



Office for Product
Safety & Standards

Radio Equipment Regulations 2017

As they apply to equipment being supplied in or into Great
Britain

Guidance v3

November 2021



Contents

Guidance	3
1. Introduction.....	3
2. Legislative Background.....	3
3. Scope	4
4. Obligations of manufacturers.....	4
5. Complying with regulation 14.....	5
6. Obligations of authorised representatives.....	6
7. Obligations of importers.....	7
8. Obligations of distributors	9
9. Transitional arrangements	10
10. UKCA Marking	11
11. Qualifying Northern Ireland Goods	12
12. Approved Bodies	12
13. Enforcement and penalties	13
14. Glossary	14

Guidance

1. Introduction

This Guide is for businesses placing radio equipment on the market in Great Britain. If you are placing radio equipment on the market in Northern Ireland, you should read separate guidance:

<https://www.gov.uk/government/publications/radio-equipment-regulations-2017>

This Guide is designed to help you understand The Radio Equipment Regulations 2017, as amended by the Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (referred to in this document as “The 2017 Regulations”). The 2017 Regulations set out the requirements that must be met before products can be placed on the GB market. The purpose of the legislation is to ensure safe products are placed on the GB market by requiring manufacturers to show how their products meet the ‘essential requirements’.

The Regulations regulate the safety and electromagnetic compatibility of radio equipment and promote protection of the radio spectrum. They require equipment placed on the GB market to comply with a high level of safety (in terms of the health and safety of persons and domestic animals and the protection of property); with an adequate level of electromagnetic compatibility; and to operate in a manner that promotes efficient use of the radio spectrum.

2. Legislative Background

The Radio Equipment Regulations 2017 implemented Directive 2014/53/EU on radio equipment. The EU Withdrawal Act 2018 preserves the Regulations and enables them to be amended so as to continue to function effectively now the UK has left the EU. Accordingly, the Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019¹ (the 2019 Amendment Regulations) fix any deficiencies that arose from the UK leaving the EU (such as references to EU institutions) and make specific provision for the GB market.

There is therefore one set of UK 2017 Regulations, but some of the provisions apply differently in NI for as long as the Northern Ireland Protocol is in force. References to the 2017 Regulations in this guidance are references to those Regulations as they apply in Great Britain. For guidance on placing on the Northern Ireland market, please see:

<https://www.gov.uk/government/publications/radio-equipment-regulations-2017>

¹ The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 were amended by the Product Safety and Metrology etc. (Amendment to Extent and Meaning of Market) (EU Exit) Regulations 2020 to apply to Great Britain only, and not to Northern Ireland, in support of implementing The Protocol of Ireland and Northern Ireland (“The Northern Ireland Protocol”). The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 were further amended by the Product Safety and Metrology etc. (Amendment etc.) (UK(NI) Indication) (EU Exit) Regulations 2020 to provide for a 24 month transition period for importer labelling (for goods from the EEA), UKCA marking, to amend the definition of “authorised representative” as well as introducing an end (in 12 months from the end of the Transition Period) to the recognition of goods meeting EU requirements, as well as introducing provisions for qualifying Northern Ireland goods. On 24 August 2021 the Government announced the transition period for UKCA marking would be extended until 31 December 2022. Legislation will be placed before Parliament in the autumn to give effect to this.

3. Scope

The Regulations apply to all radio equipment with some notable exceptions. These exceptions include:

- equipment covered by other specific UK legislation governing the conformity of the equipment with the essential requirements;
- airborne products, parts and appliances within the scope of Article 3 of Regulation (EC) 216/2008;
- Marine equipment falling within the scope of the Merchant Shipping (Marine Equipment) Regulations 2016; and
- custom-built evaluation kits destined for professionals to be used solely at research and development facilities for such purposes.

For a full list of exclusions please refer to the Regulations, in particular regulation 3 and Schedule 1.

4. Obligations of manufacturers

A manufacturer is a person who manufactures radio equipment or has radio equipment designed or manufactured and markets that product under their name or trademark.

