



STATUTORY INSTRUMENTS.

**S.I. No. 30 of 2024**

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EUROPEAN UNION (RADIO EQUIPMENT) (AMENDMENT)  
REGULATIONS 2024

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I, EAMON RYAN, Minister for the Environment, Climate and Communications, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972), for the purpose of giving further effect to Articles 3, 4, and 5 of Directive 2014/53/EU of the European Parliament and of the Council of 16 April 2014<sup>1</sup>, and for the purpose of giving effect to that Directive as amended by Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018<sup>2</sup>, Directive (EU) 2022/2380 of the European Parliament and of the Council of 23 November 2022<sup>3</sup> and Commission Delegated Regulation (EU) 2023/1717 of 27 June 2023<sup>4</sup>, hereby make the following regulations:

1. These Regulations may be cited as the European Union (Radio Equipment) (Amendment) Regulations 2024.
2. In these Regulations “Principal Regulations” means the European Union (Radio Equipment) Regulations 2017 (S.I. No. 248 of 2017).
3. Regulation 2(1) of the Principal Regulations is amended —
  - (a) by the substitution of the following definition for the definition of “Directive”:
 

“ ‘Directive’ means Directive 2014/53/EU of the European Parliament and of the Council of 16 April 2014<sup>1</sup> as amended by Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018<sup>2</sup>, Directive (EU) 2022/2380 of the European Parliament and of the Council of 23 November 2022<sup>3</sup> and Commission Delegated Regulation (EU) 2023/1717 of 27 June 2023<sup>4</sup>;”, and
  - (b) by the substitution of the following definition for the definition of “essential requirements”:
 

“ ‘essential requirements’, in relation to a category or class of radio equipment, means the essential requirements applicable to the category or class of radio equipment by virtue of paragraph (1), (4), (5) or (6) of Regulation 4, as the case may be;”.

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<sup>1</sup> OJ No. L. 153, 22.5.2014, p. 62.

<sup>2</sup> OJ No. L. 212, 22.8.2018, p. 1.

<sup>3</sup> OJ No. L. 315, 7.12.2022, p. 30.

<sup>4</sup> OJ No. L. 223, 11.9.2023, p. 1.

4. Regulation 3(1) of the Principal Regulations is amended by the substitution of “Subject to Regulation 3A, these” for “These”.

5. The Principal Regulations are amended by the insertion of the following Regulation after Regulation 3:

**“Application of specified provisions**

3A. (1) The specified provisions shall apply —

- (a) from 28 December 2024, in so far as they relate to the categories or classes of radio equipment referred to in Part I, points 1.1 to 1.12 of Annex Ia to the Directive, and
- (b) from 28 April 2026, in so far as they relate to the categories or classes of radio equipment referred to in Part I, point 1.13 of Annex Ia to the Directive.

(2) In paragraph (1) “specified provisions” means —

- (a) the definition of “essential requirements” in Regulation 2(1), in so far as it relates to an essential requirement applicable by virtue of paragraph (5)(a)(ii) or (6) of Regulation 4,
- (b) Regulation 4(5)(a)(ii),
- (c) Regulation 4(6),
- (d) Regulation 4A,
- (e) paragraphs (2)(h)(vi), (2A), (2B), (2C), and (2D) of Regulation 9,
- (f) the amendment of Regulation 31(1) effected by the European Union (Radio Equipment) (Amendment) Regulations 2024 (S.I. No. 30 of 2024), and
- (g) such other provisions of these Regulations as relate to the provisions referred to in subparagraphs (a), (b), (c), (d), (e), and (f) in so far as they so relate.”.

6. Regulation 4 of the Principal Regulations is amended by the insertion of the following paragraphs after paragraph (3):

“(4) A category or class of radio equipment specified by a delegated act adopted under Article 3(3) of the Directive to be concerned by an essential requirement referred to in paragraph (5) shall, while the delegated act is in force, be constructed to comply with the requirement.

