

Nr. Prot. 032/B/17**Nr.of register: 31****TECHNICAL REGULATION
ON RADIO EQUIPMENT****CHAPTER I
GENERAL PROVISIONS****Article 1****Legal basis**

This technical regulation (hereinafter referred to as the Regulation) is prepared on the basis of the provisions of the article 1, article 9 paragraph 3.8, article 10 paragraph 4 and article 94 of the Law on Electronic Communications (hereinafter referred to as the Law) and of Directive 2014/53/EU of the European Parliament and of the Council of 16 April 2014 on the harmonization of the laws of the Member States relating to the making available on the market of radio equipment and repealing Directive 1999/5/EC.

Article 2**Aim**

The Regulation establishes a regulatory framework for the making available on the market and putting into service and use, conformity assessment and market surveillance of radio equipment in the Republic of Kosovo.

Article 3**Scope**

1. The Regulation shall apply to all radio equipment except of listed in paragraph 2 of this Article and its provisions are obligatory for all economical operators, and other entities mentioned in the Regulation.
2. The Regulation shall not apply to:
 - 2.1 Radio equipment used by radio amateurs within the meaning of Article 1, definition 56, of the International Telecommunications Union (ITU) Radio Regulations, unless the equipment is made available on the market. The following shall be regarded as not being made available on the market:
 - a) radio kits for assembly and use by radio amateurs;
 - b) radio equipments modified by and for the use of radio amateurs;
 - c) equipments constructed by individual radio amateurs for experimental and scientific purposes related to amateur radio.

- 2.2 Equipment which are used or intended for use on all vessels to which the 1974 International Convention for the Safety of Life at Sea (SOLAS) apply.
- 2.3 Airborne products, parts and appliances defined in Annex I.
- 2.4 Custom-built evaluation kits destined for professionals to be used solely at research and development facilities for such purposes.
- 2.5 Radio equipment exclusively used for activities concerning public security, defense, State security, including the economic well-being of the State in the case of activities pertaining to State security matters, and the activities of the State in the area of criminal law.

Article 4 **Definitions**

1. For the purposes of the Regulation the following definitions apply:
 - 1.1 **radio equipment** means an electrical or electronic product, which intentionally emits and/or receives radio waves for the purpose of radio communication and/or radiodetermination, or an electrical or electronic product which must be completed with an accessory, such as antenna, so as to intentionally emit and/or receive radio waves for the purpose of radio communication and/or radiodetermination;
 - 1.2 **radio communication** means communication by means of radio waves;
 - 1.3 **radiodetermination** means the determination of the position, velocity and/or other characteristics of an object, or the obtaining of information relating to those parameters, by means of the propagation properties of radio waves;
 - 1.4 **radio waves** means electromagnetic waves of frequencies lower than 3 000 GHz, propagated in space without artificial guide;
 - 1.5 **radio interface** means the specification of the regulated use of radio spectrum;
 - 1.6 **radio equipment class** means a class identifying particular categories of radio equipment which, under The Regulation, are considered similar and those radio interfaces for which the radio equipment is designed;
 - 1.7 **electromagnetic disturbance** means any electromagnetic phenomenon which may degrade the performance of equipment; an electromagnetic disturbance may be electromagnetic noise, an unwanted signal or a change in the propagation medium itself;
 - 1.8 **making available on the market** means any supply of radio equipment for distribution, consumption or use on the market of the Republic of Kosovo in the course of a commercial activity, whether in return for payment or free of charge;

- 1.9 **placing on the market** means the first making available of radio equipment on the market of the Republic of Kosovo;
- 1.10 **putting into service** means the first use of radio equipment in the Republic of Kosovo by its end-user;
- 1.11 **manufacturer** means any natural or legal person who manufactures radio equipment or has radio equipment designed or manufactured, and markets that equipment under his name or trade mark;
- 1.12 **authorized representative** means any natural or legal person established within the Republic of Kosovo who has received a written mandate from a manufacturer to act on his behalf in relation to specified tasks;
- 1.13 **importer** means any natural or legal person registered the Republic of Kosovo who places radio equipment from other country on the market of the Republic of Kosovo;
- 1.14 **distributor** means any natural or legal person in the supply chain, other than the manufacturer or the importer, who makes radio equipment available on the market;
- 1.15 **economic operator** means the manufacturer, the authorized representative, the importer and the distributor;
- 1.16 **technical specification** means a document that prescribes technical requirements to be fulfilled by radio equipment;
- 1.17 **harmonized European standard** means a European standard adopted on the basis of a request made by the European Commission for the application of European Union harmonized legislation;
- 1.18 **conformity assessment** means the process demonstrating whether the essential requirements of The Regulation relating to radio equipment have been fulfilled;
- 1.19 **conformity assessment body** means a body that performs radio equipment conformity assessment activities;
- 1.20 **recall** means any measure aimed at achieving the return of radio equipment that has already been made available to the end-user;
- 1.21 **withdrawal** means any measure aimed at preventing radio equipment in the supply chain from being made available on the market;
- 1.22 **European Union harmonization legislation** means any European Union legislation harmonizing the conditions for the marketing of products;

- 1.23 **conformity marking** means CE marking by which the manufacturer indicates that the radio equipment is in conformity with the applicable requirements set out in European Union harmonization legislation providing for its affixing, or means conformity marking defined in Regulation No. 06/2013 On Conformity Mark and by which the manufacturer indicates that the radio equipment is in conformity with the applicable requirements set out with specific legal acts of the Republic of Kosovo, which provisions require marking with the conformity mark;
- 1.24 **Kosovo standard** means a standard available to the public and adopted by the Kosovo Standardization Agency;
- 1.25 **harmonized Kosovo standard** means harmonized European standard adopted as Kosovo standard adopted by the Kosovo Standardization Agency;
- 1.26 **designated conformity assessment body** means a conformity assessment body that performs radio equipment conformity assessment activities based on the decision for authorization which is approved by RAEPC.
2. Other definitions are understood as given in the Law.

Article 5

Radio equipment essential requirements

1. Radio equipment shall be constructed so as to ensure the protection of health and safety of persons and of domestic animals and the protection of property, including the objectives with respect to safety requirements set out in Regulation for electrical equipment designed for use within certain voltage limits (MTI No. 05/2016) but with no voltage limit applying;
2. Radio equipment shall be constructed so as to ensure an adequate level of electromagnetic compatibility as set out in Regulation MTI No. 01/2017 for Electromagnetic Compatibility;
3. Radio equipment shall be so constructed that it both effectively uses and supports the efficient use of radio spectrum in order to avoid harmful interference;
4. In addition to complying with essential requirements specified in paragraphs 1, 2, 3 of this Article radio equipment given below shall be so constructed that it complies with the following essential requirements:
 - 4.1 radio equipment operating in the frequency bands, laid down by the arrangement concerning the radiotelephone service on inland waterways shall implement the automatic transmitter identification system (ATIS) defined in Annex B of ETS 600698. Radio communication equipment on the service categories "ship-to-ship", "ship-to-port-authorities" and "onboard-communication", laid down by the

arrangement concerning the radiotelephone service on inland waterways shall not be able to transmit at transmitter powers higher than 1 watt;