The obligations of manufacturers of radio equipment include:

1. Before placing radio equipment on the GB market, a manufacturer must ensure that it has been designed and manufactured in accordance with the essential requirements and that they have had a relevant conformity assessment procedure carried out and technical documentation drawn up. *See regulations 6-9.*
2. A manufacturer must ensure that radio equipment has been constructed so that it can be operated without causing an infringement of the applicable requirements of use of the radio spectrum. *See regulation 8.*
3. Once this has been done, a manufacturer must draw up a declaration of conformity, and affix the UKCA marking² visibly, legibly and indelibly to the radio equipment or data plate. Where it is not possible or warranted, on account of the nature of the equipment, to affix the UKCA marking to the radio equipment, it must be affixed to the packaging. In any event, until 31 December 2023³, the UKCA marking may be affixed to a label affixed to, or a document accompanying, the equipment. *See regulation 10 and see section 8 below.*
4. Qualifying Northern Ireland goods can be placed on the GB market with the CE and CE UKNI conformity markings, see further detail in Section 10 on Qualifying Northern Ireland Goods.
5. Manufacturers must keep technical documentation and the declaration of conformity for 10 years after the radio equipment has been placed on the GB market. *See regulation 11.*

² Until 31 December 2022, equipment conforming to EU rules, including the CE marking, may be placed on the market of Great Britain.

³ On 24 August 2021 the Government announced the transition periods for UKCA marking and UKCA labelling would each be extended until 31 December 2022 and 31 December 2023 respectively. Legislation will be placed before Parliament in the autumn to give effect to this.

6. Manufacturers must also label radio equipment with their name, registered trade name or registered trademark and address; the type batch or serial number (or other identification) and ensure that they are accompanied by instructions and safety information in easily understandable English. Where the size or nature of the equipment prevents the manufacturer from placing this information on the product itself, they may place it on the packaging or in an accompanying document.
7. When placing radio equipment on the GB market, the manufacturer must ensure that it is accompanied by information concerning any restrictions on putting into service or requirements for authorisation of its use as well as other information. See *regulations 12-14*.
8. Manufacturers must put procedures in place to ensure that series production remains in conformity with the Regulations. See *regulation 17*.
9. Manufacturers must, when appropriate, take action to carry out sample testing of equipment made available on the GB market by them which may present a risk, investigate complaints that equipment is not in conformity, keeping a register of such equipment and any complaints or recalls, and keeping distributors informed of any monitoring. Manufacturers must keep an entry on the register for 10 years. See *regulation 18*.
10. Manufacturers must take action where they have reason to believe that radio equipment they have placed on the GB market is not in conformity with the Regulations. See *regulation 15*.
11. Manufacturers must also cooperate with and provide information to enforcing authorities following any requests. See *regulation 16*.

Manufacturers based in Northern Ireland can follow the legislation as it applies to Northern Ireland and place qualifying Northern Ireland goods on the GB market without any additional approvals. See further detail in Section 10 on Qualifying Northern Ireland Goods.

5. Complying with regulation 14

Regulation 14 of the Radio Equipment Regulations 2017 says: *Information to be included where there are restrictions on putting into service or requirements for authorisation of use.*

The 2017 Regulations as amended⁴ for GB require that restrictions are to be identified by:

- (a) a Pictogram (see below) followed by the abbreviation “UK” or
- (b) the words “Restrictions or Requirements in the UK”

⁴ The 2017 Regulations were amended by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 and The Product Safety and Metrology etc. (Amendment to Extent and Meaning of Market) (EU Exit) Regulations 2020.

The Pictogram



Manufacturers placing products on the GB market can meet the requirements of Regulation 14 by using either the Pictogram with the “UK(NI)” indication or “restrictions or requirements in UK (NI)” to indicate where requirements exist. They will be deemed to have met Regulation 14 Requirements for the GB market and there is no requirement to use the “UK” alongside this.

Therefore, use of either “UK” or “UK(NI)” is acceptable for the GB market and products where Regulation 14 requirements are met with “UK” will continue to be accepted in GB, as will products with both “UK” and “UK(NI)”.