(5) The essential requirements referred to in paragraph (4) are that the radio equipment—

- (a) interworks with —

- (i) accessories, in particular with common chargers, or
  - (ii) accessories other than the charging devices for the categories or classes of radio equipment specified in Part I of Annex Ia to the Directive,
  - (b) interworks via networks with other radio equipment,
  - (c) can be connected to interfaces of the appropriate type throughout the European Union,
  - (d) does not harm the network or its functioning nor misuse network resources, thereby causing an unacceptable degradation of service,
  - (e) incorporates safeguards to ensure that the personal data (within the meaning of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016<sup>5</sup>) and privacy of the user and of the subscriber are protected,
  - (f) supports certain features ensuring protection from fraud,
  - (g) supports certain features ensuring access to emergency services,
  - (h) supports certain features in order to facilitate its use by users with a disability, or
  - (i) supports certain features in order to ensure that software can only be loaded into the radio equipment where the compliance of the combination of the radio equipment and software with these Regulations has been demonstrated.
- (6) Radio equipment falling within a category or class specified in Part I of Annex Ia to the Directive shall be so constructed that it complies with the specifications relating to charging capabilities set out in that Annex for that category or class.”.

7. The Principal Regulations are amended by the insertion of the following regulations after Regulation 4:

**“Possibility for consumers and other end-users to acquire certain categories or classes of radio equipment without a charging device**

4A. (1) Where an economic operator offers to consumers and other end-users the possibility of acquiring radio equipment of the categories or classes specified in Part I of Annex Ia to the Directive with a charging device, it shall also offer the consumer or other end-user the possibility of acquiring the radio equipment without a charging device.

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<sup>5</sup> OJ No. L 119, 4.5.2016, p.1.

(2) Where radio equipment specified in Part I of Annex Ia to the Directive is offered in accordance with paragraph (1), economic operators shall ensure that information on whether or not a charging device is included with the radio equipment is provided using a pictogram as set out in Part III of Annex Ia to the Directive.

(3) The pictogram referred to in paragraph (2) shall —

- (a) be printed on the packaging of the radio equipment, or affixed to the packaging of the radio equipment as a sticker,
- (b) be displayed in a visible and legible manner, and
- (c) in the case of distance selling, be displayed close to the indication of the price payable for the radio equipment.

### **Provision of information on the compliance of combinations of radio equipment and software**

4B. (1) Manufacturers of categories or classes of radio equipment, and of software allowing radio equipment to be used as intended, specified by a delegated act adopted under Article 4(2) of the Directive shall, while the delegated act is in force and following a conformity assessment carried out in accordance with Regulation 16, provide the competent authority and the European Commission with a statement regarding the compliance of intended combinations of radio equipment and software with the essential requirements.

(2) The statement referred to in paragraph (1) shall —

- (a) precisely identify the radio equipment and the software which have been assessed, and
- (b) include the information referred to in Schedule 6.

(3) Where a change is made by a manufacturer to radio equipment or software allowing radio equipment to be used as intended such that the statement referred to in paragraph (2) is incorrect, the manufacturer shall provide the competent authority and the European Commission with a further statement regarding the compliance of intended combinations of radio equipment and software with the essential requirements in accordance with paragraph (1).

### **Registration of radio equipment types within some categories**

4C. (1) Where a category of radio equipment is specified by a delegated act adopted under Article 5(2) of the Directive as being affected by a low level of compliance with the essential requirements, manufacturers shall, while the delegated act is in force, register the category of radio equipment in the central system referred to in Article 5(4) of the Directive prior to radio equipment within that category being placed on the market.

(2) When registering a category of radio equipment in the central system under paragraph (1), manufacturers shall provide the applicable elements of the technical documentation specified in paragraphs (a), (d), (e), (f), (g), (h), and (i) of Schedule 5.

(3) Where the European Commission allocates a registration number to a category of radio equipment registered under paragraph (1), manufacturers shall affix the registration number on radio equipment of that category placed on the market.”.