- 4.2 radio equipment operating on 457 kHz and intended to locate people submerged by snow following an avalanche (hereinafter – avalanche beacons) shall be designed so as to be able to interwork with new beacons as well as with the installed base of beacons, which was approved under national approval regulations based on ETS 300 718 . Avalanche beacons shall be so constructed that they will function reliably after having been exposed to an avalanche and continue to function when being submerged in snow following the avalanche for a longer period;
- 4.3 radio equipment which are intended for use on all vessels to which the 1974 International Convention for the Safety of Life at Sea (SOLAS) does not apply (hereinafter non-SOLAS vessels) and which are intended to participate in the Global Maritime Distress and Safety System (GMDSS), as laid down in Chapter IV of the SOLAS convention operating in either of the following services: the maritime mobile service as defined in Article 1.28 of the International Telecommunications Union (ITU) Radio Regulations, the maritime mobile satellite service as defined in Article 1.29 of the ITU Radio Regulations, shall be designed so as to ensure correct functioning under exposure to a marine environment, meet all the operational requirements of the GMDSS applicable to non-SOLAS vessels, in accordance with the relevant provisions of the International Maritime Organisation, and provide clear and robust communications with a high degree of fidelity of the analogue or digital communications link;
- 4.4 radio equipment which operates in the maritime mobile service as defined in Article 1.28 of the International Telecommunications Union (ITU) Radio Regulations, or in the maritime mobile satellite service as defined in Article 1.29 of the ITU Radio Regulations shall be designed in such a way as to ensure that it operates correctly in its intended environment when used on non-SOLAS vessels and land-stations and it shall meet all the appropriate operational requirements of the Automatic Identification System (AIS);
- 4.5 locator beacons intended to operate on 406 MHz with the Cospas-Sarsat system shall be designed so as to ensure correct functioning according to the accepted operational requirements under exposure to the environment in which they may be used. Under distress conditions they shall provide clear and robust communication with a high degree of fidelity by meeting all the requirements of the Cospas-Sarsat system.
- 4.6 taking into account of EU harmonisation legislation, Regulatory Authority of Electronic and Postal Communications (hereinafter-RAEPC) has a power to issues decisions where for certain categories or classes radio equipment requirements regarding following essential requirements are established:

- a) radio equipment interworks with accessories, in particular with common chargers;
- b) radio equipment interworks via networks with other radio equipment;
- c) radio equipment can be connected to interfaces of the appropriate type throughout the European Union;
- d) radio equipment does not harm the network or its functioning nor misuse network resources, thereby causing an unacceptable degradation of service;
- e) radio equipment incorporates safeguards to ensure that the personal data and privacy of the user and of the subscriber are protected;
- f) radio equipment supports certain features ensuring protection from fraud;
- g) radio equipment supports certain features ensuring access to emergency services;
- h) radio equipment supports certain features in order to facilitate its use by users with a disability;
- i) radio equipment 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 has been demonstrated.

Article 6

Making available on the market and putting into service and use of radio equipment

1. Radio equipment can be made available on the market only if it complies with the Regulation.
2. Radio equipment shall be put into service and used if it complies with the Regulation when it is properly installed, maintained and used for its intended purpose.
3. RAEPC has a power to introduce additional requirements for placing on the market and the putting into service and/or use of radio equipment for reasons related to the effective and efficient use of the radio spectrum, to the avoidance of harmful interference, to the avoidance of electromagnetic disturbances or to public health.
4. Radio equipment which does not comply with the Regulation can be displayed at trade fairs, exhibitions and similar events. In such cases a visible sign clearly indicating that such radio equipment may not be made available on the market or put into service until it has been brought into conformity with this regulation shall be provided. Demonstration (with switch on) of radio equipment may only take place only when adequate measures have been taken to avoid harmful interference, electromagnetic disturbances and risk to the health or safety of persons or of domestic animals or to

property. These measures shall be reconciled with RAEPK in written form 5 working days in advance of such demonstration.

CHAPTER II OBLIGATIONS OF ECONOMIC OPERATORS

Article 7 Obligations of manufacturers

1. When placing their radio equipment on the market, manufacturers shall ensure that it has been designed and manufactured in accordance with the essential requirements set out in Article 5.
2. Manufacturers shall ensure that radio equipment shall be so constructed that it can be operated in the Republic of Kosovo without infringing applicable requirements on the use of radio spectrum.
3. Manufacturers shall draw up the technical documentation referred to in Article 18 and carry out the relevant conformity assessment procedure referred to in Article 14 or have it carried out. Where compliance of radio equipment with the applicable requirements has been demonstrated by that conformity assessment procedure, manufacturers shall draw up a declaration of conformity and affix the conformity marking.
4. Manufacturers shall keep the technical documentation and the declaration of conformity for 10 years after the radio equipment has been placed on the market.
5. Manufacturers shall ensure that procedures are in place for series production to remain in conformity with the Regulation. Changes in radio equipment design or characteristics and changes in the harmonized European standards or in other technical specifications by reference to which conformity of radio equipment is declared shall be adequately taken into account. When deemed appropriate with regard to the risks presented by radio equipment, manufacturers shall, to protect the health and safety of end-users, carry out sample testing of radio equipment made available on the market, investigate, and, if necessary, keep a register of complaints, of non-conforming radio equipment and radio equipment recalls, and shall keep distributors informed of any such monitoring.
6. Manufacturers shall ensure that radio equipment which they have placed on the market bears a type, batch or serial number or other element allowing its identification, or, where the size or nature of the radio equipment does not allow it, that the required information is provided on the packaging, or in a document accompanying the radio equipment.
7. Manufacturers shall indicate on the radio equipment their name, registered trade name or registered trade mark and the postal address at which they can be contacted or, where the size or nature of radio equipment does not allow it, on its packaging, or in a document accompanying the radio equipment. The address shall indicate a single point

at which the manufacturer can be contacted. The contact details shall be in the official languages of the Republic of Kosovo.

8. Manufacturers shall ensure that the radio equipment is accompanied by instructions and safety information shall be in the official languages of the Republic of Kosovo. Instructions shall include the information required to use radio equipment in accordance with its intended use. Such information shall include, where applicable, a description of accessories and components, including software, which allow the radio equipment to operate as intended. Such instructions and safety information, as well as any labelling, shall be clear, understandable and intelligible. The following information shall also be included in the case of radio equipment intentionally emitting radio waves:
 - a) frequency band(s) in which the radio equipment operates;
 - b) maximum radio-frequency power transmitted in the frequency band(s) in which the radio equipment operates.
9. Manufacturers shall ensure that each item of radio equipment is accompanied by a copy of the declaration of conformity or by a simplified declaration of conformity. Where a simplified declaration of conformity is provided, it shall contain the exact internet address where the full text of the declaration of conformity can be obtained.
10. In cases of restrictions on putting into service or of requirements for authorisation of use the information about such restrictions and requirements shall be completed in the instructions accompanying the radio equipment.
11. Manufacturers who consider or have reason to believe that radio equipment which they have placed on the market is not in conformity with The Regulation shall immediately take the corrective measures necessary to bring that radio equipment into conformity, to withdraw it or recall it, if appropriate. Furthermore, where the radio equipment presents a risk, manufacturers shall immediately inform RAEPC to that effect, giving details, in particular, of the non- compliance, of any corrective measures taken and of the results thereof.
12. Manufacturers shall, further to a reasoned request from RAEPC, within RAEPC's defined time provide to it all the information and documentation in paper or electronic form necessary to demonstrate the conformity of the radio equipment with the Regulation, in official language of the Republic of Kosovo or in language acceptable for RAEPC. They shall cooperate with RAEPC, at its request, on any action taken to eliminate the risks posed by radio equipment which they have placed on the market.

