



Requirements & Application  
for  
U.S. Conformity Assessment Bodies  
Seeking  
EU Radio Equipment Directive (RED)  
2014/53/EU  
Notified Body Status

For questions related to this document, please send your inquiry to [mra@nist.gov](mailto:mra@nist.gov).

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## Section 1: Introduction

### Scope

This document identifies the requirements for U.S. conformity assessment bodies (CABs) seeking Notified Body<sup>1</sup> status for the EU **Radio Equipment Directive (RED) 2014/53/EU - Annex III (Module B: EU-Type Examination) only**.

To be designated by NIST to the European Commission for consideration as a Notified Body for the Radio Equipment Directive, the applicant CAB shall demonstrate compliance with the requirements specified in the Radio Equipment Directive and in this document.

### Notified Body Role

The role of the Notified Body under Module B is to examine a manufacturer's technical documentation and supporting evidence to verify and attest that the technical product design meets the relevant legislative requirements. The Notified Body then (1) writes an evaluation report (that may be released only upon agreement with the manufacturer), and (2) issues an EU-Type Examination Certificate. The manufacturer maintains the EU-Type Examination in the technical documentation that supports its Declaration of Conformity.

When the manufacturer is assessing compliance of radio equipment under the essential requirements covered by RED Articles 3.2 and 3.3 and harmonized standards (as published in the Official Journal of the European Union) are either (a) applied only in part, (2) available but not applied, or (3) are not available – the manufacturer is required to use a Notified Body (per RED Article 17.4). In all other cases (such as when the manufacturer has used the harmonized standards in full), use of a Notified Body is voluntary.

In the role as Notified Body, the CAB does not test or certify the radio equipment.

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<sup>1</sup> A Notified Body (NB) is a third-party conformity assessment body notified to perform specific conformity assessment tasks as described in a directive.

## NIST Role

The United States is a signatory to telecommunication mutual recognition agreements (Tel MRAs) with the European Union (EU)<sup>2</sup> and the European Economic Area (EEA) European Free Trade Association (EFTA) States<sup>3</sup>. NIST serves as the *Notifying Authority*<sup>4</sup> and is responsible for designating (notifying) to the European Commission qualified U.S. CABs seeking Notified Body status and monitoring on-going compliance of Notified Bodies.

## Exclusions

The following topics are not addressed in this document:

RED Module H: The requirements for notification to the Radio Equipment Directive Annex IV (Module H: Conformity Based on Quality Assurance) are not covered in this document. Notified Bodies seeking to be notified for Annex IV should contact NIST at [mra@nist.gov](mailto:mra@nist.gov).

RED Module C – RED Annex III also includes Module C: Conformity to Type based on Internal Production Control. This module is carried out by the manufacturer. This module relies on the EU-Type Examination Certificate provided by the Notified Body.

EMC Directive: U.S. CABs are eligible to apply for notification as a Notified Body for the European Union's Electromagnetic Compatibility (EMC) Directive (2014/30/EU). The requirements and application for EMC NB Status can be viewed on the [NIST US-EU MRA webpage](#).

## Disclaimers

In the event there is a discrepancy between the contents of this document and the Radio Equipment Directive 2014/53/EU (RED), the RED takes precedence.

The hyperlinks included in this document were valid at the time of publication. If a hyperlink is broken or no longer points to the correct document, please contact [mra@nist.gov](mailto:mra@nist.gov) for further guidance.

NIST reserves the right to change the requirements for application and notification, and to update this document as needed to reflect the current interpretations of the RED as issued by the European Commission, the Radio Equipment Directive Compliance Association (RED CA), and related stakeholder groups.

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<sup>2</sup> Agreement on Mutual Recognition Between the European Community and the United States of America (Telecommunications Equipment and EMC annexes) – 1998

<sup>3</sup> Agreement on Mutual Recognition Between the European Community and the European Economic Area (EEA) European Free Trade Association (EFTA) States (Telecommunications Equipment and EMC annexes) – 1998

<sup>4</sup> The Notifying Authority (NA) notifies NBs to the European Commission. There is an appointed NA in each member state and in each country that has signed a telecom MRA with the EU. Other MRAs utilize the term Designating Authority.

