

**Obligations of the economic operators**  
**(according to Government Decision no. 740/2016,**  
**unofficially consolidated text containing the provisions**  
**coming into force from 8 August 2019)**

**Article 10**

**MANUFACTURERS have the following obligations:**

- a)** to affix on the radio equipment placed on the market the registration number assigned by the European Commission for each type of radio equipment registered under Article 5;
- b)** to ensure that radio equipment placed on the market were designed and manufactured in accordance with the essential requirements set out in Article 3;
- c)** to ensure that the radio equipment is manufactured so that it may operate without breaching the applicable requirements on the use of radio spectrum;
- d)** to establish the technical documentation provided in Article 23 and carry out the relevant conformity assessment procedure provided in Articles 18 and 19 or have it carried out;
- e)** to draft EU declaration of conformity and to affix the EC mark, where it has been demonstrated the compliance of the radio equipment with the applicable requirements by the conformity assessment procedure provided in Articles 18 and 19;
- f)** to keep the technical documentation and the EU declaration of conformity for 10 years after the radio equipment was placed on the market;
- g)** to establish procedures that ensure continued conformity of series production with the provisions of this decision and to ensure that changes in the design or changes to radio equipment features and changes of the harmonised standards under Article 17 paragraph (1), or of other technical specifications in relation to which the conformity of radio equipment is declared are properly taken into account;
- h)** to conduct, in order to protect the health and safety of end-users, whenever this is justified by the risks of radio equipment, technical tests at random on the radio equipment made available on the market, investigate and, where appropriate, to keep a register of complaints on non-compliant radio equipment and their recalls;
- i)** to inform distributors about the monitoring activities referred to letter h);
- j)** to ensure that on the radio equipment they place on the market is marked type, batch or serial number or any other element allowing their identification; where the size or nature of radio equipment does not allow it, to ensure that the required information is provided on the packaging or in a document accompanying the radio equipment;
- k)** to indicate on radio equipment the name, trade name or registered trademark and mailing address at which they can be contacted; where the size or nature of radio equipment does not allow it, this information is provided on the packaging or in a document accompanying the radio equipment; the address specified by the manufacturer shall indicate a single contact point and the contact details have to be in Romanian;

- l)** to ensure that the radio equipment is accompanied by user instructions and safety information referred to in Art. 11, written in Romanian;
- m)** to ensure that each radio equipment is accompanied by a copy of the EU declaration of conformity or by the simplified EU declaration of conformity, presented in Romanian or in English language; the simplified EU declaration of conformity shall include the exact Internet address where the full text of the EU declaration of conformity is to be obtained;
- n)** to mention, on radio equipment packaging and in user instructions, the restrictions concerning its putting into service, geographic areas or regions where an authorisation for radio spectrum usage is necessary, as the case may be;
- o)** to take immediately any necessary corrective action to bring the radio equipment into conformity, to withdraw and/or recall it, as appropriate, if they have evidence or information that a radio equipment which they have placed on the market does not comply with the provisions of this decision;
- p)** to inform immediately the market surveillance and radio equipment control authorities if the radio equipment which they have placed on the market poses a risk, giving details, in particular, on the non-compliance, on any corrective actions taken and on their outcome;
- q)** to provide, upon reasoned request received from the market surveillance and control authorities and within the term set by them, in paper or electronic form, all required information and documentation necessary to demonstrate the conformity of the radio equipment with the provisions of this decision, presented in Romanian or in English language;
- r)** to cooperate with market surveillance and radio equipment control authorities, upon their request, on any action taken to eliminate the risks of radio equipment which they placed on the market.

## **Article 12**

(1) A manufacturer may decide, by means of a written mandate, to appoint an authorised representative.

(2) The obligation laid down in Article 10 letter b) and the obligation to draw up the technical documentation provided in Article 10 letter d) are not a part of the mandate of the authorised representative.

(3) The authorised representative shall perform the tasks specified in the mandate received from the manufacturer. The mandate shall allow the authorised representative to do at least the following tasks:

- a) to keep the EU declaration of conformity and the technical documentation at the disposal of market surveillance and radio equipment control authorities for 10 years after the radio equipment has been placed on the market;
- b) provide, further to a reasoned request from the radio equipment market surveillance and control authorities, in paper or electronic form, all the information and documentation necessary to demonstrate the conformity of the radio equipment, presented in Romanian or in English language;
- c) to cooperate with the market surveillance and radio equipment control authorities, at their request, on any action taken to eliminate the risks

posed by radio equipment covered by the authorised representative's mandate.

### **Article 13**

#### **IMPORTERS have the following obligations:**

- a)** to ensure that the radio equipment placed on the market is compliant with the provisions of this decision;
- b)** to ensure, before placing on the market of radio equipment that the appropriate conformity assessment procedure referred to in Articles 18 and 19 was fulfilled by the manufacturer and that the radio equipment is manufactured so that it can operate without breaching the applicable requirements on the use of radio spectrum established by law;
- c)** to ensure that the manufacturer has drawn up the technical documentation, that the radio equipment bears the EC marking and meets the requirements provisioned in Article 21 that it is accompanied by the information and documents provided in Article 10 letters l) -n) and that the manufacturer has complied with the requirements of Articles 10 letters j) -k);
- d)** not to place on the market the radio equipment in case they have evidence or information that it does not comply with the essential requirements set out in Article 3, before being brought into conformity, and, for safety reasons, to inform the manufacturer and the market surveillance and radio equipment control authorities;
- e)** to indicate on the radio equipment the name, trade name or the registered trademark and the mailing address at which they can be contacted or, if this is not possible, if the size of radio equipment does not allow it, or should open the packaging to fill in the name and address on the radio equipment, on the packaging or in a document accompanying the radio equipment; the contact details shall be written in Romanian;
- f)** to ensure that radio equipment accompanied by the user instructions and safety information referred to in Article 10 letter l) meets the requirements provisioned in Article 11;
- g)** to ensure that as long as the radio equipment is under their responsibility, the storage or transport conditions do not jeopardize its compliance with the essential requirements set out in Article 3;
- h)** to conduct, in order to protect the health and safety of end-users, whenever this is justified by the risks of radio equipment, technical tests at random on the radio equipment made available on the market, to investigate and, where appropriate, to keep a register of complaints on non-compliant radio equipment and their recalls;
- i)** to inform the distributors of any monitoring activities referred to letter h);
- j)** to take immediately any necessary corrective action to bring the radio equipment into conformity, to withdraw and/or recall it, as appropriate, if they have evidence or information that a radio equipment which they have placed on the market does not comply with the provisions of this decision and immediately inform the market surveillance and radio equipment control authorities if they ascertain that the radio equipment poses a risk that can affect its operation or

the operation of other radio equipment or for safety reasons, giving details, in particular, on the non-compliance and on any corrective actions taken;

**k)** to keep a copy of the EU declaration of conformity for 10 years after the radio equipment was placed on the market and to ensure that the technical documentation can be made available to the market surveillance and radio equipment control authorities, upon their request;

**l)** to provide the market surveillance and radio equipment control authorities, upon their reasoned request and within the term set by them, in paper or electronic form, with all information and documentation necessary to demonstrate the compliance of the radio equipment with the provisions of this decision, presented in Romanian or in English language;

**m)** to cooperate with the market surveillance and radio equipment control authorities, upon their request, on any action taken to eliminate the risks of radio equipment which they have placed on the market.

## **Article 14**

### **DISTRIBUTORS have the following obligations:**

**a)** to ensure that the way in which they make available the radio equipment on the market is not likely to affect the essential requirements set out in this decision;

**b)** to check, before to make available the radio equipment on the market, if they bear the EC mark and meet the requirements of Article 21, if they are accompanied by the documentation referred to in this decision, as well by user instructions and safety information referred to in Article 10 letter l), with due observance of the requirements of Article 11 as well and that the manufacturer and the importer have complied with the requirements of Article 10 letter c) letters j) -n), respectively Article 13 lit. e);

**c)** not to make available the radio equipment on the market, if they have evidence or information that the radio equipment is not compliant with the essential requirements set out in Article 3 before it is brought into compliance and, for safety reasons, to inform the manufacturer or importer, and the market surveillance and radio equipment control authorities;

**d)** to ensure that, as long as the radio equipment is under their responsibility, storage or transport conditions do not jeopardize its compliance with the essential requirements set out in Article 3;

**e)** to ensure that the necessary corrective actions are taken to bring the radio equipment into conformity, to withdraw and/or recall it, as appropriate, if they hold indications or information that an apparatus which they made available on the market does not comply with the provisions of this decision and to immediately inform the market surveillance and radio equipment control authorities of the Member States where they made the radio equipment available on the market, if they find that the radio equipment poses a risk that may affect its operation or the operation of other equipment or for safety reasons, giving details, in particular, on the non-compliance and on any corrective actions that were taken;

**f)** to provide the market surveillance and radio equipment control authorities, upon their reasoned request and within the term set by them, in paper or electronic form, all information and documentation necessary to demonstrate the compliance of the radio equipment with the provisions of this decision, presented in Romanian or in English language;

**g)** to cooperate with the market surveillance and radio equipment control authorities, upon their request, on any action taken to eliminate the risks of radio equipment which they have made available on the market.

## **Article 15**

The importer or the distributor is considered a manufacturer under this directive and is subject to the obligations of the manufacturer according to Article 10, when a radio equipment is placed on the market under his name or trademark or modifies a radio equipment already placed on the market in a manner which may affect its compliance with the provisions of this decision.

## **Article 16**

**(1)** Economic operators are required to provide, upon request of the market surveillance and radio equipment control authorities, the identification data for:

- a) any economic operator who supplied them with a radio equipment;
- b) any economic operator to whom they provided with radio equipment.

**(2)** Economic operators have the obligation to preserve and present the information referred to in paragraph (1) for 10 years after the radio equipment has been supplied to them and for 10 years after they have provided the radio equipment