Article 8

Authorized representatives

1. A manufacturer may, by a written mandate, appoint an authorized representative.
2. The obligations laid down in paragraph 1 of Article 7 and the obligation to draw up technical documentation laid down in paragraph 3 of Article 7 shall not form part of the authorized representative's mandate.
3. An authorized representative shall perform the tasks specified in the mandate received from the manufacturer. The mandate shall allow the authorized representative to do at least the following:
 - 3.1 keep the declaration of conformity and the technical documentation at the disposal of RAEPC for 10 years after the radio equipment has been placed on the market;
 - 3.2 further to a reasoned request from RAEPC, provide it with all the information and documentation necessary to demonstrate the conformity of radio equipment;
 - 3.3 cooperate with RAEPC, at its request, on any action taken to eliminate the risks posed by radio equipment covered by the authorized representative's mandate.

Article 9

Obligations of importers

1. Importers shall place only compliant radio equipment on the market.
2. Before placing radio equipment on the market importers shall ensure that the appropriate conformity assessment procedure referred to in Article 14 has been carried out by the manufacturer and that the radio equipment is so constructed that it can be operated in the Republic of Kosovo without infringing applicable requirements on the use of radio spectrum. They shall ensure that the manufacturer has drawn up the technical documentation, that the radio equipment bears the Conformity marking and is accompanied by the information and documents referred to in paragraphs 8, 9 and 10 of Article 7, and that the manufacturer has complied with the requirements set out in paragraphs 6 and 7 of Article 7. Where an importer considers or has reason to believe that radio equipment is not in conformity with the essential requirements set out in Article 5, he shall not place the radio equipment on the market until it has been brought into conformity. Furthermore, where the radio equipment presents a risk, the importer shall inform the manufacturer and RAEPC to that effect.
3. Importers shall indicate on the radio equipment their name, registered trade name or registered trade mark and the postal address at which they can be contacted or, where that is not possible, on its packaging or in a document accompanying the radio equipment. This includes cases where the size of radio equipment does not allow it, or where importers would have to open the packaging in order to indicate their name and

address on the radio equipment. The contact details shall be in official languages of the Republic of Kosovo.

4. Importers shall ensure that the radio equipment is accompanied by instructions and safety information in official languages of the Republic of Kosovo.
5. Importers shall ensure that, while radio equipment is under their responsibility, its storage or transport conditions do not jeopardize its compliance with the essential requirements set out in Article 5.
6. When deemed appropriate with regard to the risks presented by radio equipment, importers shall, to protect the health and safety of end-users, carry out sample testing of radio equipment made available on the market, investigate, and, if necessary, keep a register of complaints, of non-conforming radio equipment and radio equipment recalls, and shall keep distributors informed of any such monitoring.
7. When Importers consider or have reason to believe that radio equipment which they have placed on the market is not in conformity with The Regulation shall immediately take the corrective measures necessary to bring that radio equipment into conformity, to withdraw it or recall it, if appropriate. Furthermore, where the radio equipment presents a risk, importers shall immediately inform RAEPC to that effect, giving details, in particular, of the non-compliance and of any corrective measures taken.
8. Importers shall, for 10 years after the radio equipment has been placed on the market, keep a copy of the EU declaration of conformity at the disposal of RAEPC and ensure that the technical documentation can be made available to RAEPC, upon request.
9. Importers shall, further to a reasoned request from RAEPC, within RAEPC's defined time, provide to it with all the information and documentation in paper or electronic form necessary to demonstrate the conformity of radio equipment in official language of the Republic of Kosovo or in language acceptable for RAEPC. They shall cooperate with RAEPC, at its request, on any action taken to eliminate the risks posed by radio equipment which they have placed on the market.

Article 10 **Obligations of distributors**

1. When making radio equipment available on the market distributors shall act with due care in relation to the requirements of the Regulation.
2. Before making radio equipment available on the market distributors shall verify that the radio equipment bears the Conformity marking, that it is accompanied by the documents required by the Regulation and by the instructions and safety in official languages of the Republic of Kosovo and that the manufacturer and the importer have complied with the requirements set out in paragraphs 2, 6, 7, 8, 9, 10 of Article 7 and paragraph 3 of Article 9 respectively. Where a distributor considers or has reason to

believe that radio equipment is not in conformity with the essential requirements set out in Article 5, he shall not make the radio equipment available on the market until it has been brought into conformity. Furthermore, where the radio equipment presents a risk, the distributor shall inform the manufacturer or the importer to that effect as well as RAEPC.

3. Distributors shall ensure that, while radio equipment is under their responsibility, its storage or transport conditions do not jeopardize its compliance with the essential requirements set out in Article 5.
4. Distributors who consider or have reason to believe that radio equipment which they have made available on the market is not in conformity with the Regulation shall make sure that the corrective measures necessary to bring that radio equipment into conformity, to withdraw it or recall it, if appropriate, are taken. Furthermore, where the radio equipment presents a risk, distributors shall immediately inform RAEPC to that effect, giving details, in particular, of the non-compliance and of any corrective measures taken.
5. Distributors shall, further to a reasoned request from RAEPC, within RAEPC's defined time provide it with all the information and documentation in paper or electronic form necessary to demonstrate the conformity of radio equipment. They shall cooperate with RAEPC, at its request, on any action taken to eliminate the risks posed by radio equipment which they have made available on the market.

Article 11

Cases in which obligations of manufacturers apply to importers and distributors

1. An importer or distributor shall be considered a manufacturer for the purposes of the Regulation and he shall be subject to the obligations of the manufacturer under Article 7, where he places radio equipment on the market under his name or trade mark or modifies radio equipment already placed on the market in such a way that compliance with the Regulation may be affected.

Article 12

Identification of economic operators

1. Economic operators shall, on request, identify the following to RAEPC:
 - 1.1 Any economic operator who has supplied them with radio equipment;
 - 1.2 Any economic operator to whom they have supplied radio equipment.
2. Economic operators shall be able to present the information referred to in the first paragraph for 10 years after they have been supplied with the radio equipment and for 10 years after they have supplied the radio equipment.