## Section 2: Reference Documents

The CAB shall maintain (or have access to) the following documents:

[Blue Guide](#)<sup>5</sup> - on Implementation of EU Product Rules (2016) – July 26, 2016

[EA-2/17 M: 2016](#)<sup>6</sup> – European Cooperation for Accreditation (EA) Document on Accreditation for Notification Purposes (November 2016 Rev 3)

[Radio Equipment Directive](#)<sup>7</sup> 2014/53/EU

[Guide to the Radio Equipment Directive 2014/53/EU](#)<sup>8</sup> (December 2018)

[Technical Guidance Notes from the Radio Equipment Directive Compliance Association- RED CA](#)<sup>9</sup>

[Summary List of Harmonized Standards applicable for the RED](#)<sup>10</sup>

EMCD:

[Electromagnetic Compatibility Directive](#)<sup>11</sup> 2014/30/EU

[Guide for the EMC Directive 2014/30/EU](#)<sup>12</sup> (December 2018)

[Technical Guidance Notes issued by the Notified Body Group for the EMC Directive \(EUANB\)](#)<sup>13</sup>

LVD:

[Low Voltage Directive](#)<sup>14</sup> 2014/35/EU

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<sup>5</sup> [http://ec.europa.eu/growth/content/%E2%80%98blue-guide%E2%80%99-implementation-eu-product-rules-0\\_en](http://ec.europa.eu/growth/content/%E2%80%98blue-guide%E2%80%99-implementation-eu-product-rules-0_en)

<sup>6</sup> <http://www.european-accreditation.org/publication/ea-2-17-m>

<sup>7</sup> [http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:JOL\\_2014\\_153\\_R\\_0002&from=EN%20](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:JOL_2014_153_R_0002&from=EN%20)

<sup>8</sup> <https://ec.europa.eu/docsroom/documents/29782>

<sup>9</sup> <http://www.redca.eu/Pages/Documents%201.htm>

<sup>10</sup> [https://ec.europa.eu/growth/single-market/european-standards/harmonised-standards/red\\_en](https://ec.europa.eu/growth/single-market/european-standards/harmonised-standards/red_en)

<sup>11</sup> [http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:JOL\\_2014\\_096\\_R\\_0079\\_01&qid=1396511671603&from=EN](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:JOL_2014_096_R_0079_01&qid=1396511671603&from=EN)

<sup>12</sup> <https://ec.europa.eu/docsroom/documents/28323>

<sup>13</sup> <http://www.redca.eu/Pages/Documents3.htm>

<sup>14</sup> [http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:JOL\\_2014\\_096\\_R\\_0357\\_01&from=EN](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:JOL_2014_096_R_0357_01&from=EN)

## Section 3: Application Process

The CAB shall obtain accreditation in accordance with the requirements included in *Section 4, Accreditation for Notified Body Activities*.

The CAB shall also submit the NB Application Form (refer to Appendix I) and the supporting documents to NIST at [mra@nist.gov](mailto:mra@nist.gov).

The CAB's supporting documents, including policies and procedures, shall contain the CAB's unique information on how the requirements contained in the Radio Equipment Directive are being met by the CAB through specific references and adequate detail.

NIST will review CAB application documents in the order in which they are received.

If the supporting documents are incomplete and/or do not address all requirements, NIST will notify the CAB of the elements that still need to be addressed and will place the application on hold until additional information is provided.

NIST will process a notification to the European Commission for qualified accredited organizations. The European Commission conducts a review of all notifications.

A CAB becomes a RED Notified Body only once the information on the Notified Body's name and the tasks for which the Notified Body has been notified are published on the public

New Approach Notified and Designated Organizations (NANDO) website:

[http://ec.europa.eu/growth/tools-databases/nando/index.cfm?fuseaction=directive.notifiedbody&dir\\_id=154428](http://ec.europa.eu/growth/tools-databases/nando/index.cfm?fuseaction=directive.notifiedbody&dir_id=154428)

CABs that successfully obtain Notified Body status must continue to meet the requirements of the Radio Equipment Directive and this document.

A periodic renewal of the notification is required. Refer to *Section 9, Maintaining Notified Body Status*.

## Section 4: Accreditation for Notified Body Activities

The CAB shall obtain formal accreditation for its Notified Body activities.

### Acceptable Accreditation Bodies

NIST maintains a list of U.S. accreditation bodies (ABs) that have been evaluated to ensure that the assessment and accreditation process meets requirements to support the accreditation of Notified Bodies for the purposes of notification. Refer to *Section 10, Accreditation Body Requirements*.

CABs shall use an accreditation body included on the NIST list of U.S. accreditation bodies acceptable for Notified Body accreditation for the purposes of notification.

### Options I & II: Meeting RED Article 29.2 through ISO/IEC 17020 or ISO/IEC 17065

The [Blue Guide](#) identifies the following two basic conformity assessment standards as most appropriate<sup>15</sup> for Module B assessment: ISO/IEC 17020 and ISO/IEC 17065.

[EA-2/17 M:2016](#)<sup>16</sup> (page 6 of 27 – Table 1) further specifies that for Module B, supplemental (secondary) basic standard requirements also apply.

CABS accredited to ISO/IEC 17020 or ISO/IEC 17065 that wish to seek NB status can apply to NIST under the process covered in RED Article 29.2. The notification process is simplified in this case, with minimal information having to be forwarded to the European Commission.

