

## **Guidance on Essential Requirements, Essential Radio Test Suites & HS Requirements & conformance Test specifications Table (HS-RTT)**

### **Introduction**

Article 3 of the R&TTE Directive sets out mandatory “essential requirements”. It is well known that compliance with harmonised standards gives a presumption of conformity with the essential requirements but that harmonised standards themselves are not mandatory.

Certain harmonised standards include a normative Annex setting out an HS Requirements & conformance Test specifications Table (HS-RTT) which, inter alia, provides “a statement of all the essential requirements in words and by cross reference”, “a statement of all the test procedure corresponding to those essential requirements” and indicates whether or not each requirement is “Unconditional” or “Conditional” and each test procedure “Essential” or “Other”.

Annex III of the Directive uses the term “essential radio test suites”. This term is not defined. The Annex is directly referenced in relation to conformity assessment under Article 10.4. The essential test suites must be defined by a notified body unless they are set out in a harmonised standard.

The “essential radio test suites” comprise the test specifications identified as “essential” in the HS-RTT. Tests identified as “other” relate to requirements which are mandatory but for which there is discretion about the test procedure used.

The use of the words “essential” and “requirements” in these different contexts has led to a degree of confusion.

### **Guidance**

#### *General*

Requirements and test specifications identified in the HS-RTT of harmonised standards are mandatory only within the context of the harmonised standard itself. They do not have general status as mandatory requirements and therefore cannot be held to be mandatory when the harmonised standard route to compliance (Article 10.4 of the Directive) is not followed.

ETSI Guide EG 201 399 V2.1.1 (2005-12) “A guide to the production of candidate Harmonized Standards for application under the R&TTE Directive” contains useful information about selection of essential parameters.

#### *For Notified Bodies*

HS-RTT requirements and test specifications in a harmonised standard are not necessarily essential or relevant to a NB giving an opinion under the Article 10.5 and Annex IV conformity assessment option.

Equally, a NB giving an opinion under Article 10.5 & Annex IV is not necessarily constrained by the essential radio test suites defined in a harmonised standard.

A NB opinion must be based on its own professional assessment of compliance with the requirements of the Directive based on the TCF provided by the manufacturer.

There is a distinction between the application of Annex IV under Article 10.4 where the NB opinion is in the context of the manufacturer applying the harmonised standards in full and the application of Annex IV under Article 10.5 where they do not. In the former case, the NB would expect the manufacturer to have used the essential test suites set out in the harmonised standard whereas in the latter the NB would be at liberty to specify test suites appropriate to the selected basis of demonstrating conformity with the essential requirements.

#### *For Manufacturers*

A manufacturer who chooses to apply the conformity assessment procedure of Article 10.3 to the receiving parts of radio equipment using Annex II is at liberty to decide, on his own responsibility, which, if any, parts of harmonised standards to take into account in compiling his technical documentation.

A manufacturer does not have such discretion in applying Article 10.4 and Annex III or IV to parts of radio equipment not covered by Article 10.3. In such cases both the essential radio test suites and HS-RTT requirements must be used in the conformity assessment procedure. In the case of Article 10.5 and Annex IV (which invokes Annex III) it is the responsibility of the NB to decide (see above).

#### **Disclaimer**

This guidance document does not replace the text of the R&TTE Directive and is for guidance only. In legal disputes the text of the Directive, or its implementation in National legislation, takes precedence.