CHAPTER III CONFORMITY OF RADIO EQUIPMENT

Article 13 Presumption of conformity of radio equipment

1. Radio equipment which is in conformity with harmonized European standards or parts thereof the references of which have been published in the Official Journal of the European Union or which is in conformity with harmonized Kosovo standards shall be presumed to be in conformity with the essential requirements set out in Article 5 covered by those standards or parts thereof.
2. RAEPC provides list of harmonized European standards and list of harmonized Kosovo standards referred to paragraph 1 of this Article in website **www.arkep-rks.org**

Article 14 Conformity assessment procedures

3. The manufacturer shall perform a conformity assessment of the radio equipment with a view to meeting the essential requirements set out in Article 5. The conformity assessment shall take into account all intended operating conditions and, for the essential requirement set out in paragraph 1 of Article 5, the assessment shall also take into account the reasonably foreseeable conditions. Where the radio equipment is capable of taking different configurations, the conformity assessment shall confirm whether the radio equipment meets the essential requirements set out in Article 5 in all possible configurations.
4. Manufacturers shall demonstrate compliance of radio equipment with the essential requirements set out in paragraphs 1 and 2 of Article 5 using any of the following conformity assessment procedures:
 - a) internal production control set out in Annex II;
 - b) type examination that is followed by the conformity to type based on internal production control set out in Annex III;
 - c) conformity based on full quality assurance set out in Annex IV.
3. Where, in assessing the compliance of radio equipment with the essential requirements set out in paragraphs 3 and 4 of Article 5, the manufacturer has applied harmonized European standards the references of which have been published in the Official Journal of the European Union or corresponding harmonized Kosovo standards, he shall use any of the following procedures:
 - a) internal production control set out in Annex II;

- b) type examination that is followed by the conformity to type based on internal production control set out in Annex III;
 - c) conformity based on full quality assurance set out in Annex IV.
4. Where, in assessing the compliance of radio equipment with the essential requirements set out paragraphs 3 and 4 of Article 5, the manufacturer has not applied or has applied only in part harmonized European standards the references of which have been published in the Official Journal of the European Union or in part corresponding harmonized Kosovo standards, or where such harmonized standards do not exist, radio equipment shall be submitted with regard to those essential requirements to either of the following procedures:
- a) type examination that is followed by the conformity to type based on internal production control set out in Annex III;
 - b) conformity based on full quality assurance set out in Annex IV.

Article 15

Declaration of conformity

1. The declaration of conformity shall state that the fulfilment of the essential requirements set out in Article 5 has been demonstrated.
2. The declaration of conformity shall have the model structure set out in Annex VI, shall contain the elements set out in that Annex and shall be continuously updated. It shall be provided in official languages of the Republic of Kosovo.
3. The simplified declaration of conformity referred to in paragraph 9 of Article 7 shall contain the elements set out in Annex VII and shall be continuously updated. It shall be provided in official languages of the Republic of Kosovo. The full text of the declaration of conformity shall be available at the internet address referred to in the simplified declaration of conformity, in official languages of the Republic of Kosovo or in English language.
4. Where radio equipment is subject to more than one legal act requiring a declaration of conformity, a single declaration of conformity shall be drawn up in respect of all such legal acts. That declaration shall contain the identification of the European harmonization legislation concerned including their publication references.
5. By drawing up the declaration of conformity, the manufacturer shall assume responsibility for the compliance of the radio equipment with the requirements laid down in the Regulation.

Article 16
General principles of the Conformity marking

1. The conformity marking shall be subject to the general principles and rules on the shape, content and its use, as set out in the Regulation No. 06/2013 on Conformity mark.

Article 17
Rules and conditions for affixing the conformity marking and the identification number of the notified body

1. The conformity marking shall be affixed visibly, legibly and indelibly to the radio equipment or to its data plate, unless that is not possible or not warranted on account of the nature of radio equipment. The conformity marking shall also be affixed visibly and legibly to the packaging.
2. The conformity marking shall be affixed before the radio equipment is placed on the market.
3. The conformity marking shall be followed by the identification number of the notified body where the conformity assessment procedure set out in Annex IV is applied. The identification number of the notified body shall have the same height as the conformity marking. The identification number of the notified body shall be affixed by the notified body itself or, under its instructions, by the manufacturer or his authorized representative.

Article 18
Technical documentation

1. The technical documentation shall contain all relevant data or details of the means used by the manufacturer to ensure that radio equipment complies with the essential requirements set out in Article 5. It shall, at least, contain the elements set out in Annex V.
2. The technical documentation shall be drawn up before radio equipment is placed on the market and shall be continuously updated.
3. The technical documentation and correspondence relating to any type examination procedure shall be drawn up in an official language of the EU Member State in which the notified body is established or in a language acceptable to that body, or in language acceptable to designated conformity assessment body.
4. Where the technical documentation does not comply with paragraphs 1, 2 or 3 of this Article, and in so doing fails to present sufficient relevant data or means used to ensure compliance of radio equipment with the essential requirements set out in Article 5, RAEPC may ask the manufacturer or the importer to have a test performed by a body acceptable to RAEPC at the expense of the manufacturer or the importer within a

specified period in order to verify compliance with the essential requirements set out in Article 5.

CHAPTER IV AUTHORIZATION OF CONFORMITY ASSESSMENT BODIES

Article 19 Authorization

1. Conformity assessment tasks under the Regulation may be performed by designated conformity assessment bodies which fulfil the requirements of the Regulation and are authorized by RAEPC decision according to the Law on Technical Requirements for Products and Conformity Assessment and Administrative Instruction on Authorization of Conformity Assessment Bodies.
2. A conformity assessment body shall submit an application for authorization to the RAEPC.
3. The application for authorization shall be accompanied by a description of the conformity assessment activities, the conformity assessment module or modules and the radio equipment for which that body claims to be competent, as well as by an accreditation certificate, issued by Kosovo accreditation body attesting that the conformity assessment body fulfils the requirements laid down in Article 20.
4. RAEPC examines documentation referred to paragraphs 2 and 3 and on basis of this examination issues or refuses to issue the decision authorizing conformity assessment body to perform conformity assessment tasks under the Regulation.
5. RAEPC decision specifies conformity assessment module or modules and the radio equipment for which the designated conformity assessment body is competent to perform conformity assessment tasks under the Regulation.
6. RAEPC decisions are valid until repeal.
7. If RAEPC establishes that designated conformity assessment body has ceased to comply with requirements of Article 20, RAEPC issues a decision repealing the decision by which conformity assessment body was authorized or a decision annulling the authorized conformity assessment activities, the conformity assessment module or modules and the radio equipment, in which the body did not comply with requirements of Article 20, are cancelled.

Article 20 Requirements relating to bodies which apply for authorization

1. For the purposes of authorization, a conformity assessment body shall meet the requirements laid down in paragraphs 2 to 11 of this Article.

2. A conformity assessment body shall be registered in the Kosovo Business Registration Agency and have legal personality.
3. A conformity assessment body shall be a third-party, independent body from the organization or the radio equipment it assesses.

A body belonging to a business or professional association representing undertakings involved in the design, manufacturing, provision, assembly, use or maintenance of radio equipment which it assesses, may be considered such a body, on condition that it demonstrates its independence and the absence of any conflict of interest.

4. A conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment tasks shall not be the designer, manufacturer, supplier, installer, purchaser, owner, user or maintainer of the radio equipment which they assess, nor the authorized representative of any of those parties. This shall not preclude the use of assessed radio equipment that are necessary for the operations of the conformity assessment body or the use of such radio equipment for personal purposes.

A conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment tasks shall not be directly involved in the design, manufacture and construction, marketing, installation, use or maintenance of those radio equipment, or represent the parties engaged in those activities. They shall not engage in any activity that may conflict with their independence, judgement or integrity in relation to conformity assessment activities for which they are authorized. This shall in particular apply to consultancy services.

Conformity assessment bodies shall ensure that the activities of their subsidiaries or subcontractors do not affect the confidentiality, objectivity or impartiality of their conformity assessment activities.

