



1. Disclaimer

This common statement should assist in the interpretation of the requirements for placing radio equipment (under Directive 2014/53/EU) on the market. This document is publicly available, but not binding in the sense of a legal act adopted by any of the EU institutions. In the case of inconsistency between the provisions of the Directive and this statement, the provisions of the Directive prevail.

Additional guidance can be found in the [RED Guide](#).

2. Introduction

During recent market surveillance activities in Europe it was found that in several cases products of well-known brands did not meet the traceability requirements of Article 10.6 and 10.7 of Directive 2014/53/EU (RED).

Any formal non-compliance calls for an appropriate and immediate reaction from MSA. A lack of action especially if a well-known brand is involved could create the impression of an unequal and unfair treatment.

In order to ease the work of market surveillance authorities as well as economic operators ADCO RED members have decided on 15th May 2020 to publish the following common statement. This statement is meant to support national market surveillance activities and to inform manufacturers regardless of their size and prominence about their obligations regarding traceability requirements.

3. Common statement

Dear Sir, madam,

Dear Economic operator

The national market surveillance authorities of the European Union, European Economic Area and Switzerland come together in Administrative Cooperation Groups (ADCOs). For the Radio Equipment Directive this is the ADCO RED. The market surveillance authorities have found that there still is an information gap on the economic operators' side concerning obligations linked to product traceability resulting in a formal non-compliance with the Radio Equipment Directive 2014/53/EU.

The purpose of this Common statement is to inform you about your obligations and to give you some practical guidance.

Relevant articles in respect of traceability aspects are 10.6, 10.7, and 12.3 of the RED:

10.6 Manufacturers shall ensure that radio equipment which they have placed on the market bears a type, batch or serial number or other element allowing its identification, or, where the size or nature of the radio equipment does not allow it, that the required information is provided on the packaging, or in a document accompanying the radio equipment.

And,

10.7 Manufacturers shall indicate, on the radio equipment their name, registered trade name or registered trademark and the postal address at which they can be contacted or, where the size or the nature of radio equipment does not allow it, on its packaging or in a document accompanying the radio equipment. The address shall indicate a single point at which the manufacturer can be contacted. The contact details shall be in a language easily understood by end-users and market surveillance authorities.

And,

12.3 Importers shall indicate on the radio equipment their name, registered trade name or registered trademark and the postal address at which they can be contacted or, where that is not possible, on its packaging or in a document accompanying the radio equipment. This

includes cases where the size of radio equipment does not allow is, or where importers would have to open the packaging in order to indicate their name and address on the radio equipment. The contact details shall be in a language easily understood by end-users and market surveillance authorities.

Additionally, the Blue Guide states in section 4.2.2 the following:

“There is no explicit obligation that the addresses have to be preceded by the words ‘Manufactured by’, ‘Imported by’ or ‘Represented by’. This information must however not mislead the end-user and the market surveillance authorities about the place of manufacture and the address of each economic operator. If these words are not mentioned, market surveillance authorities will decide what the role of each economic operator is. It is then up to the economic operator to prove that he has a different role.

The name and address must, as a rule, be affixed to the product. However, it may exceptionally be moved from the product if this rule cannot be followed. This would be justified where affixing it to the product was not possible under reasonable technical or economic conditions excluding however esthetical reasons. It is up to the manufacturer to make this assessment. This assessment has to be done according to the size or nature of the product.

The address must indicate a single point at which the manufacturer can be contacted, in particular by market surveillance authorities. The legal text obliges the manufacturer to put a single contact point on the product. Only one single contact point in each product is allowed. This is not necessarily the address where the manufacturer is actually established. This address can for example be the one of the authorised representative or of the customer services.

The single contact point does not need to be in every Member State where the product is made available. The address or the country does not necessarily have to be translated into the language of the Member State where the product is made available on the market but the characters of the language used must allow identifying the origin and the name of the company.

A website is additional information, but is not enough as an address. Normally an address consists of a street and number or post-box and number and the postal code and town, but some countries might deviate from this model.”

If these requirements are not (completely) fulfilled, this results in a formal non-compliance, based on Art. 43g RED.

The Market Surveillance Authorities of the EU, EEA and Switzerland will take appropriate measures in cases of formal non-compliance like the ones mentioned above. These measures can include a demand for correction, a fine or even a sales ban if the non-compliance persists. Some authorities also have a policy of making such measures publicly available, e.g. on their websites.

In the Annex you will find examples of product data plates indicating how to comply with the traceability requirements under the RED.

We are confident that this Common statement will give you a better insight into the obligations your company has regarding traceability requirements and we trust that with this information you will be able to comply. If there are any questions concerning this matter, we will be happy to be of your assistance.

4. Annex

Template of a correct data plate from manufacturer using a registered trademark:



Template of a correct data plate from manufacturer using a (registered trade) name:



Template of a correct data plate for an importer (instead of a name a registered trade mark could also be used):