Regulation 14 also requires, as per the Implementing Regulation, that information must be included in the instructions indicating the geographical areas in the United Kingdom where such restrictions or requirements exist, as well as the types of restrictions or requirements applicable. However, because radio spectrum rules are harmonised across the UK, there is no additional need to refer to geographical areas within the UK when setting out restrictions, and existing instructions need not be amended further to comply with these requirements.

6. Obligations of authorised representatives

Manufacturers are able by written mandate to appoint authorised representatives to perform certain tasks on their behalf.

Mandated authorised representatives for the GB market can be based in GB or Northern Ireland, but after 1 January 2021 cannot be based outside the UK. A manufacturer can only mandate an authorised representative established in the UK, under the 2017 Regulations as they apply in GB.

No GB-based authorised representatives are recognised under EU law. This means GB-based authorised representatives cannot carry out tasks on the manufacturer’s behalf for radio equipment being placed on the Northern Ireland or EEA markets. Therefore, a GB manufacturer selling radio equipment to the EEA or into Northern Ireland, who wishes to appoint an authorised representative to carry out tasks for them in respect of that equipment, must appoint an authorised representative based in Northern Ireland or the EEA.

An authorised representative must comply with all the duties imposed on the manufacturer under the 2017 Regulations that they are appointed by the manufacturer to perform. There are some duties that a manufacturer cannot mandate an authorised representative to perform (e.g. conformity assessment) and some that must form part of the authorised representatives mandate (e.g. retention of technical documentation).

A manufacturer remains responsible for the proper performance of any obligations the authorised representative performs on their behalf.

Any references in the 2017 Regulations to the manufacturer are to be taken to include a reference to the authorised representative including in relation to penalties for failure to comply with those duties.

7. Obligations of importers

An importer is a person or business based in the UK who places radio equipment on the GB market from a country outside the UK. This means that UK businesses which used to act as a 'distributor' before the end of the transition period legally become an 'importer' if they place products from an EEA country on the GB market.

This includes radio equipment that is supplied to NI businesses from the EEA and then placed on the GB market. In this instance the NI business will take on importer obligations for EEA-supplied goods that are placed on the GB market (see also Section 10 on Qualifying Northern Ireland Goods).

Importers have additional legal obligations which go beyond those of distributors, such as checking that manufacturers have carried out the required conformity assessment procedures and including their (the importer's) name, registered trade name or mark and a postal address on the equipment or, where this is not possible, on its packaging or in accompanying documentation.

To assist with the transition, the UK is applying a transitional period ending on 31 December 2022 to allow UK suppliers of goods from the EEA or Switzerland (who from 1 January 2021 are importers into the GB market) to provide their details on the accompanying documentation as an alternative to placing them on the radio equipment itself. This applies to goods that are not qualifying Northern Ireland goods. For further detail on qualifying Northern Ireland goods, please see Section 10 on Qualifying Northern Ireland Goods.

Can you be contacted easily if there is a problem?

A key principle underpinning product safety, for the benefit of consumers and regulators, is traceability of a product back to its source.

In recognition that under the new regulatory arrangements you may have the new status of an importer when placing radio equipment from an EEA state or Switzerland on the GB market, you are temporarily permitted when placing such equipment on the market (until 31 December 2022) to indicate your name, registered trade name or registered trade mark and a postal address on the equipment's packaging or in a document accompanying the equipment, instead of on the equipment itself. As set out above, this is usually only permitted where it is not possible to provide the specified

information on the equipment itself. This additional temporary easement is permitted until 31 December 2022⁵.

We understand that there may be a period of adjustment to the new arrangements for importer documentation for the GB market, and it may be difficult to provide your details on documentation accompanying each and every individual product.

You may therefore use an alternative method where, for example, your contact information is on a document accompanying a batch of products. This document would then follow each batch of products through the distribution chain. Your contact details must follow each product through the distribution chain, but not necessarily by one document per product. Ultimately, the end user, each distributor (and a regulator) must be able to access the information.