5. Conformity assessment bodies and their personnel shall carry out the conformity assessment activities with the highest degree of professional integrity and the requisite technical competence in the specific field and shall be free from all pressures and inducements, particularly financial, which might influence their judgement or the results of their conformity assessment activities, especially regarding persons or groups of persons with an interest in the results of these activities.
6. A conformity assessment body shall be capable of carrying out all the conformity assessment tasks assigned to it by Annexes III and IV in relation to which it has been authorized, whether those tasks are carried out by the conformity assessment body itself or on its behalf and under its responsibility.

At all times and for each conformity assessment procedure and each kind or category of radio equipment in relation to which it has been authorized, a conformity assessment body shall have at its disposal the necessary:

- a) personnel with technical knowledge and sufficient and appropriate experience to perform the conformity assessment tasks;
- b) descriptions of procedures in accordance with which conformity assessment is carried out, ensuring the transparency and the ability of reproduction of those procedures. It shall have appropriate policies and procedures in place

that distinguish between tasks it carries out as a designated conformity assessment body and other activities;

- c) procedures for carrying out activities that take into account the size of an undertaking, the sector in which it operates, its structure, the degree of complexity of radio equipment technology involved and the mass or serial nature of the production process.

A conformity assessment body shall have the means necessary to perform the technical and administrative tasks related to the conformity assessment activities in an appropriate manner.

- 7. The personnel responsible for carrying out conformity assessment tasks shall have the following:
 - a) appropriate technical and professional training covering all the conformity assessment activities in relation to which the conformity assessment body has been authorized;
 - b) satisfactory knowledge of the requirements of the assessments they carry out and adequate authority to carry out those assessments;
 - c) adequate knowledge and understanding of the essential requirements set out in Article 5, of the applicable harmonized European standards or harmonized Kosovo standards and of the provisions of relevant legislation;
 - d) the ability to draw up type examination certificates or quality system approvals, data and reports demonstrating that assessments have been carried out.
- 8. The impartiality of the conformity assessment bodies, top level management and of the personnel responsible for carrying out the conformity assessment tasks shall be guaranteed.

The remuneration of the management and personnel responsible for carrying out the conformity assessment tasks of a conformity assessment body shall not depend on the number of assessments carried out or on the results of those assessments.
- 9. Conformity assessment bodies shall take out liability insurance related to its authorized activities.
- 10. The personnel of a conformity assessment body shall respect the professional secrecy regarding to all information obtained in carrying out their tasks under Annexes III and IV or any provision of national law giving effect to them, except in relation to the competent authorities of the Republic of Kosovo. Proprietary rights shall be protected.
- 11. Conformity assessment bodies should participate in, or ensure that their personnel responsible for carrying out the conformity assessment tasks are informed of, the

relevant standardization activities, the regulatory activities in the area of radio equipment and radio frequencies planning.

Article 21

Presumption of conformity of designated conformity assessment bodies

1. When a conformity assessment body demonstrates its conformity with the criteria laid down in the relevant Kosovo standards that have approved the harmonized European standards or parts thereof, the references of which have been published in the Official Journal of the European Union, it shall be presumed to comply with the requirements set out in Article 20 of the Regulation in so far as the applicable harmonized European standards cover those requirements.

Article 22

Subsidiaries and subcontracting by designated conformity assessment bodies

1. When a designated conformity assessment body subcontracts specific tasks related to conformity assessment or has recourse to a subsidiary, it shall ensure that the subcontractor or the subsidiary meets the requirements set out in Article 20 and shall inform RAEPC.
2. Designated conformity assessment bodies shall take full responsibility for the tasks performed by subcontractors or subsidiaries wherever these are established.
3. Activities may be subcontracted or carried out by a subsidiary only with the agreement of the client.
4. Designated conformity assessment bodies shall keep at the disposal of RAEPC the relevant documents concerning the assessment of the qualifications of the subcontractor or the subsidiary and the work carried out by them under Annexes III and IV.

Article 23

Operational obligations of designated conformity assessment bodies

1. Designated conformity assessment bodies shall carry out conformity assessments in accordance with the conformity assessment procedures provided for in Annexes III and IV.
2. Conformity assessments shall be carried out in a proportionate manner, avoiding unnecessary burdens for economic operators. Conformity assessment bodies shall perform their activities taking into account the size of an undertaking, the sector in which it operates, its structure, the degree of complexity of the radio equipment technology in question and the mass or serial nature of the production process.

In so doing they shall nevertheless respect the degree of rigor and the level of protection required for the compliance of the radio equipment with the Regulation.

3. Where an designated conformity assessment body finds that the essential requirements set out in Article 5 or corresponding harmonized European standards or harmonized Kosovo standards or other technical specifications have not been met by a manufacturer,

it shall require that manufacturer to take appropriate corrective measures and shall not issue a type examination certificate or a quality system approval.

4. Where, in the course of the monitoring of conformity following the issue of a type examination certificate or a quality system approval, an designated conformity assessment body finds that radio equipment no longer complies; it shall require the manufacturer to take appropriate corrective measures and shall suspend or withdraw the type examination certificate or the quality system approval if necessary.
5. Where corrective measures are not taken or do not have the required effect, the designated conformity assessment body shall restrict, suspend or withdraw any type examination certificates or quality system approvals, as appropriate.

Article 24

Information obligation on designated conformity assessment bodies

1. Designated conformity assessment bodies shall inform RAEPK on:
 - a) any refusal, restriction, suspension or withdrawal of a type examination certificate or a quality system approval in accordance with the requirements of Annexes III and IV;
 - b) any circumstances affecting the scope of or conditions for authorization;
 - c) any request for information which they have received from RAEPK regarding conformity assessment activities;
 - d) on request, conformity assessment activities performed within the scope of their authorization and any other activity performed, including cross-border activities and subcontracting.
2. Designated conformity assessment bodies shall, in accordance with the requirements of Annexes III and IV, provide the other bodies authorized under the Regulation carrying out similar conformity assessment activities covering the same categories of radio equipment with relevant information on issues relating to negative and, on request, positive conformity assessment results.
3. Designated conformity assessment bodies shall fulfill information obligations under Annexes III and IV.

CHAPTER V MARKET SURVEILLANCE AND CONTROL OF RADIO EQUIPMENT ENTERING THE MARKET

Article 25 Market surveillance and control of apparatus entering the market

1. Market surveillance and control of radio equipment entering the market of Republic of Kosovo will be carried out by RAEPC.

Article 26 Procedure for dealing with radio equipment presenting a risk

1. When RAEPC has sufficient reason to believe that radio equipment covered by The Regulation presents a risk to the health or safety of persons or to other aspects of public interest protection covered by the Regulation, it shall carry out an evaluation in relation to the radio equipment concerned covering all relevant requirements laid down in the Regulation. The relevant economic operators shall cooperate as necessary with RAEPC for that purpose.
2. When, in the course of the evaluation referred to in the paragraph 1 of this Article, RAEPC finds that the radio equipment does not comply with the requirements laid down in the Regulation, it shall without delay require the relevant economic operator to take all appropriate corrective actions to bring the radio equipment into compliance with those requirements, to withdraw the radio equipment from the market, or to recall it within a period defined by RAEPC, commensurate with the nature of the risk, as they may prescribe. RAEPC shall inform the relevant designated conformity assessment body accordingly.
3. Article 23 of the Law No. 04/L-039 on Technical Requirements for Products and Conformity Assessment shall apply to the measures referred to in the paragraph 2 of this Article.
4. When the relevant economic operator does not take adequate corrective action within the period referred to in the paragraph 2 of this Article, the RAEPC shall take all appropriate provisional measures to prohibit or restrict the radio equipment being made available on the market, to withdraw the radio equipment from the market or to recall it.

