Report on the second joint cross border R&TTE Market Surveillance campaign carried out in 2005/06 by European Market Surveillance Authorities

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1 Executive Summary 3

2 Background 4

2.1 Reasons and aims for the 2nd cross-border Campaign 4
2.2 Practical Arrangements 5
2.3 About the report 6

3 Choice of equipment surveyed 6

4 Data collecting, processing and Method of analysis 6

5 Test results and Analysis of results 7

5.1 General analysis 7
5.2 Administrative compliance 8
5.3 Technical documentation compliance 10
5.4 Technical compliance 12
5.5 Involvement of notified bodies 17
5.6 Overall compliance 18

6 Overall conclusions 18

7 Recommendations 20

8 Abbreviations 21

1 Executive Summary

A joint cross-border market surveillance campaign in the field of the Radio & Telecommunications Terminal (R&TTE) Directive was carried out between 1st September 2005 and 1st June 2006 by 17 market surveillance authorities (MSAs) participating in the R&TTE ADCO (R&TTE Administrative Cooperation) group. It targeted short-range devices (SRDs) which had been identified as a major problem with many administrative shortcomings in a previous joint cross-border market surveillance campaign carried out in 2002/2003. As these are mass-market products, a wide variety of which are available in Europe, it was decided to make SRDs the subject of a second campaign.

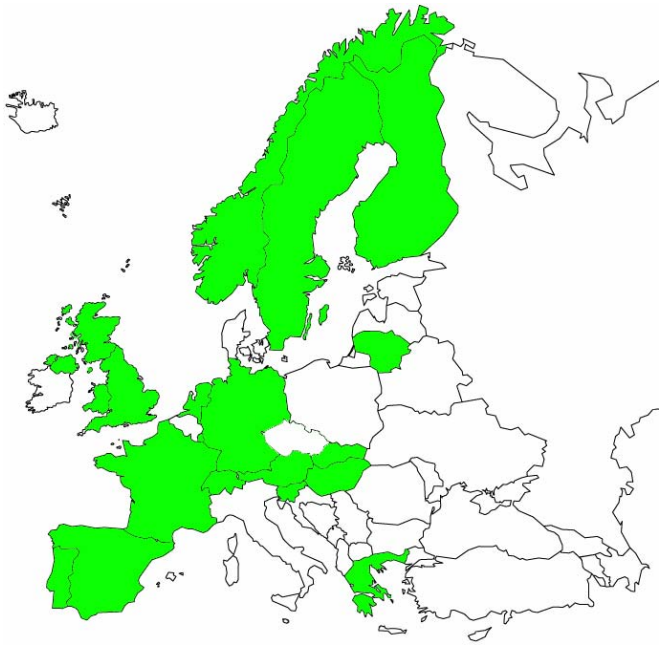

Figure 1 : Countries participating in the campaign

The scope of the campaign included the compliance of the products surveyed with the administrative and technical documentation requirements of the R&TTE Directive and, if the resources of individual MSA resources allowed, certain technical requirements of the Directive. These latter requirements covered the EMC and radio spectrum requirements of the Directive. Electrical safety compliance was not addressed in this campaign.

The campaign had the additional purposes of improving information exchange between MSAs, to give the newer Member States a chance to participate in R&TTE market surveillance, and to raise the awareness of the R&TTE Directive in the minds of consumers and industry. The campaign involved co-ordinated information gathering, reporting and analysis of results about particular products. Decisions about subsequent enforcement actions were left to Member States' individual discretion for subsidiarity reasons.

The results of the second campaign showed that, overall

- Only 41.7% of the 180 SRDs surveyed comply with the administrative requirements of the R&TTE Directive. The result shows an improvement for the equivalent result for SRDs (19.1%) of the previous campaign.
- Only 12.0% of 150 SRDs examined fulfilled the requirements with regard to the technical documentation.

- Only 56.2% of 169 SRDs tested for their compliance with technical requirements of the R&TTE Directive fulfil the EMC and radio spectrum aspects when assessed on the basis of relevant standards.
- Overall, only 6.0% of the examined 150 SRDs complied with all the requirements of the R&TTE Directive that were addressed in the campaign!

While the above results were interesting, the campaign gave little insight into the causes of the substantial non-compliances they indicated, which limited the conclusions that could be drawn as a result. The report therefore focuses on the analysis of statistics collected during the course of the campaign that show the relative level of non-compliance with various requirements of the Directive, without speculating on the causes of such non-compliances. However, a follow-up investigation into the causes could be very valuable for all involved parties (administrations, manufacturers, importers, dealers, users).

The principal conclusions drawn from the campaign were as follows:

1. The level of compliance of SRDs present on the European market is too low.
2. Most of SRDs came from outside Europe (especially China and Taiwan). There was no significant difference regarding the level of administrative and technical compliance based on measurements between SRDs originating inside and outside Europe.
3. The result of the campaign shows, that it is really important for MSA to check the technical aspects because MSA can not fully trust what TD states (if TD exists).
4. Many SRDs were marked with a NB number even though the products claimed to be compliant with the relevant harmonised standard.

A full list of all the conclusions and recommendations are shown in chapter 6 and 7 of the report.

2 Background

2.1 Reasons and aims for the 2nd cross-border Campaign

A joint cross-border Market Surveillance Campaign in the field of the R&TTE Directive was carried out in 2002/2003 by 19 MSA participating in the R&TTE ADCO group. The campaign covered a wide range of products but was limited in its scope to administrative issues. A low level of compliance was identified, with only 24% of the products assessed being fully compliant. However, the campaign did not address the issue of the technical compliance of the equipment surveyed, so no conclusions could be drawn in that respect. Nevertheless the campaign was effective in providing a common methodology to be applied by market surveillance field staff, and in strengthening cross-border co-operation and contacts between Member States' national Market Surveillance Authorities (MSAs).

Following the conclusion of the campaign, the issue was discussed as to whether the degree of non-compliance with the administrative requirements found in the campaign was indicative of a similar degree of non compliance with the technical requirements of the R&TTE Directive. Both MSAs and industry expressed concerns about this issue.

It was therefore agreed at the meeting of the R&TTE ADCO group in Prague in June 2004 that a second campaign should be undertaken which could address this issue. It was decided that the second campaign should focus on a particular product type covered by the R&TTE Directive, but that the scope of the campaign itself should be broadened to include compliance with the administrative requirements, technical documentation requirements and, if resources allowed, the technical requirements of the Directive. With regard to these latter requirements, the scope of the campaign was restricted to the EMC requirements (Article

3.1b) and radio spectrum requirements (Article 3.2) of the R&TTE Directive, based on compliance with the relevant harmonised standards. Electrical safety compliance (Article 3.1a) was not addressed in this campaign.

The aim of the campaign was to focus on collecting and analysing statistics covering various aspects of the Directive that would show the relative level of compliance or non-compliance with the requirements of the Directive. It did not aim to draw conclusions about the causes of such statistical results, which could be dealt with in further (third) campaign.

Short-range devices (SRDs) had been identified as a major problem with many administrative shortcomings in the previous campaign. As these are mass-market products, a wide variety of which are available in Europe and since their use is not submitted to an individual authorisation, it was decided to make SRDs the subject of the second campaign.

As the previous campaign, the second campaign had the additional purpose of improving information exchange between MSAs, to give the new Member States a chance to participate in R&TTE market surveillance, and to raise the awareness of the R&TTE Directive in the minds of consumers and industry. The campaign involved co-ordinated information gathering, reporting and analysis of results about particular products. Decisions about subsequent enforcement actions were left to Member States' individual discretion, as this is a national matter under the principle of subsidiarity.