Methods which enable traceability of the product after the initial batch has been broken up could include:

- The importer address is present in shipping documents.
- The importer address is present on the invoice to the GB customer.
- The importer address is present on the label that is on the outer packaging (“shipper”) in which a number of finished goods is packed (normally customers will receive shippers unless the order is very small so that the shipper has to be opened and split).
- The importer address is included on the EU Declaration of Conformity and/or UK Declaration of Conformity (whichever is relevant for the product in question).

You should work with your distributors to ensure physical documentation does accompany batches of product as far as possible, and in all cases that there are measures in place to ensure end users are able to identify the UK importer.

Alongside that, but not as an alternative, you can use your company website to provide more information, access to product details and contact points for retailers, consumers and enforcement bodies.

These options are for a time limited period only and may not be used after 31 December 2022. You are encouraged to put in place measures to ensure that individual items do carry the importer’s address where required ahead of this date.

The EU does not have any such transitional provision. In the absence of this, radio equipment being sold from GB to NI or the EU must be labelled with the NI or EU-based importer’s address. For further detail about placing on the NI market please see:

<https://www.gov.uk/government/publications/radio-equipment-regulations-2017>

The obligations of importers to the GB market in the UK include:

1. An importer must not place radio equipment on the GB market unless it conforms with the essential requirements. Before placing radio equipment on the GB market, an importer must ensure that the relevant conformity assessment has been carried out by the manufacturer. *See regulations 20 and 21.*

⁵ The end date for the easement for importer labelling was not changed by the announcement on 24 August 2021.

2. The importer must ensure the manufacturer has drawn up the technical documentation and a Declaration of Conformity; the radio equipment is UKCA marked⁶ and is accompanied by the required documents and information regarding the manufacturer. *See regulation 21.* Until 31 December 2023, the UKCA marking may be affixed to a label affixed to, or a document accompanying, the equipment.
3. The importer must keep a copy of the Declaration of Conformity and technical documentation for a period of 10 years after the radio equipment has been placed on the GB market. *See regulation 28.*
4. Where an importer believes equipment is not in conformity, the importer must not place it on the GB market and, where it presents a risk, the importer must inform the manufacturer and the market surveillance authority of that risk. *See regulation 22.*
5. The importer must provide their name, registered trade name or registered trade mark and a postal address at which they can be contacted on the radio equipment. Where it is not possible to set out this information on the equipment, or where the importer has imported the equipment from an EEA state or Switzerland and places it on the GB market before 31 December 2022, they may place it on the packaging or in an accompanying document. *See regulation 23.*
6. The importer must ensure that when placing radio equipment on the GB market, it is accompanied by instructions and safety information that are clear, legible and in easily understandable English. *See regulation 24.*
7. The importer must ensure that while radio equipment is under their responsibility their storage and transport conditions do not jeopardise their conformity with the essential requirements. *See regulation 25.*
8. When appropriate, the importer must take action to monitor equipment made available on the GB market by them which may present a risk, keeping a register of such equipment and any complaints or action taken. *See regulation 26.*
9. The importer must take action where they have reason to believe that the radio equipment that they have placed on the GB market is not in conformity with the 2017 Regulations as amended; including informing the relevant market surveillance authority where there is a risk to the health and safety of people. *See regulation 27.*
10. The importer must also cooperate with and provide information to enforcing authorities following any requests. *See regulation 29.*

Qualifying Northern Ireland goods complying with the legislation as it applies in Northern Ireland, including affixing the CE marking, may also be placed on the GB market. See further detail in Section 10 on Qualifying Northern Ireland Goods.

8. Obligations of distributors

UK businesses which were distributors of radio equipment within the EU single market should now consider whether they are importers from the EU single market and therefore what additional requirements they need to comply with – see section 6 above. The same applies to distributors of radio equipment from the EEA and Switzerland.

⁶ Until 31 December 2022, equipment conforming to EU rules, including the CE marking, may be placed on the market of Great Britain – see below; qualifying Northern Ireland goods complying with NI rules, including the CE marking, may also be placed on the GB market – see below.

A distributor is any person, other than the manufacturer or importer, who makes radio equipment available on the market.