Article 27 Compliant radio equipment which presents a risk

1. When, having carried out an evaluation under paragraph 1 of Article 26, RAEPC finds that although radio equipment is in compliance with the Regulation, it presents a risk to the health or safety of persons or to other aspects of public interest protection covered by the Regulation, it shall require the relevant economic operator to take all appropriate

measures to ensure that the radio equipment concerned, when placed on the market, no longer presents that risk, to withdraw the radio equipment from the market or to recall it within a reasonable period, commensurate with the nature of the risk, as it may prescribe.

Article 28 **Formal non-compliance**

1. Without prejudice to Article 26, when RAEPC makes one of the following findings, it requires the relevant economic operator to put an end to the non-compliance concerned within RAEPC's defined period:
 - a) the conformity marking has been affixed in violation of Articles 16 and 17;
 - b) the conformity marking has not been affixed;
 - c) the identification number of the notified body, where the conformity assessment procedure set out in Annex IV is applied, has been affixed in violation of Article 17 or has not been affixed;
 - d) the declaration of conformity has not been drawn up;
 - e) the declaration of conformity has not been drawn up correctly;
 - f) technical documentation is either not available or not complete;
 - g) the information referred to in paragraph 6 or paragraph 7 of Article 7 or paragraph 3 of Article 9 is absent, false or incomplete;
 - h) information on the intended use of radio equipment, the declaration of conformity or usage restrictions as set out in paragraphs 8, 9 and 10 of Article 7 does not accompany the radio equipment;
 - i) requirements on identification of economic operators set out in Article 12 are not fulfilled.
2. When the non-compliance referred to in paragraph 1 of this Article persists longer when RAEPC's given period, RAEPC takes all appropriate measures to restrict or prohibit corresponding radio equipment being made available on the market or ensure that it is withdrawn or recalled from the market.

Article 29 **Sanctions**

1. In case of noncompliance of this regulation, the RAEPC shall impose economic sanctions as follows:
 - 1.1 For an economic operator, which is an entrepreneur under Article 4, paragraph 1.11 of the Law, economic sanctions shall be imposed under this Law.

- 1.2 Economic operator, which is not provider of networks and / or electronic communications services, shall be imposed economic sanctions pursuant to Article 34 of Law no. 04 / L-039 on Technical Requirements for Products and Conformity Assessment.

CHAPTER VI TRANSITIONAL AND FINAL PROVISIONS

Article 30

Information about restrictions and radio interfaces

1. The list of radio equipment which can be placed on the market and be put into service without restrictions is provided in RAEPC website www.arkep-rks.org/Lista_e_Pajisjeve
2. The radio interfaces corresponding to the respective radio equipment are provided in Plan of National Frequency Allocation and Utilisation of Radio Frequency Spectrum of the Republic of Kosovo and is provided in RAEPC website www.arkep-rks.org.

Article 31

Repeal

1. Technical Regulation for Radio Equipment and Telecommunication Terminal Equipment and Electromagnetic Compatibility - Conformity Recognition (No.025/B/13) and Decision no. 380 (Nr.Prot 024/B/13) for Class 1 of radio equipment shall be repealed after the entry into force of this Regulation.

Article 32

Transitional provisions

1. Radio equipment covered by this Regulation which is in conformity with the relevant legislation applicable before 31 December 2017 and which is placed on the market before that date, can be made available on the market or be put into service.

Article 33

Entry into force

1. This Regulation shall enter into force on 31 December 2017

Prishtinë, 27 April, 2017

**Regulatory Authority of Electronic and Postal Communications
Kreshnik Gashi
Chairman of the Board**

ANNEX I

AIRBORNE PRODUCTS, PARTS AND APPLIANCES

Airborne products, parts and appliances considered **out of scope** of this Regulation are:

Aircraft, engine, propeller or any instrument, equipment, mechanism, part, apparatus, appurtenance or accessory, including communications equipment that is used or intended to be used in operating or controlling an aircraft in flight and is installed in or attached to the aircraft except of:

On board equipment which fall under definition subparagraph 1.1 of Article 4 of the Regulation and is not used or intended not to be used in operating or controlling an aircraft in flight.

Unmanned aircrafts with an operating mass of no more than 150 kg and their parts and appliances which fall under definition subparagraph 1.1 of Article 4 of the Regulation.

ANNEX II

MODULE A: INTERNAL PRODUCTION CONTROL

1. Internal production control is the conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in points 2, 3 and 4 of this Annex, and ensures and declares on his sole responsibility that the radio equipment concerned satisfies the essential requirements set out in Article 5 of the Regulation.

- 2. Technical documentation**

The manufacturer shall establish the technical documentation in accordance with Article 18.

- 3. Manufacturing**

The manufacturer shall take all measures necessary so that the manufacturing process and its monitoring ensure compliance of the manufactured radio equipment with the technical documentation referred to in point 2 of this Annex and with the relevant essential requirements set out in Article 5.

- 4. Conformity marking and declaration of conformity**

The manufacturer shall affix the conformity marking in accordance with Articles 16 and 17 to each item of radio equipment that satisfies the applicable requirements of the Regulation.

The manufacturer shall draw up a written declaration of conformity for each radio equipment type and keep it together with the technical documentation at the disposal of the national authorities for 10 years after the radio equipment has been placed on the market. The declaration of conformity shall identify the radio equipment for which it has been drawn up.

A copy of the declaration of conformity shall be made available to RAEPC upon request.

- 5. Authorised representative**

The manufacturer's obligations set out in point 4 may be fulfilled by his authorised representative, on his behalf and under his responsibility, provided that they are specified in the mandate.

ANNEX III

MODULES B AND C: TYPE EXAMINATION AND CONFORMITY TO TYPE BASED ON INTERNAL PRODUCTION CONTROL

When reference is made to this Annex, the conformity assessment procedure shall follow Modules B (Type examination) and C (Conformity to type based on internal production control) of this Annex.

Module B Type examination

1. Type examination is the part of a conformity assessment procedure in which a notified body or designated conformity assessment body examines the technical design of the radio equipment and verifies and attests that the technical design of the radio equipment meets the essential requirements set out in Article 5.
2. Type examination shall be carried out by assessment of the adequacy of the technical design of the radio equipment through examination of the technical documentation and supporting evidence referred to in point 3, without examination of a specimen (design type).
3. The manufacturer shall lodge an application for Type examination with a single notified body or designated conformity assessment body of his choice. The application shall include:
 - a) the name and address of the manufacturer and, if the application is lodged by the authorised representative, his name and address as well;
 - b) a written declaration that the same application has not been lodged with any other notified body or designated conformity assessment body;
 - c) the technical documentation shall make it possible to assess the radio equipment's conformity with the applicable requirements of this Regulation and shall include an adequate analysis and assessment of the risk(s). The technical documentation shall specify the applicable requirements and cover, as far as relevant for the assessment, the design, manufacture and operation of the radio equipment. The technical documentation shall contain, wherever applicable, the elements set out in Annex V;
 - d) the supporting evidence for the adequacy of the technical design solution. That supporting evidence shall mention any documents that have been used, in particular where the relevant harmonized European standards or harmonized Kosovo standards have not been applied or have not been fully applied. The supporting evidence shall include, where necessary, the results of tests carried out in accordance with other relevant technical specifications by the appropriate laboratory of the manufacturer, or by another testing laboratory on his behalf and under his responsibility.

