive establishes a regulatory framework for the placing on the market, free movement and putting into service in the Community of radio equipment and telecommunications terminal equipment.

What does a manufacturer need to do? (EC RTTE Directive)

Meet “essential requirements”
• Health & safety
• Electromagnetic compatibility
• Avoidance of harmful interference
  • Radio equipment only
• Possibly others, if invoked by the EC

Carry out “essential radio test suites”

Meet National radio interface regulations

Inform member state before placing on the market
• If using non-harmonised radio spectrum

CE (!)
How can ETSI help (1)?

A manufacturer can show that he meets essential requirements by applying ETSI Harmonized Standards.
Harmonised Standards

“a European standard adopted on the basis of a request made by the Commission for the application of Union harmonisation legislation” [Reg. 1025/2012 Art. 2 (1) (c)]

“Where apparatus meets the relevant harmonised standards or parts thereof whose reference numbers have been published in the Official Journal of the European Communities, Member States shall presume compliance with those of the essential requirements referred to in Article 3 as are covered by the said harmonised standards or parts thereof.” [RTTED: Article 5.1]
Harmonised Standards

- European Standards (EN)
- Produced under a mandate from the European Commission
  - And adopted by Member States (Reg 1025/2012 ctee on standards)
- Implement essential requirements
- Adopted by National Standards Organisations
- Cited in the Official Journal of the European Union
- Member states required to presume conformity
- More than 185 ETSI standards listed under RTTE&D and EMCD
Harmonised Standards (RTTE)

- Mandate M/284 (& specific mandates)
- Identify technical requirements necessary to meet regulatory objective (essential requirements)
- Identify « essential radio test suites » necessary before placing on the market

Only the part of the standard relevant to the Directive is cited in the OJEU
ETSI technical work is co-ordinated in ETSI by a Steering Committee (OCG RTTED)

Commission refers regulatory issues to Member States (TCAM committee)

ETSI is member of a TCAM expert group
But ...??!!

How can Administrations be sure that standards protect the spectrum adequately?
- Technical requirements are set by consensus of Administrations and Industry, in co-operation with CEPT

What to do with non-compliant equipment?
- Effective market-surveillance is key
- Members States shall take steps to remove non-compliant equipment from the market

But what is there’s a mistake in the standard?
- Revisions can be initiated quickly
- Safeguards can be invoked in worst cases
Spectrum and equipments in Europe

From ETSI members, EC etc.

Spectrum requirement

Creation of candidate HS

Candidate Harmonized Standard

Citation in Official Journal of the EC

Harmonized Standard

© ETSI 2014. All rights reserved
Spectrum and equipments regulation in Europe

- From ETSI members, EC etc.
- Spectrum requirement
- Creation of SRDoc
- Creation of Decision / Recommendation
- ECC
- System Reference Document (SRDoc)
- ETSI Liaison Officer
- ECC Decision/ Recommendation
- EC Decision
- Citation in Official Journal of the EC
- Harmonized Standard
- National licensing regimes
- Creation of EC Decision
- National frequency allocations
- ECC Decision
- RSCom
- World Radio Conference (WRC)
- Global spectrum allocation
- Spectrum allocation with legal certainty
Legal certainty in EU/EFTA!

ETSI Harmonized Standard and EC Spectrum Decision: access to market and right to use spectrum with legal certainty
New EU Legislation in 2014

Electromagnetic Compatibility (EMC) Directive 2014/30/EU
- OJ L96 29 March 2014
- Replaces 2004/108/EC

Low Voltage Directive 2014/35/EU
- OJ L96 29 March 2014
- Replaces 2006/95/EC

- OJ L153 22 May 2014
- Replaces Radio & Telecommunication Terminal Equipment Directive (RTTED) 1999/5/EC
No need to cover wired terminal equipment, concentrate on radio equipment

Increased emphasis on efficient use of spectrum, in particular by improving radio receiver requirements

Improved provisions for market surveillance & enforcement (in particular between Member States)
  - Simplified marking requirements
  - Product registration can be introduced in cases of extensive non-compliance

Clear link with Radio Spectrum Decision

New provisions for software-defined radio
Scope:

RED covers equipment which intentionally transmits or receives radio waves:
  • Including broadcast receivers
  • Commission may refine the definition via an implementing act (Art 2.2)

RED covers equipment for Radio communications and/or Radio determination
  • Operating up to 3000 GHz (no lower frequency limit)
2014/53/EU RED does **not** cover

- **Wired telecommunication terminal equipment**

- **Equipment exclusively for public security, defence etc.**

- **Equipment for radio amateurs**
  - Unless made available on the market

- **Marine equipment falling under 96/98/EC (Marine Equipment Directive)**

- **Airborne Products falling under Regulation 216/2008 (EASA Regulation)**

- **Equipment using radio waves for other purposes (e.g. RF heating, medical imagery...)**
Entry into force & transition

Member states shall transpose the RED into National law before 13 June 2016.

Equipment which was compliant to RTTED before 13 June 2016 may continue to be placed on the market until 13 June 2017.
1) Impact of RED: initial assessment of draft mandate

- Initial analysis of existing Harmonised Standards under RTTED art 3.2 to transform for RED
  - Group A: Technically complete, require recasting for RED
  - Group B: Receiver requirements known, but specified in other documents
  - Group C: No receiver requirements specified
  - Group D: New Harmonised Standards required
  - Group E: Some existing Harmonised Standards may be obsolete

- Standards will need to be prioritised in draft work programme
  - Subsequent mandates probably needed

- Many standards under art. 3(1) under responsibility of CENELEC
  - Safety (article 3(1)a)
  - EMC standards for Broadcast Receivers (article 3(1)b)
  - Existing co-operation & work repartition agreements apply
Keeping up to date

http://portal.etsi.org
http://www.etsi.org
http://www.newapproach.org

Any questions?