

ELECTRONIC COMMUNICATIONS COMMITTEE

ECC Decision
of 19 March 2004
on the withdrawal of the
ERC Decision (97)10
“ERC Decision of 30 June 1997 on the mutual
recognition of conformity assessment procedures
including marking of radio equipment and
radio terminal equipment“

(ECC/DEC/(04)04)



EXPLANATORY MEMORANDUM

1 INTRODUCTION

In 1997 the ERC adopted ERC/DEC/(97)10 on the mutual recognition of conformity assessment procedures including marking of radio equipment and radio terminal equipment and this decision was used in the CEPT countries for sometime.

In 1999, the EU R&TTE Directive (1999/5/EC of the European Parliament and of the Council) was published and after implementation in the EEA countries it replaced the type approval system created by ERC Decision of 30 June 1997 on the mutual recognition of conformity assessment procedures including marking of radio equipment and radio terminal equipment (ERC/DEC/(97)10). With the introduction of the R&TTE Directive, a number of ERC decisions on type approval regulations including ERC/DEC/(97)10 became not applicable in countries implementing the R&TTE Directive.

The conformity assessment regime defined by ERC/DEC/(97)10 and related ERC Report 12 have already for more than three years ago been rendered obsolete due to the implementation of the R&TTE Directive in EEA countries and in addition due to other arrangements in Switzerland and in the accession countries. There is not any evidence that this system had been in any form used between other countries, which were not among the first few EEA countries implementing the system from the beginning of 1998. Due to development in standardisation in ETSI, all the related ERC Decisions on adoption of common (type) approval regulations on the basis of a specific version of ETSI standards have also long ago become obsolete because these standards have been replaced by new versions, or totally new standards, most of which are also already harmonised standards under the R&TTE Directive. Also referring to a specific standard and its precise version is against the principles of the New Approach directives, which only specify essential requirements and the concept of harmonised standards as one, but not the only way to comply with them. One further point, which from the start made the ERC/DEC/(97)10 regime inadequate was that it did not cover safety and EMC.

In addition to ERC/DEC/(97)10, there are other ERC decisions on adoption of approval regulations adopted before and after the ERC/DEC/(97)10 regime and used for some years before the R&TTE Directive has come into force. These are ERC Decisions (95)02, (96)07, (96)08, (96)09, (96)10, (96)11, (96)12, (96)13, (96)14, (96)15, (96)16, (96)17, (96)18, (96)19, (96)20, (98)05, (98)06, (98)07, (98)08, (98)09, (98)28, (98)30, (99)04, (99)07, (99)08, (99)09, (99)10, (99)11, (99)12, (99)13 and (99)14. Because of the implementation of the R&TTE Directive very widely in Europe, these decisions are not used anymore.

2 BACKGROUND

In 1997 the ERC adopted ERC/DEC/(97)10 on the mutual recognition of conformity assessment procedures including marking of radio equipment and radio terminal equipment .

With the introduction of Directive 1999/5/EC of the European Parliament and of the Council (the R&TTE Directive), ERC/DEC/(97)10 on the procedures and the other ERC decisions on type approval regulations mentioned above are not applicable in countries implementing the R&TTE Directive.

3 REQUIREMENT FOR AN ECC DECISION

The R&TTE directive forms now the legal framework for mutual recognition of conformity assessment and its concepts of essential requirements and harmonized standards, creating the presumption of conformity, replace ERC/DEC/(97)10 and the other ERC Decisions on the adoption of approval regulations mentioned above and consequentially the ERC/DEC(97)10 is to be withdrawn together with the other ERC decisions mentioned above which are dealt with by means of another ECC Decision.

The ECC Rules of Procedure state that if an ERC/ECC Decision is amended, it must be replaced and the old Decision must be abrogated. Therefore this Decision abrogates the ERC Decision ERC/DEC(97)10.

**ECC Decision
of 19 March 2004**

**on the withdrawal of the ERC Decision (97)10
” ERC Decision of 30 June 1997 on the mutual recognition of conformity assessment procedures including
marking of radio equipment and radio terminal equipment “**

(ECC/DEC/(04)04)

“The European Conference of Postal and Telecommunications Administrations,

considering

- a) that in 1999, the EU R&TTE Directive was published and after implementation in the EEA countries it replaced the type approval system created by ERC Decision of 30 June 1997 on the mutual recognition of conformity assessment procedures including marking of radio equipment and radio terminal equipment (ERC/DEC/(97)10),
- b) that together with the EEA countries a number of non-EEA countries have also implemented the provisions of the R&TTE Directive,
- c) that the procedures laid down in ERC/DEC/(97)10 are no longer implemented by any CEPT administration as a result of the implementation of the R&TTE Directive, which means that ERC/DEC/(97)10 is no longer valid.

DECIDES

1. to withdraw the ”ERC Decision of 30 June 1997 on the mutual recognition of conformity assessment procedures including marking of radio equipment and radio terminal equipment “;
2. that this Decision will enter into force on 19 March 2004;
3. that CEPT administrations shall communicate the national measures implementing this Decision to the ECC Chairman and the Office when the Decision is nationally implemented.”

Note:

Please check the Office web site (<http://www.ero.dk>) for the up to date position on the implementation of this and other ERC/ECC decisions.