4. The notified body or designated conformity assessment body shall examine the technical documentation and supporting evidence to assess the adequacy of the technical design of the radio equipment.
5. The notified body or designated conformity assessment body shall draw up an evaluation report that records the activities undertaken in accordance with point 4 and their outcomes. Without prejudice to its obligations as provided in point 8, the notified body or designated conformity assessment body shall release the content of that report, in full or in part, only with the agreement of the manufacturer.
6. Where the type meets the requirements of this Regulation that apply to the radio equipment concerned, the notified body or designated conformity assessment body shall issue a Type examination certificate to the manufacturer. That certificate shall contain the name and address of the manufacturer, the conclusions of the examination, the aspects of the essential requirements covered by the examination, the conditions (if any) for its validity and the necessary data for identification of the assessed type. The Type examination certificate may have one or more annexes attached. The Type examination certificate and its annexes shall contain all relevant information to allow the conformity of manufactured radio equipment with the examined type to be evaluated and to allow for in-service control. Where the type does not satisfy the applicable requirements of this Regulation, the notified body or designated conformity assessment body shall refuse to issue a Type examination certificate and shall inform the applicant accordingly, giving detailed reasons for its refusal.
7. The notified body or designated conformity assessment body shall keep itself apprised of any changes in the generally acknowledged state of the art which indicate that the approved type may no longer comply with the applicable requirements of this Regulation, and shall determine whether such changes require further investigation. If so, the notified body or designated conformity assessment body shall inform the manufacturer accordingly.

The manufacturer shall inform the notified body or designated conformity assessment body that holds the technical documentation relating to the type examination certificate of all modifications to the approved type that may affect the conformity of the radio equipment with the essential requirements of this Regulation or the conditions for validity of that certificate. Such modifications shall require additional approval in the form of an addition to the original type examination certificate.

8. Each notified body or designated conformity assessment body shall inform its notifying authority or its authorizing authority respectively concerning the type examination certificates and/or any additions thereto which it has issued or withdrawn, and shall, periodically or upon request, make available to its notifying authority or authorizing authority the list of such certificates and/or any additions thereto refused, suspended or otherwise restricted.

Each notified body or designated conformity assessment body shall inform the other notified bodies or authorized authorities concerning the type examination certificates and/or any additions thereto which it has refused, withdrawn, suspended or otherwise restricted, and, upon request, concerning such certificates and/or additions thereto which it has issued.

Each notified body shall inform the EU Member States of type examination certificates it has issued and/or additions thereto in those cases where harmonized European standards the references of which have been published in the Official Journal of the European Union have not been applied or not been fully applied.

RAEPC or the other notified bodies or authorised bodies may, on request, obtain a copy of the type examination certificates and/or additions thereto.

On request, RAEPC may obtain a copy of the technical documentation and the results of the examinations carried out by the notified body or designated conformity assessment body.

The notified body or designated conformity assessment body shall keep a copy of the type examination certificate, its annexes and additions, as well as the technical file including the documentation submitted by the manufacturer for 10 years after the radio equipment has been assessed or until the expiry of the validity of that certificate.

9. The manufacturer shall keep a copy of the Type examination certificate, its annexes and additions together with the technical documentation at the disposal of RAEPC for 10 years after the radio equipment has been placed on the market.
10. The manufacturer's authorised representative may lodge the application referred to in point 3 and fulfil the obligations set out in points 7 and 9, provided that they are specified in the mandate.

Module C: Conformity to type based on internal production control

1. Conformity to type based on internal production control is the part of a conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in points 2 and 3, and ensures and declares that the radio equipment concerned is in conformity with the type described in the type examination certificate and satisfies the requirements of this Regulation that apply to it.

2. Manufacturing

The manufacturer shall take all measures necessary so that the manufacturing process and its monitoring ensure conformity of the manufactured radio equipment with the approved type described in the type examination certificate and with the requirements of this Regulation that apply to it.

3. Conformity marking and declaration of conformity

3.1 The manufacturer shall affix the Conformity marking in accordance with Articles 16 and 17 to each item of radio equipment that is in conformity with the type described in the type examination certificate and satisfies the applicable requirements of this Regulation.

3.2 The manufacturer shall draw up a written declaration of conformity for each radio equipment type and keep it at the disposal of RAEPC for 10 years after the radio equipment has been placed on the market.

The declaration of conformity shall identify the radio equipment type for which it has been drawn up. A copy of the declaration of conformity shall be made available to RAEPC upon request.

4. Authorised representative

The manufacturer's obligations set out in point 3 may be fulfilled by his authorised representative, on his behalf and under his responsibility, provided that they are specified in the mandate.

ANNEX IV

MODULE H: CONFORMITY BASED ON FULL QUALITY ASSURANCE

1. Conformity based on full quality assurance is the conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in points 2 and 5, and ensures and declares on his sole responsibility that the radio equipment concerned satisfies the requirements of this Regulation that apply to it.

2. Manufacturing

The manufacturer shall operate an approved quality system for design, manufacture, final radio equipment inspection and testing of the radio equipment concerned as specified in point 3 and shall be subject to surveillance as specified in point 4.

3. Quality system

- 3.1 The manufacturer shall lodge an application for assessment of his quality system with the notified body or designated conformity assessment body of his choice, for the radio equipment concerned.

The application shall include:

- a. the name and address of the manufacturer and, if the application is lodged by the authorised representative, his name and address as well;
 - b. the technical documentation for each radio equipment type intended to be manufactured. The technical documentation shall contain, wherever applicable, the elements set out in Annex V;
 - c. the documentation concerning the quality system; and
 - d. a written declaration that the same application has not been lodged with any other notified body or designated conformity assessment body.
- 3.2 The quality system shall ensure compliance of the radio equipment with the requirements of this Regulation that apply to it.

All the elements, requirements and provisions adopted by the manufacturer shall be documented in a systematic and orderly manner in the form of written policies, procedures and instructions. That quality system documentation shall permit a consistent interpretation of the quality programmes, plans, manuals and records.

It shall, in particular, contain an adequate description of:

- a. the quality objectives and the organisational structure, responsibilities and powers of the management with regard to design and product quality;
- b. the technical design specifications, including standards, that will be applied and, where the relevant harmonized European standards or harmonized Kosovo standards will not be applied in full, the means that will be used to ensure that the essential requirements of this Regulation that apply to the radio equipment will be met;

- c. the design control and design verification techniques, processes and systematic actions that will be used when designing radio equipment pertaining to the radio equipment type covered;
- d. the corresponding manufacturing, quality control and quality assurance techniques, processes and systematic actions that will be used;
- e. the examinations and tests that will be carried out before, during and after manufacture, and the frequency with which they will be carried out;
- f. the quality records, such as inspection reports and test data, calibration data, reports concerning the qualifications of the personnel, etc;
- g. the means of monitoring the achievement of the required design and product quality and the effective operation of the quality system.

