

Comments from Ireland on the amendment of the RE Directive 30 November 2021

General comments;

Ireland appreciates the work that has gone into preparing the last compromise text and in principle supports many of the approaches.

Ireland notes that the Market Surveillance Regulation ((EU) 2019/1020) defines end-users as follows:

‘end user’ means any natural or legal person residing or established in the Union, to whom a product has been made available either as a consumer outside of any trade, business, craft or profession or as a professional end user in the course of its industrial or professional activities;

As such, consumers are already covered in the definition of end-users, however, given the current expressions used in the Radio Equipment Directive, for consistency within that context Ireland does not object to the use of “consumers and other end-users”. Perhaps a recital can set out the reason for retaining the “historic” words, but noting that the MSR of 2019 defines end users and that nothing in the RE Directive should give any uncertainty to the inclusion of consumers within the category “end-users” in accordance with that Regulation.

Ireland recalls the need to ensure that information or labelling indicating the radio spectrum frequency bands that are permitted or not permitted in particular geographic areas is also to be clearly provided to consumers. Thus the focus at present relating to charging should not distract from the need for the frequency information to be provided to consumers.

Linguistic remark

Ireland has a linguistic improvement arising in Article 1(3), 1(3a) and 1(3b) amending articles 10(8), 12(2) and 13(4) respectively of the RE Directive.

Any visual advertisement organised by or ~~for the account~~ on behalf of the shall show

Wording suggestion

- i) Text suggestion in Article 1(3)

In the case of radio equipment referred to in Article 3(4), information on whether or not a charging device is included with the radio equipment ~~includes a charging device or not~~, shall be provided in such a way that it is visible when the radio equipment referred to in Article 3(4) is offered to consumers and other end-users.

Justification; Radio equipment which includes a charging device, that is where the charging device is built in, would then most likely receive 220/240V AC ! What is intended here is that the “package contains” the charging device. This can be expressed as a charging device included with the radio

equipment. This can then be interpreted as included with the radio equipment in the package or included with the radio equipment for sale at the price displayed.

- ii) Text suggestion in Annex 1a Part 1 , 1c and in the associated recital (6).

digital photo/video cameras not intended for ~~private~~ professional use

Justification: This achieves fundamentally the same result, but better matches the reality that sometimes professional users do actually use products intended for use by private individuals. In those circumstances the “rules” for the product should remain the same even if the “end-user” is a professional entity! Equally if a private user buys a product intended for the professional user, then the rules for charging for that product do not change, which is outside the scope of the Annex.

Article 2, date of applicability

Ireland considers that the date of applicability should be 3 years after entry into force. This will give certainty to industry, given that the time to develop products is approximately 3 years.

If designers have to change the layout of components on the main circuit board after design work has already commenced, the designers would likely have to start at the beginning of the design process again. This will delay the date on which the product is launched.

If the manufacturer opted to speed up the design and factory fit out process in order to launch the product before the date of applicability, the product might be launched 1 month before the date of applicability with a charging interface other than the common interface in the amended Directive.

Depending on the detail of the blue guide and the exact meaning and interpretation of “first placed on the market”, the product above might or might not be permitted to remain for sale by the Market Surveillance Authority. If the product is not allowed to continue to be sold, then that product would be withdrawn from the European market and most likely not replaced. But the question at the core of this discussion is whether or not products first placed on the market before the date of applicability can continue to leave the factory for European markets even if they do not have the common interface.

Therefore Ireland suggests that it is better for Europe to provide a longer period between entry into force and applicability in order to better align with the device design timeframe and giving a much greater chance that the products leaving the factory and offered for sale to consumers are equipped with the common interface for charging.

Ireland appreciates that nothing in the Directive and the blue guide is intended to create difficulties for retailers, distributors or importers who might have products in storage awaiting sale and delivery to customers. Clearly it would not be reasonable to require these economic operators to dispose of the product as waste or return it to manufacturers.

Change to the Article 2 proposed by Ireland;

Article 2

1. Member States shall adopt and publish, by [***OP please insert date*** – 12 months after the entry-into-force of this Directive] at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

They shall apply those provisions from [***OP please insert date*** – ~~36~~²⁴ months after the entry-into-force of this Directive].

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.
2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Justification: The date of applicability is set 3 years after entry into force in order to better align with design timeframes and thus ensure that the vast majority of products offered for sale on the European market at the date of applicability will have the common interface.



Council of the European Union
General Secretariat

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From:	IE Delegation
To:	Working Party on Technical Harmonisation (Radio Equipment)
Subject:	Common Charger Directive: Comments on the second Presidency compromise text from Ireland