The obligations of distributors include:

1. Before making radio equipment available on the GB market, the distributor must take due care to ensure that it is in conformity with the Regulations. See *regulation 30*.
2. Before making radio equipment available on the GB market, the distributor must also verify that the radio equipment bears the UKCA marking⁷ and is accompanied by the required documents as well as by instructions and information concerning the use of radio equipment. The distributor must also make sure that certain obligations on the manufacturer or importer have been complied with. See *regulation 31*. Until 31 December 2023, the UKCA marking may be affixed to a label affixed to, or a document accompanying, the equipment.
3. The distributor must not make radio equipment available on the GB market if they think it is not in conformity with the essential requirements. They must take action where they have reason to believe that the radio equipment that they have made available on the GB market is not in conformity with the Regulations. See *regulations 32 and 34*.
4. The distributor must ensure that while radio equipment is under their responsibility, its storage and transport conditions does not jeopardise its conformity with the essential health and safety requirements. See *regulation 33*.
5. The distributor must also cooperate with and provide information to enforcing authorities following any requests. See *regulation 35*.

9. Transitional arrangements

Products placed on the market before 1 January 2021

If you placed an individual fully manufactured product on the EEA or the UK market (either in Northern Ireland or Great Britain) before 1 January 2021, you do not need to do anything new. These individual goods can continue to circulate on either market until they reach their end user and do not need to comply with the changes that take effect from 1 January 2021.

A fully manufactured good is 'placed on the market' when there is a written or verbal agreement (or offer of an agreement) to transfer ownership or possession or other rights in the product. This does not require physical transfer of the good.

You can usually provide proof of placing on the market on the basis of any relevant document ordinarily used in business transactions, including:

- contracts of sale concerning goods which have already been manufactured and meet the legal requirements;
- invoices; and
- documents concerning the shipping of goods for distribution.

⁷ Until 31 December 2022, equipment conforming to EU rules, including the CE marking, may be placed on the market of Great Britain.

The relevant economic operator (whether manufacturer, importer or distributor) bears the burden of proof for demonstrating that the good was placed on the EEA or UK market before 1 January 2021.

Existing CE marked stock

The UK will allow CE marked radio equipment that has been either self-declared as compliant (where permissible) or where compliance must and has been demonstrated through assessment by an EU-recognised conformity assessment body (notified body) to be placed on the GB market until 31 December 2022.

Radio equipment lawfully placed on the market with a CE marking by 31 December 2022 can continue to circulate on the GB market after this date.

10. UKCA Marking

Assessment through third-party organisations:

From 1 January 2021, radio equipment that is conformity assessed by a UK approved body should be UKCA marked, not CE marked. If the conformity assessment was carried out by a UK conformity assessment body and the CE marking was affixed to the fully made product before 1 January 2021, the CE marking can still be used, but it must be placed on the GB market before 31 December 2022⁸.

Where the equipment has been assessed by an EU notified body, manufacturers must continue to use the CE marking for equipment and can continue to place those products on the GB market until 31 December 2022.

Qualifying Northern Ireland goods complying with the legislation as it applies in Northern Ireland, including affixing the CE marking, may be placed on the GB market after 31 December 2022. See further detail in Section 10 on Qualifying Northern Ireland Goods.

Rules around physically affixing the new UKCA marking mirror those which currently apply for the application of the CE marking, although, until 31 December 2023, the UKCA marking may be affixed to a label affixed to the equipment or a document accompanying the equipment, rather than being affixed to the equipment itself (even where it is otherwise possible to affix it to the equipment itself).

Self-declaration:

Manufacturers placing radio equipment on the GB market on the basis of self-declaration of conformity can affix the UKCA marking before placing equipment on the GB market. Alternatively, until 31 December 2022, manufacturers can affix the CE marking based on self-declaration of conformity by the manufacturer before placing it on the GB market.

It is possible to affix both the UKCA marking and the CE marking to the same equipment, where conformity procedures are based on self-declaration, as long as the EU and GB requirements remain the same. When selling to the EU or supplying to NI, the CE marking remains mandatory.