The European Commission's decision normally takes 60 days if there are no objections from Member States. This is in accordance with the terms of the MRA (not the RED).

### Option III: Meeting RED Article 30.4 through ISO/IEC 17025

EA-2/17 M:2016 presently also identifies ISO/IEC 17025 under Module B with additional secondary basic standard requirements (of ISO/IEC 17065).

CABs accredited to ISO/IEC 17025 (only) that wish to seek NB status must follow an alternative path for notification since this basic conformity assessment standard is not considered sufficient on its own for Module B (per the Blue Guide). The alternative path is described in Article 29.3 of the RED and includes **submission of key NB application documentation to the European Commission**

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<sup>15</sup> Blue Guide (2016), Annex 6 – 3.2 (Module B)

<sup>16</sup> EA Document on Accreditation for Notification Purposes (3.1, page 6): <http://www.european-accreditation.org/publication/ea-2-17-m>

**for review by Member States.** These documents are not submitted to the European Commission if applying under Options I and II.

The European Commission's decision normally takes 60 days if there are no objections from Member States. This is in accordance with the terms of the MRA and RED Article 30.5.

The continued formal ISO/IEC 17025 accreditation ensures that the NB will be monitored regularly (RED Article 30.4)

Under this option, NIST requires that the ISO/IEC 17025 Scope of Accreditation contains the NB activities and reference to EA 2/17 M: 2016 (*as long as this document references ISO/IEC 17025 for Module B*).

#### Technical Competency Assessment – All Options

The technical competency assessment of NBs is the same regardless of the basic conformity assessment standards used. The technical assessment will include use of the *NIST NB Assessment Checklist – RED* and consideration of the information in the *RED Assessment Guide*.



## Scope of Accreditation

The CAB's Scope of Accreditation shall cover the Notified Body activities. The publicly available Scope of Accreditation shall include at least the following information:

- (a) The basic conformity assessment standard (ISO/IEC 17020, ISO/IEC 17065, or ISO/IEC 17025) which is used as reference and applied in full for the accreditation of the CAB.
- (b) A reference to EA-2/17 M: 2016 (or most current version) to confirm that the NB complies with the additional requirements stated therein, and to confirm that the accreditation may be considered suitable for notification purposes;
- (c) Identification of the directive (Radio Equipment Directive 2014/53/EU)
- (d) Identification of the conformity assessment procedure used (Module B)
- (e) products/category – family – homogeneous groups of products [refer to Article 26.6]

Examples of radio equipment products/categories include:

- Base Station for Mobile Network
- Citizens' Band
- Cordless telephone
- Fixed Links
- Mobile (Cellular) Telephone Handsets
- Private/Professional Mobile Radio
- Short Range Devices
- Wireless Microphones

## Section 5: Assessment Tools

### *RED Assessment Guide*

#### *NIST NB Assessment Checklist (RED)*

#### RED Notified Body Accreditation/Notification *Assessment Guide* Document

The Radio Equipment Directive Compliance Association, in conjunction with UKAS, has developed an *RED Assessment Guide*<sup>17</sup> that identifies the key requirements that Notified Bodies shall meet and the types of questions/topic areas that an assessor might cover. It also includes the generally accepted areas of knowledge and technical competency that Notified Body personnel should be able to demonstrate.

The key technical areas of knowledge included in the *RED Assessment Guide* are included in *Section 7, Technical Competency Requirements*.

#### NIST NB Assessment Checklist

NIST has developed a companion *NB Assessment Checklist - RED* that contains (1) the RED normative requirements and (2) any additional NIST requirements applicable to the Notified Bodies. This is blank checklist. All questions and guidance included in the *RED Assessment Guide* (described above) have been removed. NIST's additional requirements have been added.

The NIST *NB Assessment Checklist – RED* follows the same format as the *RED Assessment Guide* wherever possible for ease of use and comparison by CABs and Assessors.

Accreditation Bodies shall use the NIST *NB Assessment Checklist - RED* to document the compliance information obtained during the on-site assessment.

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<sup>17</sup> *RED Notified Body Accreditation/Notification Assessment Guide Document (v1.0c)*

## Section 6: RED and NIST Requirements for Notified Bodies

The articles and annexes of the Radio Equipment Directive that are specific to Notified Bodies have been reproduced (presented in order in which these appear in the RED). In some cases, it has been necessary for NIST to specify an additional requirement or to clarify an article. These requirements are reproduced in the NIST *NB Assessment Checklist*.