As market surveillance is an essential tool for the enforcement of New Approach directives[1] the European Commission is placing increasing emphasis on effective market surveillance in the context of the New Approach Review, and cross-border campaigns have proven to be an effective means of carrying out such activities. The Chairman of R&TTE ADCO reported to the Telecommunication Conformity Assessment and Market Surveillance Committee (TCAM) in November 2004 that a further cross-border campaign was planned covering besides administrative requirements also the technical documentation and compliance of SRDs. This was welcomed by the Commission and industry.

2.2 Practical Arrangements

Participation
Participation in the campaign was voluntary, and was open to all MSAs of the R&TTE ADCO group. With the support of TCAM and CEPT ECC WG RA, the 2nd campaign on the operation of the R&TTE Directive in Europe was conducted jointly by ADCO and WGRA/RA1.

Timing
The campaign began on 1 September 2005, and the information gathering, testing and data-reporting phase of the campaign was of 9 months duration, ending on 1 June 2006. Within that period, participating Member States were responsible for their own timing of market surveillance actions. Test results could be uploaded to CIRCA at any time during the course of the campaign so that they could be discussed, and interim conclusions drawn.

However, following the testing part of the campaign, one further month, ending on 1 July 2006, was allowed for the remaining results obtained during the campaign to be uploaded to CIRCA.

Common understanding / Code of Practice
In order for the campaign to be effective, it was important that participating Member States had a common understanding of its purpose and, as far as possible, used a harmonised practice when carrying out this campaign. The “Code of Practice and Guidance Document”

[1] Article 8 of the “Guide to the implementation of directives based on the New Approach and the Global Approach” (blue guide)

was intended to describe the purpose and the practices to be employed when carrying out the campaign.

2.3 About the report

It was agreed that following the analysis of the results of the campaign, a report would be presented to TCAM and CEPT ECC/WG RA. This present document constitutes the report of the campaign.

Based on the conclusions of the campaign this report set out recommendations for future actions. These may include measures aimed at improving manufacturer's awareness of the R&TTE Directive and/or recommendations for further campaigns.

3 Choice of equipment surveyed

It was decided to make Short-range devices (SRDs)[2] the subject of this campaign.

SRDs had been identified as a major problem with many administrative shortcomings in the first market surveillance campaign (ref no. ADCO15(03)17/RA11(03)10). This kind of equipment is a mass-market product and a large variety of such products are available in Europe.

To obtain the broadest possible view of products on the European market, the chosen products included a mixture of class 1 and class 2[3] equipment.

It was decided that the MSA would make their own choice of the specific types (manufacturers/models) of SRDs to be surveyed and the quantities to be tested. Up to ten (10) different types of SRD products should be surveyed if possible. However it was recognised that this could lead to different MSA testing the same type of equipment and that this could influence the results.

To avoid this possibility, MSAs were requested to upload basic information (e.g. manufacturer, product type, quantities) about the SRDs they had selected for testing, as soon as this was determined, to a special CIRCA folder.

4 Data collecting, processing and Method of analysis

Data on the equipment surveyed were collected on the ADCO section of the secure CIRCA website which is accessible by all Member States attending ADCO. All countries participating in the campaign or otherwise viewing the website were required to respect the confidentiality of the data. The identification of the surveyed equipment was treated in complete confidence.

Processing of the collected data was agreed to be done by ERO in cooperation with ADCO R&TTE and WGRA/RA1. This gave an independent view of the campaign which was helpful in reaching the common understandings, as well as in the data analysis. The results submitted by individual MSAs were consolidated into one overall Excel spreadsheet and converted for analysing different aspects of the campaign.

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[2] For more detailed information see Recommendation ERC/REC 70-03 relating to the use of short-range devices (http://www.ero.dk/documentation/docs/doc98/official/pdf/REC7003E.PDF) and the national restrictions and classification of equipment in accordance with the R&TTE Directive (1999/5/EC) (http://www.ero.dk/R&TTE).

[3] Commission Decision on establishment of the Equipment Classification List: http://ec.europa.eu/enterprise/rtte/RTTE/decision/classif.htm
The (indicative) equipment classification list is given at: http://www.ero.dk/R&TTE

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.b (EMC) and article 3.2 (radio aspects) of the Directive based on testing against harmonised standards
- a summary of products' overall compliance with the provisions and requirements of the Directive mentioned in the previous three bullet points

The results provided also an opportunity to analyse the conformity aspects by Country of origin. The intention was to try to find out whether there were any systematic differences between the level of compliance of products originating from inside or from outside Europe which might be of interest to MSA, and which might reflect particular problems on the part of manufacturers or importers. Obviously, non-conformity with the requirements of the Directive can occur in respect of products from any country. MSA are responsible for ensuring that their actions are applied in a non-discriminatory fashion, regardless of the country of origin of the products in question.

The Country of origin was determined from information stated on the product or failing that, the declaration of conformity. If such information was not available the product was reported as being “not known”.

5 Test results and Analysis of results

5.1 General analysis

During the campaign 180 SRDs were examined, of which 169 were measured for technical compliance and 150 technical files were examined. Only 2 SRDs were identical.

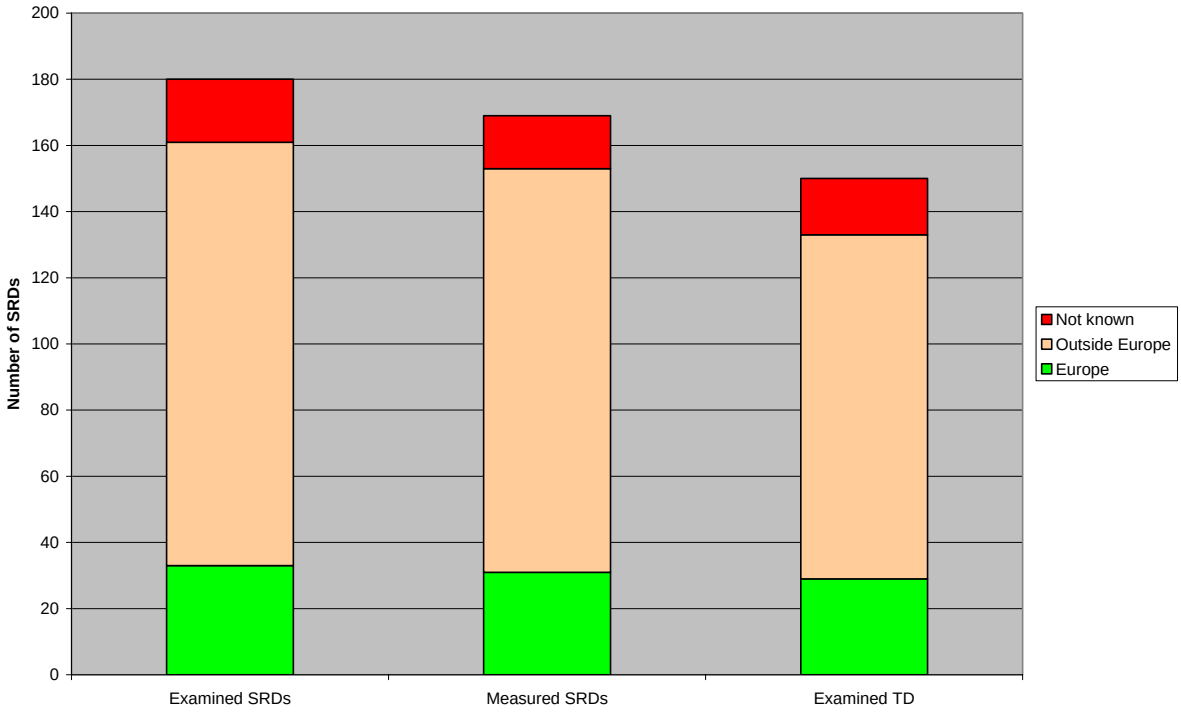


Figure 2 : Origin

Most of SRDs came from outside Europe (especially China and Taiwan). For some products, the country of origin could not be determined. The following figure shows the origin of the products:

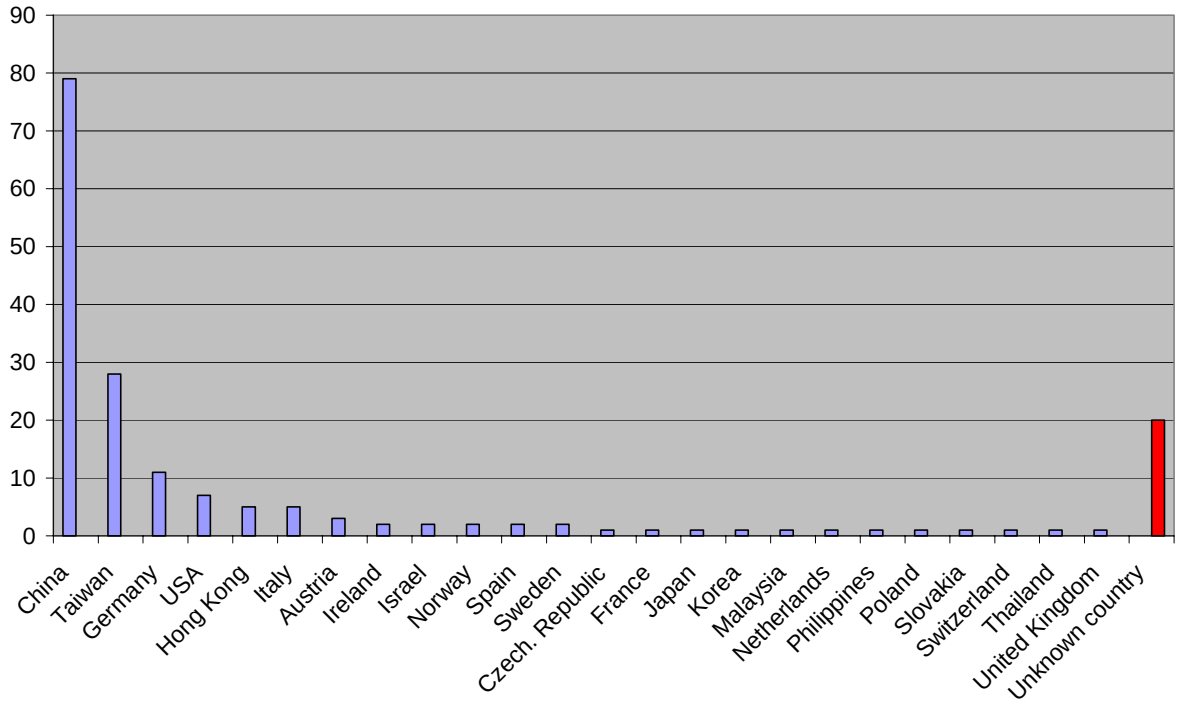
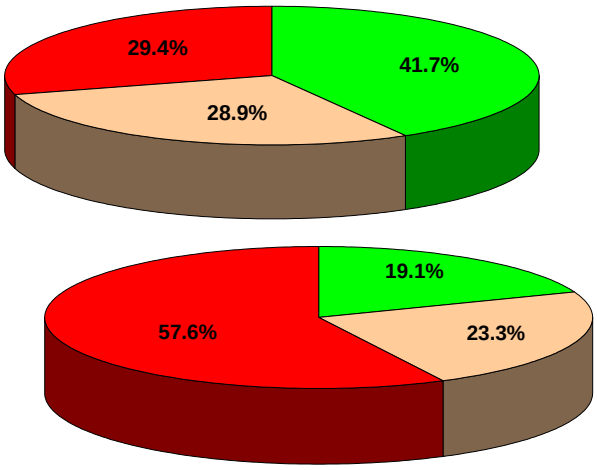


Figure 3 : Country of origin of the examined SRDs



5.2 Administrative compliance

The following figure shows the compliance of the surveyed SRDs with the administrative requirements compared with the first campaign.

Actual campaign

First campaign (only for SRDs)

Figure 4 : Administrative compliance

The result of the second campaign for SRDs shows a better administrative compliance (42%) than the equivalent figure in the first campaign (19%).

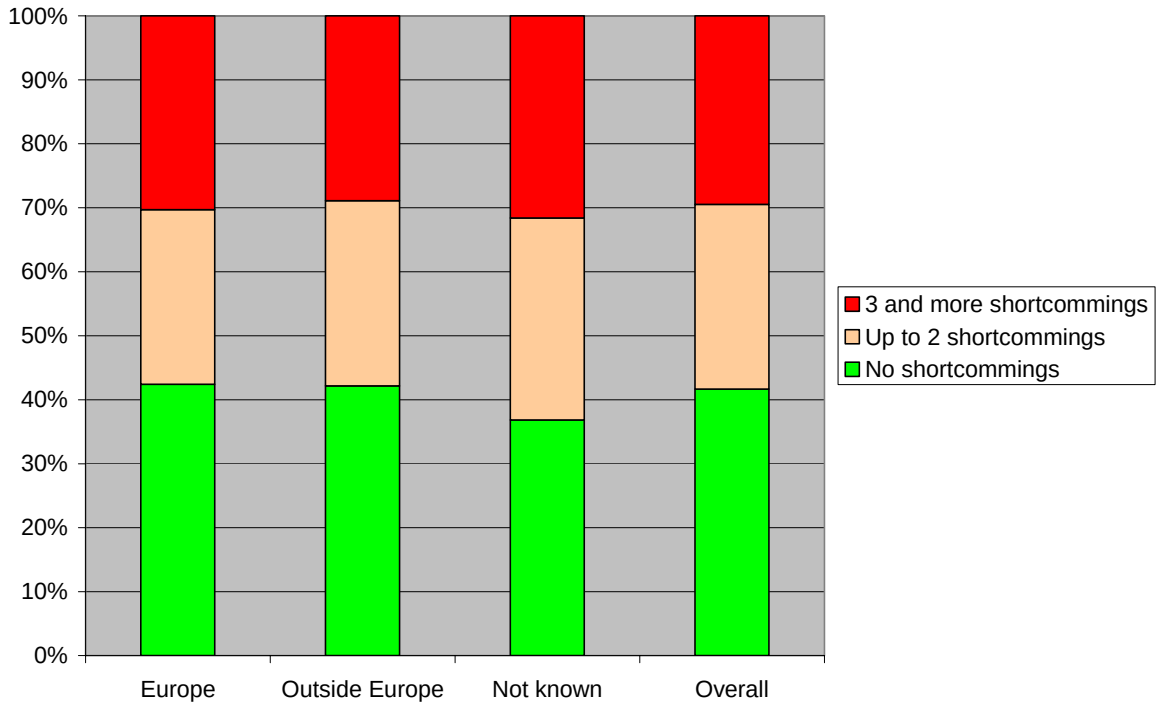


Figure 5 : Administrative compliance vs. origin

There was no significant difference regarding the level of administrative compliance between SRDs originating inside and outside Europe.

