

Clarifications on certain points with respect to Article 10 (10) of RED (Directive 2014/53/EU)

1. Pictogram (abbreviations)

The pictogram, specified in Commission Implementing Regulation (EU) 2017/1354, shall include the abbreviations of:

- those EU Member States that have any restrictions on putting into service or any requirements for authorisation of use exist;
- those EEA-EFTA states (as the said Implementing Regulation was incorporated into the EEA Agreement by Joint Committee Decision No 145/2018), that have any restrictions on putting into service or any requirements for authorisation of use exist; and
- Switzerland and Turkey, if they have any restrictions on putting into service or any requirements for authorisation of use exist.

The purpose of the pictogram, and in general the requirements of Article 10 (10) of the RED, is to provide information of the countries which are part or participate in Internal Market and as a consequence apply RED (including CE Marking) but they have the restrictions indicated in Article 10 (10) of the RED. This is why the RED Guide (<https://ec.europa.eu/docsroom/documents/33162>) lists only the abbreviates of those countries.

The details of the pictogram are described in Annex I to the above Implementing Regulation.

2. Article 10 (10) Information/Pictogram/'UK'/'UK(NI)'

Since 1 February 2020, the United Kingdom has withdrawn from the European Union and has become a “third country”. The Withdrawal Agreement between the EU and the UK provides for a transition period ending on 31 December 2020. Until that date, EU law in its entirety applies to and in the United Kingdom. After the end of the transition period, the UK will no longer be part of the Internal Market and therefore:

- the reference to United Kingdom and the abbreviation “UK” can no longer be included, for the purposes of Article 10 (10) of the RED, with respect to products placed on the EU market as of 1 January 2021;

- with respect to Northern Ireland, if there are restrictions on putting into service or any requirements for authorisation of use, as provided for in Article 10 (10) of the RED, the abbreviation "UK(NI)" shall be used on products placed on the EU market as of 1 January 2021 pursuant to Article 7(2) of the Protocol on Ireland / Northern Ireland of the EU-UK Withdrawal Agreement; according to the Protocol, relevant EU legislation on goods, including the RED, will continue to apply to and in the United Kingdom in respect of Northern Ireland after the end of the transition period.

For more information on the consequences of the withdrawal of the UK from the Union on industrial products, you may consult the relevant Notice to Stakeholders published by the Commission and available here:

https://ec.europa.eu/info/sites/info/files/notice_to_stakeholders_industrial_products.pdf.

Additional information assisting stakeholders to prepare for the end of the transition period can be found here:

https://ec.europa.eu/info/european-union-and-united-kingdom-forging-new-partnership/future-partnership/getting-ready-end-transition-period_en

3. Size-packaging

As regards the size, according to Annex I to the above Implementing Regulation:

‘ 3. The pictogram shall also mention, below or next to the sign indicated in paragraph 2, the abbreviations of the Member States, as prescribed in Annex II, [...].

4. The pictogram and its contents may take different variations (e.g. colour, solid or hollow, line thickness), provided that they remain visible and legible.’

Also Article 2 (1) (b) of the above Implementing Regulation allows, instead, to indicate the information as follows: ‘Restrictions or Requirements in’, in a language easily understood by end-users as determined by the Member State concerned, followed by the abbreviations of the Member States, as prescribed in Annex II, where such restrictions or requirements exist.

So, there are different options on how to place this information on the packaging and it is only exceptionally that a market surveillance authority will allow not to provide this information on the packaging (for example when there is no packaging or the packaging is extremely small).

Explanation of the inclusion or not of information on the packaging in accordance with Article 10(10) shall be given in the Technical Documentation as indicated in Annex V (para i) to the RED. It means that justification should be given if the manufacturer does not provide this information on the packaging.

Such information shall always (whether there is packaging or not) be completed in the instructions accompanying the radio equipment (see Article 10.10 of the RED).