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### RED ARTICLE 3

#### Essential Requirements

**NIST Requirement: The CAB shall demonstrate appropriate knowledge of all essential requirements in Article 3.**

1. Radio equipment shall be constructed so as to ensure:
  - (a) 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 Directive 2014/35/EU, but with no voltage limit applying;
  - (b) an adequate level of electromagnetic compatibility as set out in Directive 2014/30/EU.
2. 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.
3. Radio equipment within certain categories or classes shall be so constructed that it complies with the following essential requirements:
  - (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 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.

The Commission shall be empowered to adopt delegated acts in accordance with Article 44 specifying which categories or classes of radio equipment are concerned by each of the requirements set out in points (a) to (i) of the first subparagraph of this paragraph.

## RED ARTICLE 10

### (Excerpt from list of OBLIGATIONS OF MANUFACTURERS)

**NIST Requirement: The CAB shall demonstrate their understanding of the following manufacturer obligations.**

.....

2. Manufacturers shall ensure that radio equipment shall be so constructed that it can be operated in at least one Member State without infringing applicable requirements on the use of radio spectrum.

....

8. Manufacturers shall ensure that the radio equipment is accompanied by instructions and safety information in a language which can be easily understood by consumers and other end-users, as determined by the Member State concerned.

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.

.....

10. In cases of restrictions on putting into service or of requirements for authorization of use, information available on the packaging shall allow the identification of the Member States or the geographical area within a Member State where restrictions on putting into service or requirements for authorization of use exist. Such information shall be completed in the instructions accompanying the radio equipment.

.....

## RED ARTICLE 20

### (Excerpt from CE Marking Requirements)

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3. The CE marking shall be followed by the identification number of the notified body where the conformity assessment procedure set out in Annex IV is applied.

**NIST Requirements:** The CAB shall be aware of when the NB number should be applied to the label. The NB number shall not be applied to the label under Module B.

## RED ARTICLE 26

### Requirements Relating to Notified Bodies

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

2. A conformity assessment body shall be established under national law of a Member State and have legal personality.

**NIST Requirement:** U.S. CAB seeking notification as an NB shall be a legal entity in the United States.

3. A conformity assessment body shall be a third-party body independent of the organization or the radio equipment it assesses. A body belonging to a business association or professional federation representing undertakings involved in the design, manufacturing, provision, assembly, use or maintenance of radio equipment which it assesses may, on condition that its independence and the absence of any conflict of interest are demonstrated, be considered such a body.

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 representative of any of those parties. This shall not preclude the use of assessed radio equipment that is 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 or construction, the marketing, installation, use or maintenance of that radio equipment, or represent the parties engaged in those activities. They shall not engage in any activity that may conflict with their independence of judgment or integrity in relation to

conformity assessment activities for which they are notified. 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 judgment or the results of their conformity assessment activities, especially as regards persons or groups of persons with an interest in the results of those 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 notified, 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 notified, 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 notified body and other activities;

(c) procedures for the performance of activities which take due account of the size of an undertaking, the sector in which it operates, its structure, the degree of complexity of radio equipment technology in question 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 connected with the conformity assessment activities in an appropriate manner.

7. The personnel responsible for carrying out conformity assessment tasks shall have the following:

(a) sound technical and vocational training covering all the conformity assessment activities in relation to which the conformity assessment body has been notified;

(b) satisfactory knowledge of the requirements of the assessments they carry out and adequate authority to carry out those assessments;

(c) appropriate knowledge and understanding of the essential requirements set out in Article 3, of the applicable harmonized standards and of the relevant provisions of Union harmonization legislation and of national legislation;

(d) the ability to draw up EU-type examination certificates or quality system approvals, records and reports demonstrating that assessments have been carried out.

8. The impartiality of the conformity assessment bodies, their top level management and of the personnel responsible for carrying out the conformity assessment tasks shall be guaranteed. The remuneration of the top level 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 unless liability is assumed by the State in accordance with national law, or the Member State itself is directly responsible for the conformity assessment.

**NIST Requirement: The Notified Body shall have professional liability insurance or errors and omissions insurance in an amount that is sufficient in coverage to protect the NB from lawsuits arising from its activities.**

10. The personnel of a conformity assessment body shall observe professional secrecy with regard 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 Member State in which its activities are carried out. Proprietary rights shall be protected.

11. Conformity assessment bodies shall 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 frequency planning, and the activities of the notified body coordination group established under the relevant Union harmonization legislation and shall apply as general guidance the administrative decisions and documents produced as a result of the work of that group.

**NIST Requirement: The CAB (or one of its related bodies located in the United States) shall maintain members in the Radio Equipment Compliance Association (RED CA).**

## RED ARTICLE 28

### Subsidiaries of and subcontracting by notified bodies

1. Where a notified body subcontracts specific tasks connected with conformity assessment or has recourse to a subsidiary, it shall ensure that the subcontractor or the subsidiary meets the requirements set out in Article 26 and shall inform the notifying authority accordingly.