As in this campaign, the details for the administrative compliance were not recorded; the following chart shows the level of presence of information on the SRD.

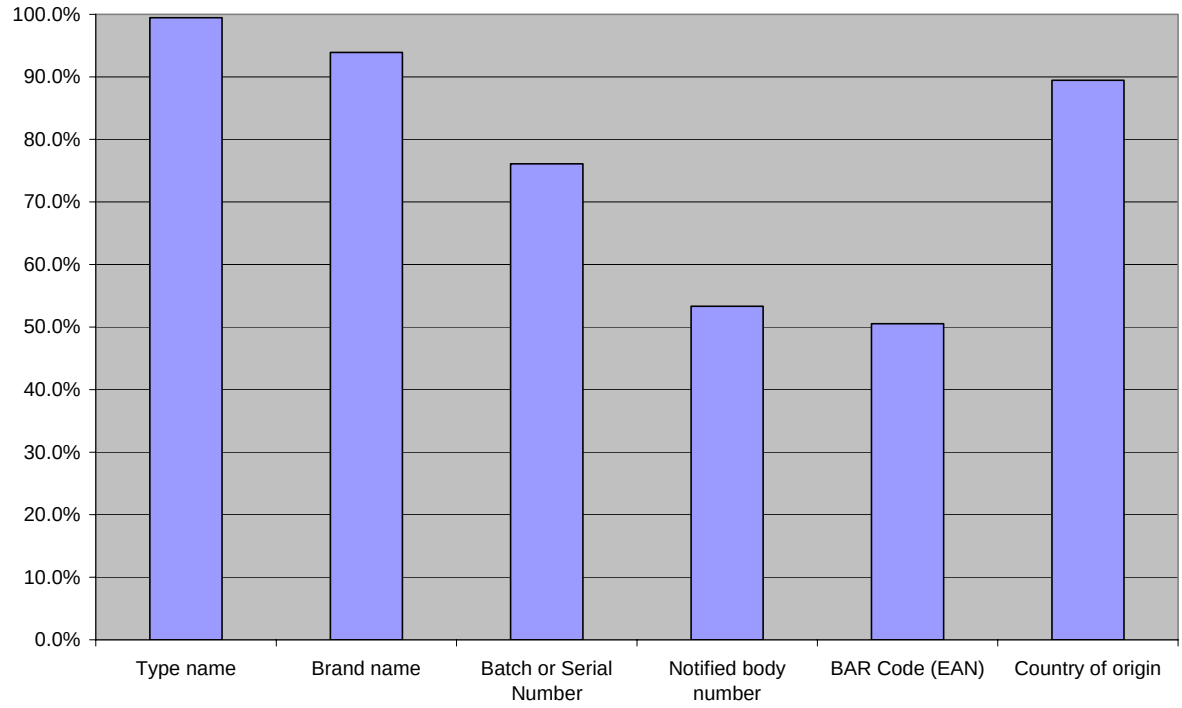


Figure 6 : Marking on products (CE excluded)

Although the identification of SRDs by type name and brand name is very high, 25% of SRDs don't fulfill the requirement about having a batch or a serial number (The result for provision of the country of origin and BAR Code is given for information purposes, but is not a requirement of the Directive.)

5.3 Technical documentation compliance

From the 180 surveyed products, 150 technical documentations had been examined. The following table shows the availability and the correctness of each required information.

Requirement	**Available**		**Correct**	
	SRDs	%	SRDs	%
General description of the product	85	56.7%	76	50.7%
Conceptual design and manufacturing drawings and schemes of components, sub-assemblies, circuits	51	34.0%	42	28.0%
Descriptions and explanations necessary for the understanding of said drawings and schemes and the operation of the product	29	19.3%	26	17.3%
Check of the compliance with the requirements of article 3.1.a	109	72.7%	82	54.7%
Check of the compliance with the requirements of article 3.1.b	119	79.3%	103	68.7%
Check of the compliance with the requirements of article 3.2	121	80.7%	103	68.7%
List of the harmonised standards referred to in Article 5	113	75.3%	[4]	
Test reports from the manufacturer	102	68.0%	82	54.7%
Check of the compliance with all essential requirements	104	69.3%	75	50.0%
TD with all above mentioned items	21	14.0%	18	12.0%

[4] The requirement was the availability of the list, the correctness of the content was not checked.

Only 12% of the technical documentation (TD) examined fulfilled the content for TD laid down in the Directive

The interpretation of the technical documentation relating to particular products turned out to be more difficult than expected. It requires a degree of skill and experience on the part of a MSA and needs deeper investigation than for other aspects.

As the technical documentation requirements of the Directive set out in Annex II paragraph 4 are not entirely specific, whether or not a particular product fulfilled the requirements was often a matter for the professional judgment of the individual MSA concerned. This of course raises the possibility that in particular cases the opinions of individual MSAs may differ.

An interesting and surprising point is the low level of compliance with the requirements "Conceptual design and manufacturing drawings and schemes of components, sub-assemblies, circuits“ (34%) and "Descriptions and explanations necessary for the understanding of said drawings and schemes and the operation of the product" (19%). Both requirements are necessary for manufacturers to produce SRDs.

A further interesting point is the low level of compliance with the TD requirements for article 3.1a of the Directive (compliance with safety requirements).

The following picture shows the compliance with the requirements of the TD depending on the country of origin of the SRD.

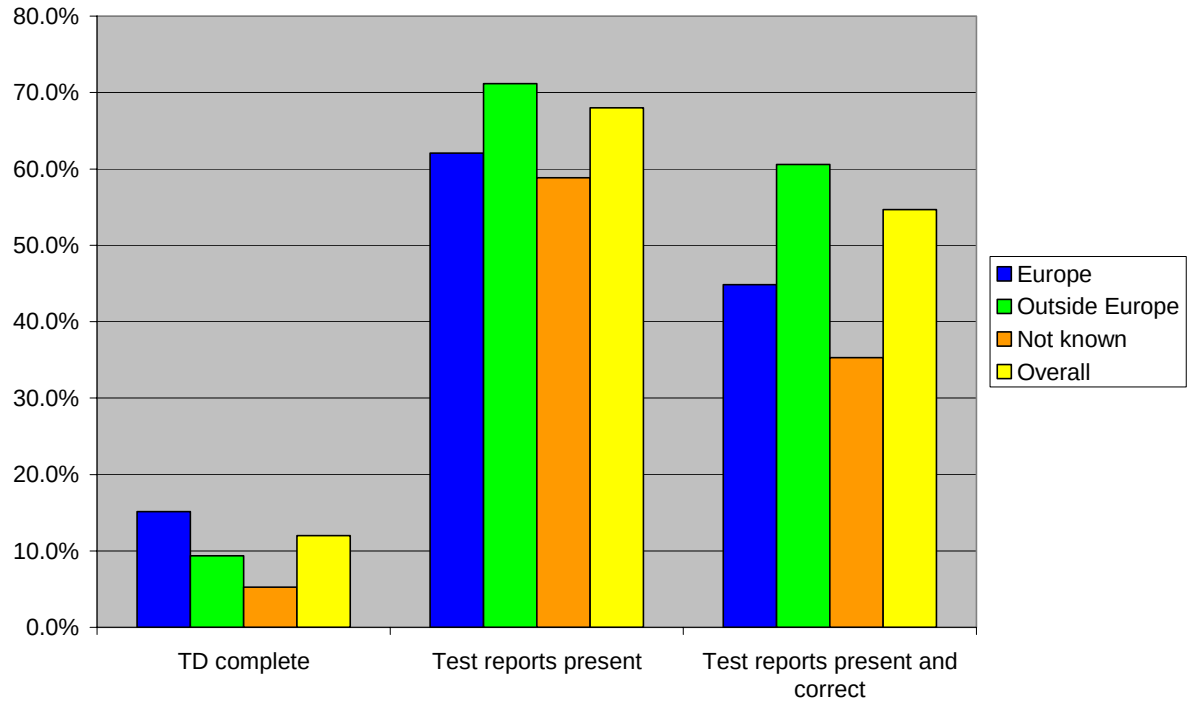


Figure 7 : TD compliance depending on country of origin

No documents at all were received for 10% of the SRDs (15 SRDs) when the TD was requested by a MSA. The following figure shows the origin of the SRDs where no documentation at all was received.