8. Regulation 9 of the Principal Regulations is amended —

(a) in paragraph (2)(h) —

- (i) in clause (v), by the insertion of “and” after “packaging referred to in subparagraph (g),”, and
- (ii) by the insertion of the following clause after clause (v):

“(vi) in the case of radio equipment referred to in Part I of Annex 1a to the Directive, include (in accordance with paragraphs (2A), (2B), (2C), and (2D)) information on the specifications relating to the radio equipment’s charging capabilities and the compatible charging devices, as specified in Part II of Annex 1a to the Directive,”, and

(b) by the insertion of the following paragraphs after paragraph (2):

“(2A) In the case of radio equipment referred to in Part I of Annex 1a to the Directive made available to consumers or other end-users, the information referred to in clause (vi) of paragraph (2)(h) shall be displayed on a label as set out in Part IV of Annex 1a to the Directive —

- (a) in a visible and legible manner, and
- (b) without prejudice to paragraph (2B), where the radio equipment is made available by means of distance selling, close to the indication of the price of the radio equipment.

(2B) The label referred to in paragraph (2A) shall be —

- (a) printed in the instructions referred to in paragraph (2)(h), and
- (b) subject to paragraphs (2C) and (2D), printed on the packaging of the radio equipment or affixed to the packaging as a sticker.

(2C) Where the radio equipment referred to in paragraph (2A) does not have packaging, a sticker with the label referred to in paragraph (2A) shall be affixed to the radio equipment.

(2D) Where the size or nature of the radio equipment does not allow otherwise, the label referred to in paragraph (2A) shall be printed and made available as a separate document accompanying the radio equipment.”.

9. Regulation 12(2)(d) of the Principal Regulations is amended by the substitution of “subparagraphs (e), (h) and (i) of Regulation 11(2)” for “subparagraphs (h) and (i) of Regulation 11(2)”.

10. Regulation 16 of the Principal Regulations is amended —

- (a) in paragraph (4), by the substitution of “essential requirements applicable by virtue of subparagraphs (a) and (b) of Regulation 4(1) and Regulation 4(6)” for “essential requirements”,
- (b) in paragraph (5), by the insertion of “and in paragraphs (4) and (5) of Regulation 4” after “Regulation 4(1)”, and
- (c) in paragraph (6), by the insertion of “and in paragraphs (4) and (5) of Regulation 4” after “Regulation 4(1)”.

11. Regulation 31(1) of the Principal Regulations is amended by the insertion of “or does not comply with at least one of the applicable essential requirements,” after “protection of the public interest.”.

12. Regulation 35(1)(b) of the Principal Regulations is amended —

- (a) in clause (viii), by the substitution of “the information” for “information on the intended use of radio equipment”,
- (b) in clause (ix), by the substitution of “Regulation 14;” for “Regulation 14.”, and
- (c) by the insertion of the following clauses after clause (ix):
  - “(x) the pictogram referred to in Regulation 4A(2), or label referred to in Regulation 9(2A), has not been drawn up correctly;
  - (xi) the label referred to in Regulation 9(2A) does not accompany the radio equipment concerned;
  - (xii) the pictogram is not affixed or displayed in accordance with Regulation 4A or the label is not affixed or displayed in accordance with paragraph (2)(h)(vi), (2A), (2B), (2C) or (2D) of Regulation 9;
  - (xiii) Regulation 4A is not complied with;
  - (xiv) Regulation 4C is not complied with.”.

13. Regulation 44(1) of the Principal Regulations is amended by the insertion of the following subparagraph after subparagraph (a):

“(aa) Regulation 4A, 4B or 4C;”.

14. Schedule 1 to the Principal Regulations is amended by the substitution of the following paragraph for paragraph 2:

- “2. (a) Marine equipment falling within the scope of the European Union (Marine Equipment) Regulations 2017 (S.I. No. 177 of 2017).
- (b) The following aviation equipment, where that equipment falls within the scope of Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018<sup>2</sup> and is intended exclusively for airborne use:
- (i) aircraft, other than unmanned aircraft, as well as associated engines, propellers, parts and non-installed equipment, and
  - (ii) unmanned aircraft, as well as associated engines, propellers, parts and non-installed equipment, the design of which is certified in accordance with Article 56(1) of that Regulation and which are intended to operate only on frequencies allocated by the Radio Regulations of the International Telecommunications Union for protected aeronautical use.”.



GIVEN under my Official Seal,  
1 March, 2024.

EAMON RYAN,  
Minister for the Environment, Climate and  
Communications.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
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