Further guidance on UKCA marking can be found here:

<https://www.gov.uk/guidance/using-the-ukca-marking>

⁸ On 24 August 2021 the Government announced the transition periods for UKCA marking and UKCA labelling would each be extended until 31 December 2022 and 31 December 2023 respectively. Legislation will be placed before Parliament in the autumn to give effect to this.

11. Qualifying Northern Ireland Goods

The government has committed to providing unfettered access for qualifying Northern Ireland goods to the rest of the UK market after 1 January 2021. Products that can be placed on the market in Northern Ireland in accordance with the legislation, as it applies to Northern Ireland, can be sold in the rest of the UK without any additional approvals.

This means that products that are qualifying Northern Ireland goods can be sold in the rest of the UK if any of the following apply:

- the CE marking is lawfully applied to the good on the basis of self-declaration;
- any mandatory third-party conformity assessment was carried out by an EU-recognised notified body (including a body in a country with which the EU has a relevant mutual recognition agreement) and a CE marking is affixed;
- the certificate of conformity previously held by a UK approved body has been transferred to an EU-recognised notified body and a CE marking has been affixed; or
- any mandatory third-party conformity assessment was carried out by a UK-based body, and the good is therefore marked with the CE marking with the new UKNI marking.

This will be the case even if there are changes between the EU rules that the Northern Ireland Protocol applies to NI and the GB rules.

You can find more information about the UKNI marking here:

<https://www.gov.uk/guidance/using-the-ukni-marking>

NI businesses that are importing products from the EEA and placing them on the GB market must ensure that the relevant conformity assessment procedure has been carried out, that the technical documentation has been drawn up and that the equipment bears the CE marking. They will also have to comply with the importer labelling duties (see Section 6 on obligations of importers).

You can find out more about qualifying Northern Ireland goods here:

<https://www.gov.uk/guidance/moving-qualifying-goods-from-northern-ireland-to-the-rest-of-the-uk>

12. Approved Bodies

The UK has established a new framework for UK based bodies to assess products against GB rules. Existing UK notified bodies have been granted new UK 'approved body' status and are listed on a new UK database.

Approved bodies are conformity assessment bodies which have been approved by the Secretary of State to carry out the procedures for conformity assessment and certification for the GB market as set out in the 2017 Regulations.

These approved bodies retain their 4-digit identification number. New approved bodies will be assigned a number by the Office for Product Safety and Standards on behalf of the Secretary of State.

Approved bodies can assess products for the GB market against GB essential requirements (which are, as yet, the same as EU essential requirements).

UK approved bodies must be established in the UK and be independent of the manufacturer. Approved bodies must examine the technical documentation and supporting evidence in respect of a product to assess the adequacy of the technical design.

Where an approved body finds that essential safety requirements have not been met by a manufacturer, they must not issue a certificate of conformity and they must require the manufacturer to take corrective measures.

A register of UK Approved Bodies can be found on the UKMCAB system at the link here:

<https://www.gov.uk/uk-market-conformity-assessment-bodies>

The register also contains details of bodies in other countries such as Australia, New Zealand, Canada, Japan, and the United States of America, which the UK is designating as Approved Bodies through Mutual Recognition Agreements.

13. Enforcement and penalties

In Great Britain, the enforcing authority for radio equipment, in relation to protection and management of the radio spectrum is the Office of Communications (Ofcom), and for other aspects including safety of radio equipment it is the local weights and measures authority (Trading Standards).

The 2017 Regulations also provide powers to the Secretary of State or a person appointed to act on their behalf to enforce the 2017 Regulations.

The 2017 Regulations provide powers to enforcing authorities to take action against economic operators for products that present a risk or are not in conformity with the Regulations as set out in regulation 57 to 60, 62 and 63 and Schedule 10. Economic operators are required to cooperate with the enforcement authority and, on request, must provide information and take action as appropriate.

The GB market surveillance authorities (local trading standards authorities) will take all appropriate measures to withdraw from the market or to prohibit and restrict the supply of products which may endanger the health and safety of persons, property or the environment.