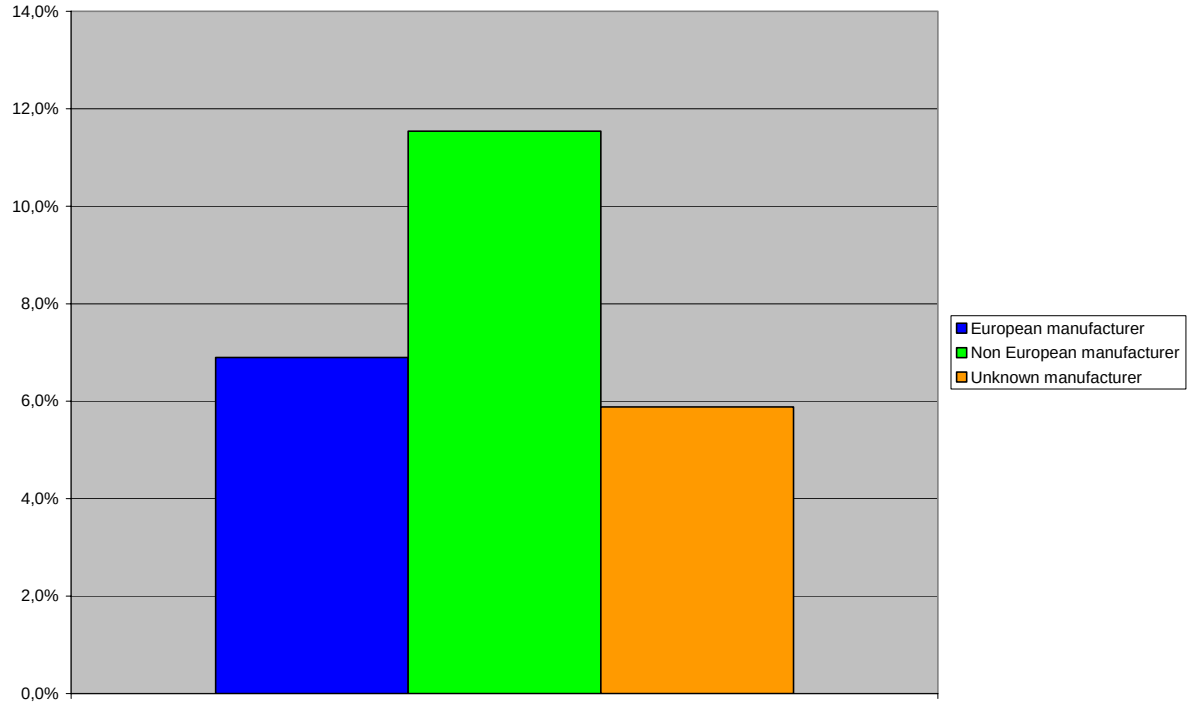


Figure 8 : No TD and country of origin

The examined TD by 150 SRDs revealed that HS in the most cases were used for the demonstration of conformity. The following figure gives more information on this:

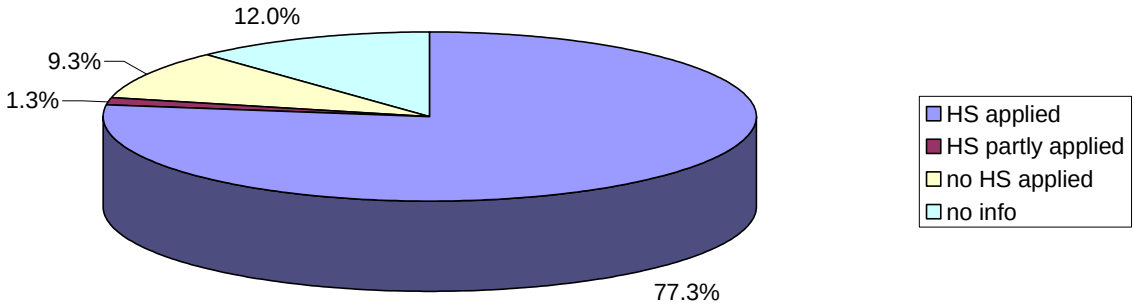


Figure 9 : Use of harmonised standard

5.4 Technical compliance

From the 169 SRDs measured by the MSA (four of those were tested on radio spectrum requirements but not on EMC), 95 fulfilled the EMC requirements and radio spectrum requirements of the R&TTE Directive based on compliance with the requirements of harmonised standards.

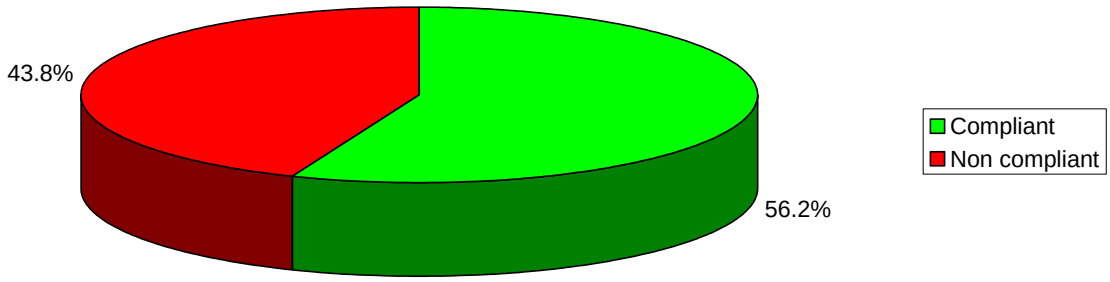


Figure 10 : Measured SRDs compliant to EMC and radio spectrum requirements

The following figure shows the origin of the measured compliant products.