2. Notified 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. Notified bodies shall keep at the disposal of the notifying authority 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.

## **RED ARTICLE 34**

### **Operational obligations of notified bodies**

1. Notified 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 due account of 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 this Directive.

3. Where a notified body finds that the essential requirements set out in Article 3 or corresponding harmonized 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 an EU-type examination certificate or a quality system approval.

4. Where, in the course of the monitoring of conformity following the issue of an EU-type examination certificate or a quality system approval, a notified body finds that radio equipment no longer complies, it shall require the manufacturer to take appropriate corrective measures and shall suspend or withdraw the EU-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 notified body shall restrict, suspend or withdraw any EU-type examination certificates or quality system approvals, as appropriate.

## **RED ARTICLE 36**

### **Information obligation on notified bodies**

1. Notified bodies shall inform the notifying authority of the following:

(a) any refusal, restriction, suspension or withdrawal of an EU-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 notification;
  - (c) any request for information which they have received from market surveillance authorities regarding conformity assessment activities;
  - (d) on request, conformity assessment activities performed within the scope of their notification and any other activity performed, including cross-border activities and subcontracting.
2. Notified bodies shall, in accordance with the requirements of Annexes III and IV, provide the other bodies notified under this Directive 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. Notified bodies shall fulfil information obligations under Annexes III and IV.

## **RED ARTICLE 38**

### **Coordination of notified bodies**

The Commission shall ensure that appropriate coordination and cooperation between bodies notified under this Directive are put in place and properly operated in the form of a sectoral group of notified bodies.

Member States shall ensure that the bodies notified by them participate in the work of that group, directly or by means of designated representatives.

**NIST Comment: Refer to additional NIST Requirement under Article 26.11 – membership in the RED CA is required.**

## **RED Annex III**

### **Module B: EU-type examination**

1. EU-type examination is the part of a conformity assessment procedure in which a notified 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 3.
2. EU-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 EU-type examination with a single notified body of his choice. The application shall include:
  - (a) the name and address of the manufacturer and, if the application is lodged by the authorized representative, his name and address as well;

(b) a written declaration that the same application has not been lodged with any other notified body;

(c) the technical documentation. The technical documentation shall make it possible to assess the radio equipment's conformity with the applicable requirements of this Directive 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 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 shall examine the technical documentation and supporting evidence to assess the adequacy of the technical design of the radio equipment.

5. The notified 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 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 Directive that apply to the radio equipment concerned, the notified body shall issue an EU-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 EU-type examination certificate may have one or more annexes attached.

The EU-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 Directive, the notified body shall refuse to issue an EU-type examination certificate and shall inform the applicant accordingly, giving detailed reasons for its refusal.

7. The notified 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 Directive, and shall determine whether such changes require further investigation. If so, the notified body shall inform the manufacturer accordingly.

The manufacturer shall inform the notified body that holds the technical documentation relating to the EU-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 Directive or the conditions for validity of that certificate.

Such modifications shall require additional approval in the form of an addition to the original EU-type examination certificate.

8. Each notified body shall inform its notifying authority concerning the EU-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 the list of such certificates and/or any additions thereto refused, suspended or otherwise restricted.

Each notified body shall inform the other notified bodies concerning the EU-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 Member States of EU-type examination certificates it has issued and/or additions thereto in those cases where harmonized 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.

The Member States, the Commission and the other notified bodies may, on request, obtain a copy of the EU-type examination certificates and/or additions thereto.

On request, the Member States and the Commission may obtain a copy of the technical documentation and the results of the examinations carried out by the notified body.

The notified body shall keep a copy of the EU-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 EU-type examination certificate, its annexes and additions 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.

10. The manufacturer's authorized 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.

## RED ANNEX V

### Content 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) a list of the harmonized standards applied in full or in part the references of which have been published in the Official Journal of the European Union, and, where those harmonized standards have not been applied, descriptions of the solutions adopted to meet the essential requirements set out in Article 3, including a list of other relevant technical specifications applied. In the event of partly applied harmonized standards, the technical documentation shall specify the parts which have been applied;
- (e) copy of the EU declaration of conformity;
- (f) where the conformity assessment module in Annex III has been applied, copy of the EU-type examination certificate and its annexes as delivered by the notified 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 Article 10(2) and of the inclusion or not of information on the packaging in accordance with Article 10(10).