Regulators' Code

Market Surveillance authorities must continue to have regard to the Regulators' Code when developing the policies and operational procedures that guide their regulatory activities in this area. They should carry out their activities in a way that supports those they regulate to comply and grow, including choosing proportionate approaches that reflect risk.

In responding to non-compliance that they identify, regulators should clearly explain what the non-compliant item or activity is, the advice being given, actions required, or decisions taken, and the reasons for these. Unless immediate action is needed to prevent a serious breach, regulators should provide an opportunity for dialogue in relation to the advice, requirements or decisions, with a view to ensuring that they are acting in a way that is proportionate and consistent. The Secretary of State takes account of the provisions of both the Regulators' Code and the Growth Duty in exercising their regulatory functions.

A link to the Regulator's Code can be found here:

<https://www.gov.uk/government/publications/regulators-code>

Penalties

A person committing an offence under the 2017 Regulations will be liable to a penalty. Penalties can include a fine or a prison sentence of up to three months or both for the most serious offences. See regulations 65 and 66.

While it is matter for the enforcement authority to decide whether prosecution is appropriate in each case, should a prosecution take place, it is at the discretion of the court to decide the penalties imposed on the offender.

14. Glossary

- **Approved Body** – A conformity assessment body which has been approved by the Secretary of State or was previously a ‘notified body’ before 1 January 2021.
- **Authorised Representative** – A person appointed in writing by a manufacturer to perform specific tasks for the manufacturer. From 1 January 2021, authorised representatives for the GB market must be based in the UK. Manufacturers remain ultimately responsible for ensuring these tasks are carried out properly.
- **Declaration of conformity** – A document prepared by the manufacturer which must detail, among other things, the following:
 - the specific product to which the declaration is referring; and
 - the name and address of the manufacturer and, where applicable, their authorised representative.

This must be kept by the manufacturer for a period of ten years from the date on which the product was placed on the GB market. This declaration must be made available to the enforcing authority upon request.

- **Distributor** – Any person in the GB supply chain, other than the manufacturer or the importer, who makes radio equipment products available on the GB market.
- **Enforcing Authority** – In Great Britain, the enforcing authority for radio equipment, in relation to protection and management of the radio spectrum is the Office of Communications (Ofcom), and for other aspects including safety of radio equipment it is the local weights and measures authority (Trading Standards).
- **Importer** – A person established in the UK who places radio equipment from a country outside of the UK on the GB market. This includes a person based in NI who has been supplied with the product from an EEA country, who would, under NI law, be a distributor. A person who, before 1 January 2021 (under EU Rules), distributed radio equipment within the EU (including the UK) will now be an importer if they are bringing radio equipment into GB from another country (including EU Member States).
- **Manufacturer** – A person who manufactures radio equipment or has radio equipment designed or manufactured and markets that product under their name or trademark.
- **UKCA Marking** – The UKCA (UK Conformity Assessed) marking is the new UK conformity marking used for certain goods (including radio equipment) being placed on the GB market, in place of the CE marking which is the conformity marking used in Northern Ireland and the European Union.

- **UKNI Marking** (also known as the UK(NI) indication) – The UKNI marking is a new marking applied in addition to the CE marking, where a good requiring mandatory third-party conformity assessment has been tested against EU requirements by a UK body. The UKNI marking applies when placing such products on the Northern Ireland market. Under the Government’s unfettered access commitments, products lawfully marked with the UKNI marking can also be placed on the GB market if they are also qualifying Northern Ireland goods.

© Crown copyright 2021

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated.

To view this licence, visit www.nationalarchives.gov.uk/doc/open-governmentlicence/version/3/ or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gsi.gov.uk. Where we have identified any third-party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at <https://www.gov.uk/government/publications/radio-equipment-regulations-2017>

Contact us if you have any enquiries about this publication, including requests for alternative formats, at: OPSS.enquiries@beis.gov.uk

Office for Product Safety and Standards

Department for Business, Energy and Industrial Strategy
4th Floor, Cannon House, 18 The Priory Queensway, Birmingham B4 6BS
<https://www.gov.uk/government/organisations/office-for-product-safety-and-standards>