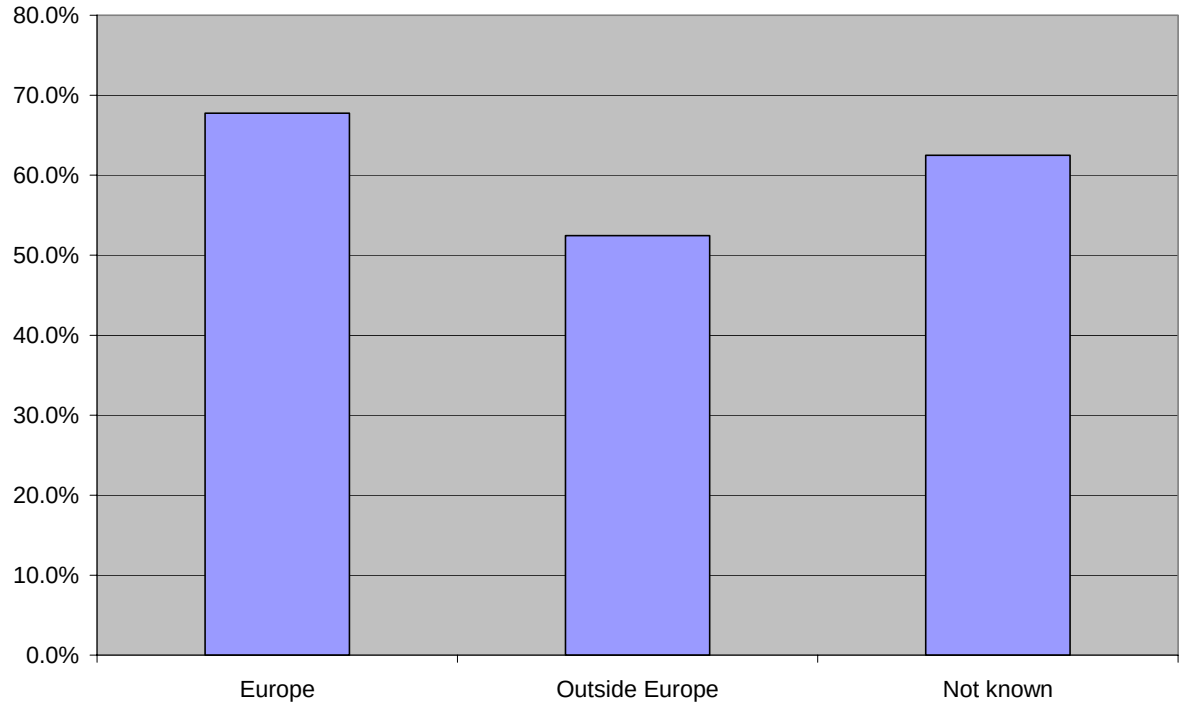


Figure 11 : Origin of the measured SRDs compliant to EMC and radio spectrum requirements

Some products fulfil the EMC and failed the radio spectrum requirements of harmonised standards and some products failed the EMC and fulfil the radio spectrum requirements. Figure 12 summarizes the result.

The 43.8% non compliant SRDs to EMC and radio spectrum requirements (see Figure 10) had following non compliances:

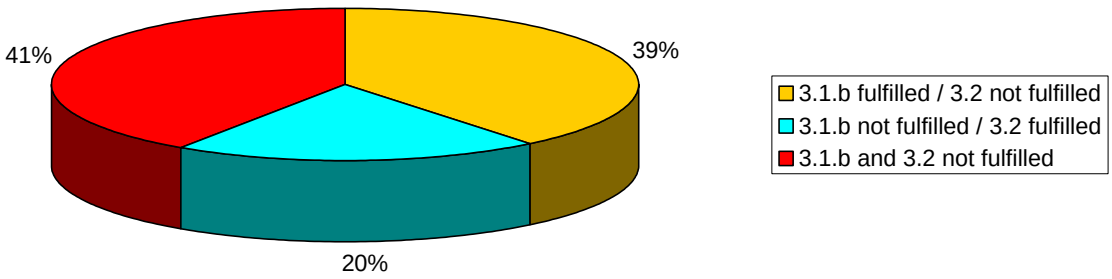


Figure 12 : Measured SRDs non compliant to EMC or radio spectrum requirements or both

Products originating from outside Europe showed a similar pattern. Of the 121 products tested by the MSA (four of those were tested on radio spectrum parameters but not on EMC), 64 fulfilled the requirements of both EMC requirements and radio spectrum requirements. 24 Products did not fulfil either EMC or radio spectrum requirements. Some products fulfilled the EMC requirements and fail in radio spectrum requirements of harmonised standards and some products in EMC but fulfil radio spectrum requirements (8). The following figure summarizes the result.

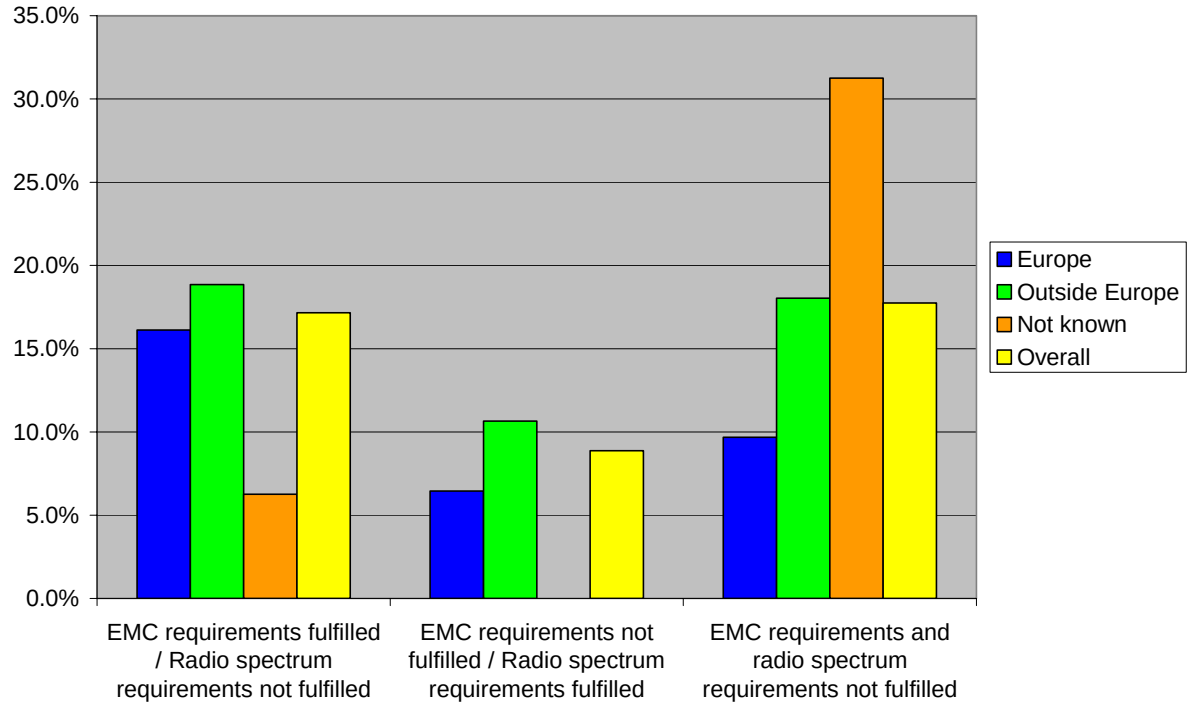


Figure 13 : Origin of measured SRDs non compliant to EMC or radio spectrum requirements or both

31 out of 57 measured SRDs having test reports in their TD were found non compliant with harmonised standards. The following figure shows the origin of these SRDs.

