



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Industrial Transformation and Advanced Value Chains
Advanced Engineering and Manufacturing Systems

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QUESTIONNAIRE ON EQUIPMENT AT RISK OF COMPLIANCE AT THE UPLOAD OF SOME KIND OF SOFTWARE

The questions in the Annex below have been drafted in order to get more precise information on classes or categories of equipment potentially at risk at the upload of some kind of software.

Experts have suggested, in the meeting of 8th February 2018, minor changes to the text in the first draft. In the same meeting, we have asked the expert group to provide the following answers with the aim of facilitating the discussions.

In replying, please limit any category or class of radio equipment to those in the scope of the RED. The discussions in the expert group have also highlighted the need to exemplify some categories or classes of radio equipment. Examples could be (but NOT limited to): mobile phones with geo-location and communication capabilities, inductive devices, radio equipment meeting also the definitions of Directive/Regulation xyz/abc, handheld portable devices with advanced computing capabilities, transport and traffic telematics devices, radio determination devices in the ISM bands, radio equipment for Earth exploration... In case, for specific equipment, the classification exercise is complicated, a description will suffice and the group will work on a category for the proposed radio equipment.

Answers are expected to be delivered by 28th March 2018, i.e. 20 days before the next meeting (currently planned on 17th April), in order to allow us to circulate the received answers together with a preliminary list of possible priorities.

We recall that Article 3(3) of the RED reads:

Radio equipment within certain categories or classes shall be so constructed that it complies with the following essential requirements:[...]

(i) radio equipment supports certain features in order to ensure that software can only be loaded into the radio equipment where the compliance of the combination of the radio equipment and software has been demonstrated.

The Commission shall be empowered to adopt delegated acts in accordance with Article 44 specifying which categories or classes of radio equipment are concerned by each of the requirements set out in points (a) to (i) of the first subparagraph of this paragraph

and Article 4(1) reads:

Manufacturers of radio equipment and of software allowing radio equipment to be used as intended shall provide the Member States and the Commission with information on the compliance of intended combinations of radio equipment and software with the essential requirements set out in Article 3.

Such information shall result from a conformity assessment carried out in accordance with Article 17, and shall be given in the form of a statement of compliance which includes the

elements set out in Annex VI.

Depending on the specific combinations of radio equipment and software, the information shall precisely identify the radio equipment and the software which have been assessed, and it shall be continuously updated.

We thank you in advance for the provided information.

ANNEX

1. According to your best judgement and information, which are the categories and classes of radio equipment whose compliance with the essential requirements of the RED may be at risk at the upload of new software?
Please explain.
2. For each category or class of radio equipment identified in question 1, how would you estimate (high, medium, low) the risk that the compliance maybe affected?
Please explain.
3. For each category or class of radio equipment identified in question 1, which of the essential requirements listed in Article 3 is most exposed to the risk of non-compliance caused by software uploads?
Please explain.
4. For each category or class of radio equipment identified in question 1, which kind of (or parts of the) software do you expect to cause the non-compliance, and how could the change of software be performed, more specifically, via which interface?
Please explain.
5. For each category or class of radio equipment identified in question 1, which could be the technical solutions (features) to prevent that the compliance is affected? Do these solutions allow distinguishing between harmful uploads (i.e. uploads affecting compliance) and non-problematic uploads?
Please explain.
6. For each technical solution identified in question 5, which could be the potential impact of these solutions (features) to consumers, economic operators, National Authorities or any other entity or stakeholder?
Please explain.
7. According to your best judgement and information, which are the categories and classes of radio equipment where the upload of new software can originate a new product (as also clarified in the Blue Guide) with new features?
Please explain.
8. According to your best judgement and information, which are the categories and classes of radio equipment specifically NOT at risk of compliance with the essential requirements of the RED when new software is uploaded?
Please explain.
9. How would you define the operational rules for making the information on the compliance available for the categories and classes specified in a possible delegated act?
Please explain.