## RED ANNEX VI

### EU DECLARATION OF CONFORMITY (No XXX)

**NIST Requirement: The CAB shall demonstrate knowledge of the required content of the EU Declaration of Conformity (DoC) as follows:**

1. Radio equipment (product, type, batch or serial number):
2. Name and address of the manufacturer or his authorized 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 color 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 Union harmonization legislation: Directive 2014/53/EU Other Union harmonization legislation where applicable
6. References to the relevant harmonized 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 ... (name, number) ... performed ... (description of intervention) ... and issued the EU-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 EU declaration of conformity:
9. Additional information: Signed for and on behalf of: ...  
(place and date of issue): (name, function) (signature):

## RED ANNEX VII

### SIMPLIFIED EU DECLARATION OF CONFORMITY

**NIST Requirement: The CAB shall demonstrate knowledge of the required content of the simplified EU Declaration of Conformity (DoC) as follows:**

The simplified EU declaration of conformity referred to in Article 10(9) 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 EU declaration of conformity is available at the following internet address:

## Section 7: Technical Competency Requirements

The CAB personnel shall demonstrate technical competency during the on-site assessment conducted by the accreditation body. The areas of knowledge covered during the on-site assessment are described in more detail in the **RED Assessment Guide** prepared by the Radio Equipment Compliance Association and UKAS. The information in the **RED Assessment Guide** forms the basis for the technical competency assessment. The areas of knowledge assessed will include (but are not limited to) the topics listed in the table below:

Area of Knowledge
A correct understanding of the Radio Equipment Directive
A correct understanding of the Scope of the Radio Equipment Directive
A correct understanding of the role of the Notified Body
A working knowledge of the ETSI <sup>18</sup> standards system
A working knowledge of the ECO frequency allocation system (EFIS <sup>19</sup> ) in the EU
An understanding of the Essential Requirements in Article 3 of the Directive
A working knowledge of RF exposure requirements
A working knowledge of Low Voltage requirements
A working knowledge of Electromagnetic Compatibility requirements
Correct understanding of the harmonized standards listed in the Official Journal of the European Union (OJEU <sup>20</sup> )
Understanding of the meaning of and use of the <i>Date of cessation of presumption of conformity</i>
Understanding of what the manufacturer obligations are under the Radio Equipment Directive – Article 10 – all.
Understanding of what an EU Declaration of Conformity must include (including simplified version)
Knowledge of how to conduct a review of the technical construction file information
Knowledge of what information is to be included in the NB report that supports the EU Type Examination Certificate
Knowledge of how to prepare an EU Type Examination Certificate (contents)
Familiarity with the Technical Guidance Notes and REFDOCs published by the Radio Equipment Directive Compliance Association
Other related technical issues may be assessed as deemed appropriate by the assessor(s).

<sup>18</sup> ETSI - <http://www.etsi.org/standards>

<sup>19</sup> <http://www.efis.dk/>

<sup>20</sup> [http://ec.europa.eu/growth/single-market/european-standards/harmonised-standards/red\\_en](http://ec.europa.eu/growth/single-market/european-standards/harmonised-standards/red_en) (Link to the RED HS list.)

## Section 8: Notifying Authority Obligations

NIST, as the notifying authority of U.S. CABs, must meet the requirements set out in Articles 23, 24, and 25 of the Radio Equipment Directive.

The relevant articles of the Radio Equipment Directive that are specific to the notifying authority have been reproduced in this Section. In some cases, NIST has provided additional information.

### **RED ARTICLE 23**

#### **Notifying authorities**

1. Member States shall designate a notifying authority that shall be responsible for setting up and carrying out the necessary procedures for the assessment and notification of conformity assessment bodies and the monitoring of notified bodies, including compliance with Article 28.

NIST: NIST fulfills the role as the notifying authority under the terms of the relevant mutual recognition agreements. Refer to *Section 1, Introduction*.

2. Member States may decide that the assessment and monitoring referred to in paragraph 1 shall be carried out by a national accreditation body within the meaning of and in accordance with Regulation (EC) No 765/2008.

NIST: The assessment of the CABs seeking Notified Body status shall be carried out by U.S. accreditation bodies that have been deemed competent to assess the notified bodies. The monitoring of notified bodies is carried out by both the accreditation bodies and NIST.

3. Where the notifying authority delegates or otherwise entrusts the assessment, notification or monitoring referred to in paragraph 1 to a body which is not a governmental entity; that body shall be a legal entity and shall comply *mutatis mutandis* with the requirements laid down in Article 24. In addition it shall have arrangements to cover liabilities arising out of its activities.

NIST: Refer to Section 10 (c).

4. The notifying authority shall take full responsibility for the tasks performed by the body referred to in paragraph 3.

## **RED ARTICLE 24**

### **Requirements relating to notifying authorities**

1. A notifying authority shall be established in such a way that no conflict of interest with conformity assessment bodies occurs.
2. A notifying authority shall be organized and operated so as to safeguard the objectivity and impartiality of its activities.
3. A notifying authority shall be organized in such a way that each decision relating to notification of a conformity assessment body is taken by competent persons different from those who carried out the assessment.

NIST: The assessment shall be carried out by the accreditation bodies and the notification shall be carried out by NIST.