3.3 The notified body or designated conformity assessment body shall assess the quality system to determine whether it satisfies the requirements referred to in point 3.2. It shall presume conformity with those requirements in respect of the elements of the quality system that comply with the corresponding specifications of the relevant harmonized European standard or harmonized Kosovo standard.

In addition to experience in quality management systems, the auditing team shall have at least one member experienced as an assessor in the relevant radio equipment field and radio equipment technology concerned, and knowledge of the applicable requirements of this Regulation. The audit shall include an assessment visit to the manufacturer's premises. The auditing team shall review the technical documentation referred to in point 3.1(b) to verify the manufacturer's ability to identify the applicable requirements of this Regulation and to carry out the necessary examinations with a view to ensuring compliance of the radio equipment with those requirements.

The manufacturer or his authorised representative shall be notified of the decision. The notification shall contain the conclusions of the audit and the reasoned assessment decision.

3.4. The manufacturer shall undertake to fulfil the obligations arising out of the quality system as approved and to maintain it so that it remains adequate and efficient.

3.5. The manufacturer shall keep the notified body or designated conformity assessment body that has approved the quality system informed of any intended change to the quality system.

The notified body or designated conformity assessment body shall evaluate any proposed changes and decide whether the modified quality system will continue to satisfy the requirements referred to in point 3.2 or whether a reassessment is necessary. It shall notify the manufacturer of its decision. The notification shall contain the conclusions of the examination and the reasoned assessment decision.

4. Surveillance under the responsibility of the notified body or designated conformity assessment body

- 4.1 The purpose of surveillance is to make sure that the manufacturer duly fulfils the obligations arising out of the approved quality system.
- 4.2 The manufacturer shall, for assessment purposes, allow the notified body or designated conformity assessment body access to the design, manufacture, inspection, testing and storage sites, and shall provide it with all necessary information, in particular:
- a) the quality system documentation;
 - b) the quality records as provided for by the design part of the quality system, such as results of analyses, calculations, tests, etc.;
 - c) the quality records as provided for by the manufacturing part of the quality system, such as inspection reports and test data, calibration data, reports concerning the qualifications of the personnel, etc.
- 4.3. The notified body or designated conformity assessment body shall carry out periodic audits to make sure that the manufacturer maintains and applies the quality system and shall provide the manufacturer with an audit report.
- 4.4. In addition, the notified body or designated conformity assessment body may pay unexpected visits to the manufacturer. During such visits, the notified body or designated conformity assessment body may, if necessary, carry out radio equipment tests, or have them carried out, in order to check the proper functioning of the quality system. It shall provide the manufacturer with a visit report and, if tests have been carried out, with a test report.

5. Conformity marking and declaration of conformity

- 5.1 The manufacturer shall affix the Conformity marking in accordance with Articles 16 and 17 and, under the responsibility of the notified body referred to in point 3.1, the latter's identification number to each item of radio equipment that satisfies the applicable requirements set out in Article 5.
- 5.2 The manufacturer shall draw up a written declaration of conformity for each radio equipment type and keep it at the disposal of the national authorities for 10 years after the radio equipment has been placed on the market.

The EU declaration of conformity shall identify the radio equipment type for which it has been drawn up. A copy of the EU declaration of conformity shall be made available to RAEPC upon request.

6. The manufacturer shall, for a period ending 10 years after the radio equipment has been placed on the market, keep at the disposal of RAEPC:
- a) the technical documentation referred to in point 3.1;
 - b) the documentation concerning the quality system referred to in point 3.1;
 - c) the change referred to in point 3.5, as approved;

- d) the decisions and reports of the notified body or designated conformity assessment body referred to in points 3.5, 4.3 and 4.4.
7. Each notified body or designated conformity assessment body shall inform its notifying authority or its authorizing authority respectively of quality system approvals issued or withdrawn, and shall, periodically or upon request, make available to its notifying authority or its authorizing authority the list of quality system approvals refused, suspended or otherwise restricted.

Each notified body or designated conformity assessment body shall inform the other notified bodies and designated conformity assessment bodies of quality system approvals which it has refused, suspended or withdrawn, and, upon request, of quality system approvals which it has issued.

8. **Authorised representative**

The manufacturer's obligations set out in points 3.1, 3.5, 5 and 6 may be fulfilled by his authorised representative, on his behalf and under his responsibility, provided that they are specified in the mandate.

ANNEX V
CONTENTS OF TECHNICAL DOCUMENTATION

The technical documentation shall, wherever applicable, contain at least the following elements:

- (a) a general description of the radio equipment including:
 - i. photographs or illustrations showing external features, marking and internal layout;
 - ii. versions of software or firmware affecting compliance with essential requirements;
 - iii. user information and installation instructions;
- (b) conceptual design and manufacturing drawings and schemes of components, sub-assemblies, circuits and other relevant similar elements;
- (c) descriptions and explanations necessary for the understanding of those drawings and schemes and the operation of the radio equipment;
- (d) list of the harmonized European standards applied in full or in part the references of which have been published in the Official Journal of the European Union or of relevant harmonized Kosovo standards applied in full or in part, and, where those harmonized European standards or harmonized Kosovo standards have not been applied, descriptions of the solutions adopted to meet the essential requirements set out in Article 5, including a list of other relevant technical specifications applied.

In the event of partly applied harmonized European standards or harmonized Kosovo standards, the technical documentation shall specify the parts which have been applied;

- (e) copy of the declaration of conformity;
- (f) where the conformity assessment module in Annex III has been applied, copy of the type examination certificate and its annexes as delivered by the notified body or authorised body involved;
- (g) results of design calculations made, examinations carried out, and other relevant similar elements;
- (h) test reports;
- (i) an explanation of the compliance with the requirement of paragraph 2 of Article 7 and of the inclusion or not of information in accordance with paragraph 10 of Article 7.

ANNEX VI

DECLARATION OF CONFORMITY (No XXX)¹

1. Radio equipment (product, type, batch or serial number):
2. Name and address of the manufacturer or his authorised representative:
3. This declaration of conformity is issued under the sole responsibility of the manufacturer.
4. Object of the declaration (identification of the radio equipment allowing traceability; it may include a colour image of sufficient clarity where necessary for the identification of the radio equipment):
5. The object of the declaration described above is in conformity with the relevant European harmonization legislation:
 - Directive 2014/53/EU
 - Other European harmonization legislation where applicable
6. References to the relevant harmonized European standards or harmonized Kosovo standards used or references to the other technical specifications in relation to which conformity is declared. References must be listed with their identification number and version and, where applicable, date of issue:
7. Where applicable, the notified body or designated conformity assessment body... (name, number) ... performed ... (description of intervention) ... and issued the Type examination certificate: ...
8. Where applicable, description of accessories and components, including software, which allow the radio equipment to operate as intended and covered by the declaration of conformity:
9. Additional information:
Signed for and on behalf of:
(place and date of issue):
(name, function) (signature):

¹ It is optional for the manufacturer to assign a number to the EU declaration of conformity.

ANNEX VII
SIMPLIFIED DECLARATION OF CONFORMITY

The simplified declaration of conformity referred to in paragraph 9 of Article 7 shall be provided as follows:

Hereby, [Name of manufacturer] declares that the radio equipment type [designation of type of radio equipment] is in compliance with Directive 2014/53/EU. The full text of the declaration of conformity is available at the following internet address: