



Radiocommunications Agency
Ministry of Economic Affairs, Agriculture and
Innovation

CE-marking and alert sign

What you have to look out for as retailer or dealer

One of the European Union's goals is to promote free movement of products between the member states. In order to achieve this, the Council of the European Union and the European Parliament have adopted European Directives for certain groups of products. For instance, there are directives for machines, toys and automobiles, low voltage products and safety products. There are also directives for electrical and electronic equipment (EMC Directive 2004/108/EC) and for radio telecommunications terminal equipment (R&TTE Directive 1999/05/EC).

Examples that fall under the R&TTE Directive include remote control toys, GSM telephones, portable phones, WIFI equipment, wireless microphones, modems and cordless telephones. Member states have the authority to impose restrictions on products in their national legislation. These restrictions usually relate to the use of frequency, transmission power or the prevention of interference to other radio systems. For this reason, the use of this type of radio equipment can be subject to a licence.

The EMC and R&TTE directives were implemented in the Netherlands in the Telecommunications Act.

What do you have to check before buying or selling such radio equipment?

Equipment which is or incorporates a radiotransmitter must fulfil the following administrative obligations:

- The CE mark should be visible on the packaging, on the equipment and on the user manual;
- If the use of the radio equipment is restricted, the CE mark should be followed by an alert sign;
- Each radio equipment should be accompanied by:
 - A Declaration of Conformity (DoC), this may also be in a simple form or in a link to the manufacturer's website. The DoC should contain at least:
 - The contact information of the manufacturer of the radio equipment;
 - The unique information relating to the type of equipment, such as: the brand, the type number and if applicable a serial number;
 - The declaration that this equipment fulfils the essential requirements of the R&TTE Directive, relating to the harmonised standard(s) that has/have been applied;
 - The date and place of signing the DoC by the manufacturer or his official representative.
- A manual or user instructions, explaining the conditions and restrictions of use of the radio equipment in the member states, should be part of the packaging. The instruction should be written at least in Dutch and/or English.

When you have checked the radio equipment you want to buy or sell against these administrative obligations and found it to be compliant, you can assume that you can buy or sell it legally on the Dutch market.

Market supervision

The Netherlands Radiocommunications Agency [Agentschap Telecom] is authorised to enforce the market. Among other things, supervision means that an inspector from the Radiocommunications Agency may pick up a product from a retailer, manufacturer or importer for further investigation. During the inspection, the Netherlands Radiocommunications Agency examines whether the product complies with all relevant requirements.

Procedure

If an inspector from the Netherlands Radiocommunications Agency takes a device from you for investigation, he will give or send you a written receipt. If this product complies with the essential requirements and administrative provisions, it will be returned to you within 8 weeks. If the product is damaged as a result of the investigation, the Netherlands Radiocommunications Agency will reimburse the costs.

Sanctions

If the result of the investigation is that the equipment doesn't comply with the administrative obligations, the Radio Communications Agency will take appropriate measures against the buyer or seller of this equipment. This could involve an official warning, a penalty and if necessary confiscation of the equipment involved.

If the manufacturer or importer has wrongly provided the product with a CE mark, the Radio Communications Agency will also take appropriate measures against the manufacturer or importer. This could involve penalties, the removal of the product from the market or the imposition of a sales ban by the agency. If this last measure is taken, the Minister of Economic Affairs, Agriculture and Innovation will announce this via the Government Gazette.

Relevant legislation

The relevant legislation can be found at www.overheid.nl under legislation and regulations. Here it is stated where you can find each item in Dutch legislation.

EMC Directive

- Telecommunications Act chapter 10
- Electromagnetic Compatibility Decree 2007
- Electromagnetic Compatibility Regulation

R&TTE Directive

- Telecommunications Act chapter 10
- Peripheral and Radio Equipment Decree
- Peripheral and Radio Equipment Regulation

Supervisory body

- Telecommunications Act section 15.1
- Telecommunications Act (Designation of Supervisors) Decree

Taking of goods

- General Administrative Law Act section 5.18

More information

For more information, you can contact the Radio Communications Agency at +31(0)50 587 74 44 or by e-mail at agentschaptelecom@at-ez.nl. Or go to www.ce-alert.nl.