4. A notifying authority shall not offer or provide any activities that conformity assessment bodies perform or consultancy services on a commercial or competitive basis.
5. A notifying authority shall safeguard the confidentiality of the information it obtains.
6. A notifying authority shall have a sufficient number of competent personnel at its disposal for the proper performance of its tasks.

## **RED ARTICLE 25**

### **Information obligation on notifying authorities**

Member States shall inform the Commission of their procedures for the assessment and notification of conformity assessment bodies and the monitoring of notified bodies, and of any changes thereto.

The Commission shall make that information publicly available.

NIST: This NIST document reflects the NIST procedures for the assessment, notification, and monitoring of Notified Bodies. This document is available to the public.



## RED ARTICLE 32

### Changes to notifications

1. Where a notifying authority has ascertained or has been informed that a notified body no longer meets the requirements laid down in Article 26, or that it is failing to fulfil its obligations, the notifying authority shall restrict, suspend or withdraw notification as appropriate, depending on the seriousness of the failure to meet those requirements or fulfil those obligations. It shall immediately inform the Commission and the other Member States accordingly.
2. In the event of restriction, suspension or withdrawal of notification, or where the notified body has ceased its activity, the notifying Member State shall take appropriate steps to ensure that the files of that body are either processed by another notified body or kept available for the responsible notifying and market surveillance authorities at their request.

## Section 9: Maintaining Notified Body Status

Notified Bodies are subjected to on-going monitoring and surveillance by the responsible accreditation body and NIST to ensure continued compliance with these requirements.

To maintain Notified Body status, the Notified Body shall:

- Maintain accreditation for Notified Body activities
- Comply with reporting requirements to the notifying authority (NIST) and all other parties as specified in the directive
- Cooperate with other Notified Bodies in accordance with the directive requirements
- Notify NIST of any contact from the market surveillance authorities in the Member States within 30 days
- Cooperate with market surveillance authorities in the Member States
- Maintain membership in and stay up-to-date with the Radio Equipment Directive Compliance Association
- Stay up-to-date with standardization activities and monitor the state of the art
- Maintain technical competence of staff for Notified Body activities
- Renew the Notified Body status as required

Notified Bodies in the United States shall renew their Notified Body status through re-application to NIST. This includes submittal of the renewed Scope and Certificate of Accreditation.

The renewal process will be initiated by NIST in advance of the notification expiration identified in New Approach Notified and Designated Organizations (NANDO) database.

NIST will provide the Notified Body with instructions for the renewal.

This information requested by NIST in support of re-notification will not exceed the requirements noted in this document unless additional issues have been brought to NIST's attention. These additional issues will also need to be addressed by the Notified Body.

## Section 10: Accreditation Body Requirements

### List of Accreditation Bodies

NIST maintains a list of U.S. accreditation bodies (ABs) that have been evaluated to ensure that the assessment and accreditation process meets requirements to support the accreditation of Notified Bodies for the purposes of notification.

### Accreditation Body Qualifications

To be eligible for inclusion on the NIST list of accreditation bodies (AB) acceptable for Notified Body accreditation for the purposes of notification, the following qualifications shall be demonstrated and met:

- (a) The AB shall be NIST [NVCASE recognized](#) or [NIST Listed](#).

These ABs are located in the United States, are signatories in good standing to an accreditation body peer organization mutual recognition arrangement, and have met the requirements specified in the referenced NIST programs.

- (b) The AB shall ensure that the assessment of the Notified Bodies is conducted in accordance with the requirements of the Radio Equipment Directive, EA 2/17 M (2016) and this document.

- (c) Per Article 23 (3) of the Radio Equipment Directive, the AB shall have arrangements to cover liabilities arising out of its activities.

- (d) The AB assessors shall be technical competent to assess Notified Bodies and shall participate in available training on conducting Notified Body assessments.

The AB assessors shall be knowledgeable about the **RED Assessment Guide** interpretations and consider these interpretations during the on-site assessment as part of the technical requirements competency assessment (Refer to *Section 7, Technical Competency Requirements*).

### Submittal of Documents to NIST

The AB shall submit relevant documents to NIST ([mra@nist.gov](mailto:mra@nist.gov)) as evidence that the qualifications above are met.

The AB shall identify the names, qualifications, and training records of the assessors that will be used to conduct the assessments of Notified Bodies.

The AB shall address and resolve any issues raised by NIST regarding the AB's qualifications prior to being included on the NIST list.

## Section 11: Document Control

The revision history of this document is maintained below.