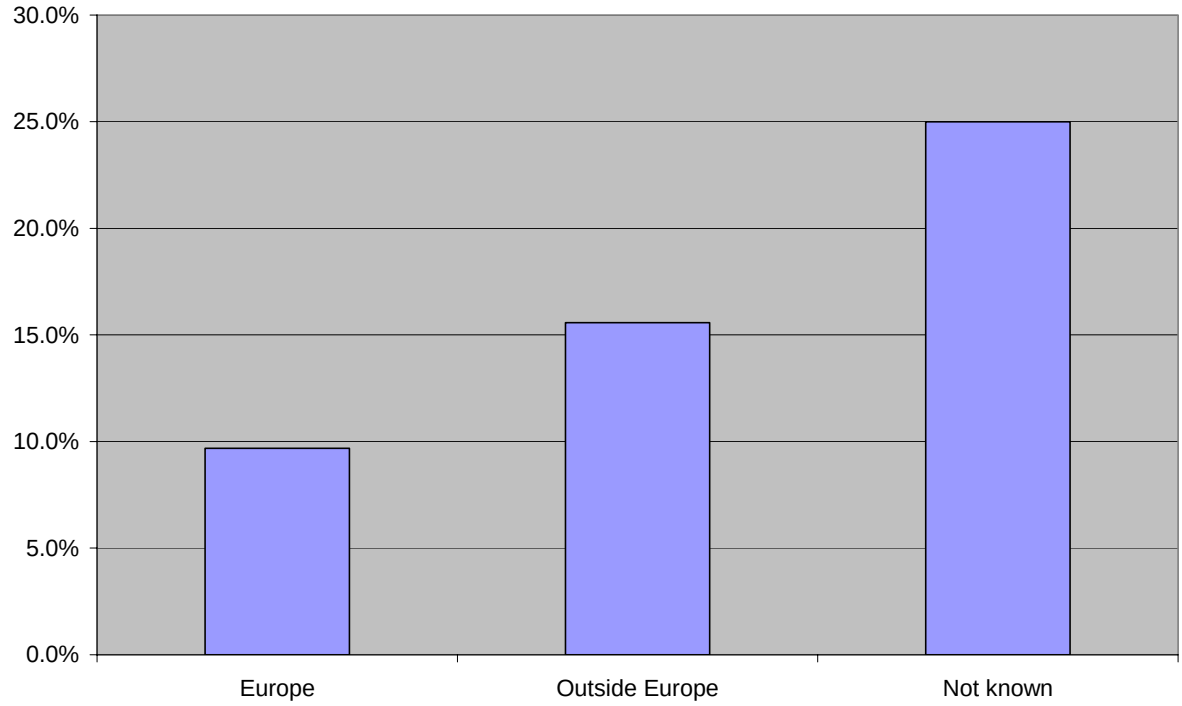


Figure 14 : Origin of non compliant SRDs with test report in their TD

15 out of 169 measured SRDs (9%) were found compliant to the EMC and radio spectrum harmonised standards by MSAs despite no demonstration of compliance were made by the manufacturer (no TD or no test report or incorrect test report).

Sometimes, the test reports from the manufacturers referred to a brand and model that did not coincide with the name of the brand and model that the responsible company gave to the equipment when it was afterwards placed on the market.

5.5 Involvement of notified bodies

Although most of the SRDs (117) claimed to fulfil harmonized standards, 96 out of 180 SRDs were marked with a NB number. 24 different NB numbers were identified. As shown in the following figure, there was no significant relation between the country of origin and the NB marking on the SRD.

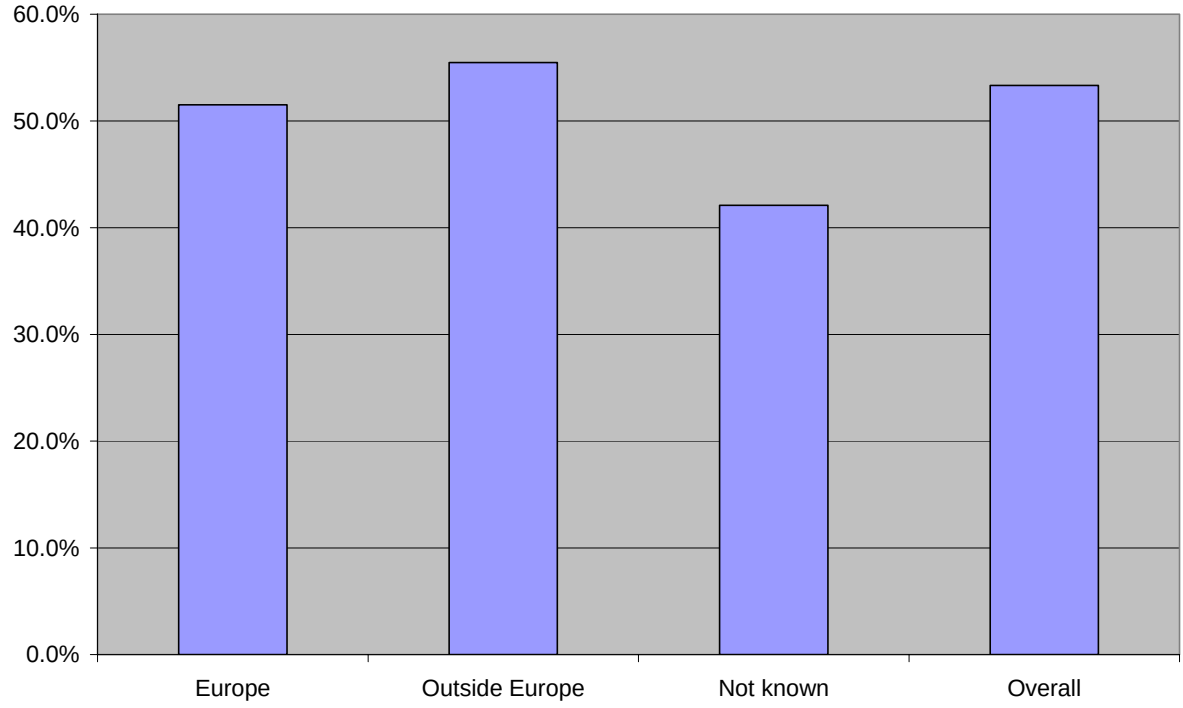


Figure 15 : Origin of SRD marked with a NB number

For 63 SRD carrying a NB number, the manufacturer claimed the conformity with harmonised standards (for which the involvement of a NB is not necessary).

Only 11 out of 96 SRDs carrying a NB number fulfilled the basic requirements of the technical file. 61 out of 96 SRDs carrying a NB number had test reports available in the TD.

The results with NB number/involvement (11 out of 96 [11.4%] fulfilling basic requirements for technical documentation) is not significantly different than the overall rate (18 out of 150 [12%]). This is an alarming finding since the specific task of the NB is to examine the TD.

From the collected information, it is not possible to determine the circumstances under which notify body number have been applied in every case, whether or not NB have been involved, and what was the content of the technical documentation.

A follow-up action to the campaign should be to check with the concerned NB whether they really were involved in the conformity assessment of the concerned surveyed SRDs and which was the TD they received from the manufacturer.

5.6 Overall compliance

Only 9 out of 150 SRDs (6%) fulfilled all provisions of the Directive. The following Figure summarize the results of the different parts of the second Market surveillance campaign divided by country of origin.