Version	Date Issued	Status	Details
V1.0	11/15/2015	FINAL	Initial Release
V2.0	07/03/2018	REVISION	<p>Updated references to the latest versions of the Blue Guide, RED Guide, EA-2/17 M and inserted new hyperlinks</p> <p>Clarified that the EC decision process for all new NBs is 60 days</p> <p>Added several clarifications to the application checklist</p> <p>Made minor modifications to the wording of several sections</p>
V3.0	09/18/2019	REVISION	<p>Updated references to the latest versions of the RED Guide and the EMCD Guide: December 2018</p>

## Appendix I: NB Application Form - RED

**Instructions:** Please complete the NB Application Form Parts I, II and III and submit the completed Form along with all supporting documents to NIST via [mra@nist.gov](mailto:mra@nist.gov)

### Part I: General Information

Name of CAB	
Address of main location applying for Notification	
Primary Contact <sup>21</sup> Name	
Primary Contact E-mail	
Primary Contact Phone Number	
Alternate Contact <sup>22</sup> Name	
Alternate Contact E-mail	
Name of Person Completing the Application Form	
Signature of Person Completing the Application Form	
Date Completed	
Reserved for CAB comments/other information:	

<sup>21</sup> Primary Contact: This person must sign the separate NIST CAB Declaration Form noted in Part II (1) below

<sup>22</sup> Alternate Contact: This person must sign the separate the NIST CAB Declaration Form noted in Part II (1) below.

Part II: Supporting Documents

Please submit the following documents electronically.

	Document/Element	CAB Document Name <i>Include section/page references</i>
1	NIST <a href="#">CAB Declaration Form</a> signed by the Primary and Alternate Contacts.	
2	Section 4 Scope and Certificate of Accreditation	
3	RED Article 26.4 Organizational chart that includes all other related bodies/legal entities, <u>along with</u> a description of all types of activities undertaken by the CAB and each other related body (such as a testing laboratory or other legal entity) <u>and</u> a written explanation of how the CAB complies with all three paragraphs of 26.4	
4	RED Article 26.6 & RED Annex III – Module B Procedures to distinguish the CAB’s NB tasks from all other types of activities. The procedures shall address the full process followed by the CAB for Module B (EU-Type Examination).  <i>Note: The procedure must, at a minimum, describe the process of accepting an application, conducting a review of the technical documentation, preparing the evaluation report and issuing EU Type Examination Certificate in accordance with the requirements of the RED. The text should be tailored to the NB process and should not be generically copied from the RED.</i>	
5	RED Article 26.6 (a) and 26.7 <u>List</u> of all <b>personnel</b> performing NB conformity assessment tasks, a <u>description</u> of their NB <b>experience</b> , and a <u>description or records</u> of each person’s <b>training</b> for RED NB competency (include dates of training)  <i>Note: Please address specifically Articles 26.6 (a) and 26.7 for all essential requirements contained in Article 3.</i>	
6	RED Article 26.7 and 26.11	

	Procedure describing how the CAB will maintain NB personnel competence for the elements noted in Article 26.7 and maintains knowledge of the activities noted in 26.11.	
7	RED Article 26.9 Valid copy of the current insurance policy as evidence that the CAB has obtained Professional Liability Insurance or Errors and Omissions Insurance.  <i>Note: NIST maintains a database of CAB (NB) insurance policy validity dates and requires submittal of an updated, valid copy of the insurance policy when the previous policy has expired.</i>	
8	RED Article 36 Procedure addressing Article 36 information obligations (1 to 3) and Annex III information obligations (See also Annex III, Module B, 8)	
9	RED Annex III – Module B - 5 Example evaluation report	
10	RED Annex III – Module B - 6 Example EU Type Examination Certificate	
11	Example of contract signed by the CAB’s client(s) for NB services.  <i>Note: Please disclose to clients (and include in the contract) all elements requiring release of relevant information to NIST, other NBs, Member States, and Market Surveillance Authorities as specified in the directive and all information requirements that the NB is imposing on the manufacturer (reporting of modifications, for example)</i>	

In accordance with Article 24.5 of the Radio Equipment Directive, NIST will maintain the confidentiality of all information received.

Part III: Attestation and Signature of Primary Contact

The CAB's Primary Contact is responsible for ensuring that the CAB complies at all times with the conditions and requirements to apply for and maintain NB status.

<p>I agree with the conditions and requirements specified in Radio Equipment Directive, the NIST CAB Declaration and the NIST document titled <i>Requirements and Application for U.S. Conformity Assessment Bodies Seeking EU Radio Equipment Directive 2014/53/EU Notified Body Status</i>.</p> <p>If NIST requires access to additional accreditation documents or information (such as the Assessment Report, Deficiency Report, corrective action responses, and assessment checklists utilized), my organization will authorize the release of such information.</p> <p>I agree that all the statements made in the supporting documents submitted with this NB Application Form are correct to the best of my knowledge and are made in good faith.</p>	
Date	
Name of CAB	
Signature of Primary Contact	
Printed name of Primary Contact	