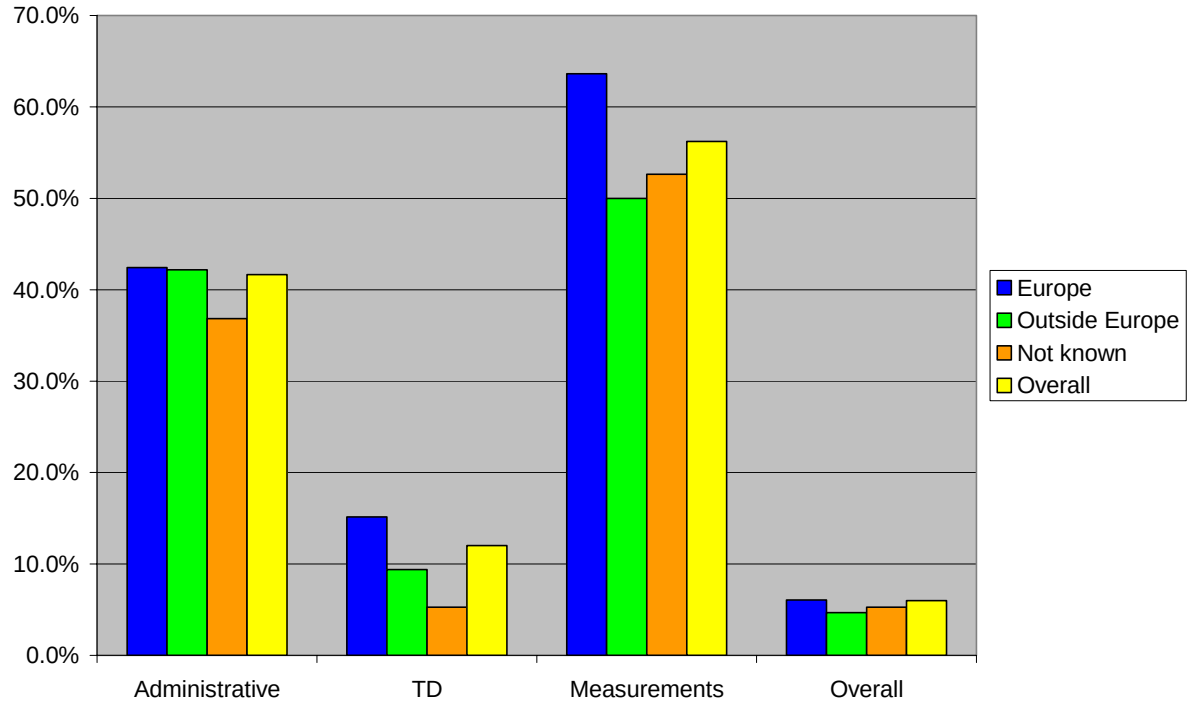


Figure 16 : Summary of the compliance

6 Overall conclusions

The principal aim of the campaign was to collect and analyse statistics about the relative level of compliance with various requirements of the R&TTE Directive, for one particular product type.

The campaign looked at SRDs, which are mass-market products that are placed on the market in large quantities. Clearly, it was only possible to sample a very small sample of the overall market of such products, and it is therefore not possible to say to what extent the results the campaign arrived are representative of the European market as a whole. Nevertheless, the results showed that, overall, only a very low proportion of the products surveyed (only 6%) complied with all the requirements of the Directive.

This low level of compliance was principally caused by only 12% of SRDs fulfilling the technical documentation requirements of the Directive. In contrast, 56% of the SRDs fulfilled the EMC and radio spectrum requirements

With regard to the administrative requirements, this present campaign showed a significant improvement in compliance (41.7%) compared to the first campaign (19.1%). Nevertheless, more than 50% of the investigated SRDs did not fulfil the administrative requirements.

Although the campaign did not aim to draw conclusions about the causes of such statistical results, the low level of compliance, especially with regard to the technical documentation requirements, obviously raises some questions.

The analysis table in section 5.3 shows that the main reasons for the low overall level of compliance with the technical documentation requirements were the low level of compliance with the requirements for "Conceptual design and manufacturing drawings and schemes of components, sub-assemblies, circuits" (only 28% correct) and "Descriptions and explanations necessary for the understanding of said drawings and schemes and the operation of the product" (only 17.3% correct).

The interpretation of these results is not easy. The campaign made it clear that to arrive a view as to the compliance of technical documentation for individual products requires a certain degree of skill and experience on the part of a MSA. Because of this, it is not always clear whether or not such documentation really is compliant with the Directive, and the theoretical possibility exists that different MSA may draw different conclusions when presented with the identical set of technical documentation.

However, in the view of the R&TTE ADCO group, the results of the campaign show such low levels of compliance with the Directive as to make it clear that some manufacturers and importers have significant problems in understanding and complying with the requirements of the Directive. These problems need to be addressed by Member States.

A list of specific Conclusions follows:

Conclusion 1

The level of compliance with the R&TTE Directive of SRDs indicated by the campaign is too low.

Conclusion 2

The level of compliance with the technical documentation requirements of the Directive is particularly low (only 12%). Manufacturer appears not to realise that they must meet the TD as well as the other requirements of the Directive.

Conclusion 3

Although the Directive describes in Annex II number 4 what technical documentation should be provided by manufacturers, in practice the campaign showed that it was difficult for MSA to assess whether or not manufacturers had complied with their obligations in this respect.

Conclusion 4

Only 56.2% of 169 SRDs tested for their compliance with technical requirements of the R&TTE Directive fulfil the EMC and radio spectrum aspects when assessed on the basis of relevant standards. In other words almost one out of two SRDs did not comply with the technical requirements of the Directive.

Conclusion 5

The result of the second Market surveillance campaign shows, that it is really important for MSAs to check the technical aspects. The results show that MSAs can not fully trust what TD states (if TD exists).

Conclusion 6

Most of SRDs came from outside Europe (especially China and Taiwan). There was no significant difference regarding the level of administrative and technical compliance between SRDs originating from inside and outside Europe.

Conclusion 7

Many SRDs were marked with a NB number even though the products claimed to be compliant with the relevant harmonised standards.

Conclusion 8

In many cases, the technical documentation provided to MSA in respect of particular types of SRDs does not reflect the actual version of the SRD on the market.

Conclusion 9

Given the low level of compliance shown by the campaign, the reasons for the results need further investigation. Potentially, this could be for a variety of reasons, one of which may be a lack of communication between the involved parties (manufacturers, importers ...).

7 Recommendations

Recommendation 1

Efforts should be made to ensure that manufacturers, importers and suppliers of SRDs should be continuously informed about the requirements of the Directive and their responsibilities.

Recommendation 2

It should be recommended to the Commission that any future revision of the Directive should require that any involvement from a NB in the conformity assessment procedure has to be documented and added to the technical documentation.

Recommendation 3

A follow-up action to the campaign should be to check with NB whether in cases where their NB number appears on a particular product they really were involved in the conformity assessment of the product concerned, and if so, the extent of their involvement whether an opinion exists.

Recommendation 4

More national administrations should be encouraged to participate in any future campaigns to gain a better picture of the overall situation in Europe.

Recommendation 5

Administrative collaboration between European MSA via the Commission and third countries' Government/Authorities for R&TTE equipment should be improved.

Recommendation 6

MSA need to improve and harmonise the way they judge the compliance of equipment, in particular the technical documentation.

Recommendation 7

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 specific type of apparatus to which it refers.

Recommendation 8

This campaign on SRDs should be repeated in a few years time to compare the respective results.

Recommendation 9

Such campaigns should be carried out for other product categories in order to monitor the level of compliance of the various sectors covered by the R&TTE Directive.

Recommendation 10

Future campaigns should be carried out using the same procedures as this campaign. In future campaigns MSA should examine if a NB was really involved in the conformity assessment procedure and if so, whether an opinion exists.

8 Abbreviations

ADCO R&TTE	Group on administrative Cooperation for the sector R&TTE
CIRCA	is the web-based password secured tool developed by the European Commission to share information (in this case for MSAs)
EMC requirements	Requirements laid down in article 3.1b of the R&TTE Directive
HS	Harmonised standard
NB	Notified Body
MSA	Market surveillance Authorities
RA1	Sub group of WGRA; Project team on Enforcement
Radio spectrum requirements	Requirements laid down in article 3.2 of the R&TTE Directive
R&TTE-Directive	Directive 1999/05/EC of the European Parliament and of the Council of 9th March 1999 on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity
SRD	Short range devices
TCAM	Telecommunication Conformity Assessment and Market Surveillance Committee (Standing Committee under the R&TTE Directive according article 13 ff.)
TD	Technical documentation
WGRA	Working Group Regulatory Affairs