Republic of Latvia

Cabinet

Regulation No. 360

Adopted 7 June 2016

**Regulations Regarding Conformity Assessment, Making Available on the Market, Installation and Use of Radio Equipment**

*Issued pursuant to*

*Section 7 of the Law On Conformity Assessment and*

*Section 7, Clause 1 and 2 and Section 46, Paragraph two of*

*the Electronic Communications Law*

**1. General Provisions**

1. This Regulation prescribes:

1.1. obligations of manufacturers, authorised representatives, importers and distributors (hereinafter – involved parties), installers, holders and users of radio equipment, essential requirements to radio equipment, the procedures for carrying out the conformity assessment, making available on the market, installation and use of radio equipment, as well as surveillance of market and use of radio equipment;

1.2. procedures for requesting and receiving information necessary for performance of functions from the State joint stock company "Electronic Communications Office" (hereinafter – authority monitoring use);

1.3. procedures by which employees of the authority monitoring use gains access to the equipment causing or able to cause harmful radio interference (hereinafter – harmful equipment), and requests presenting of conformity certificates or other documents related to the use of electronic communications.

2. The requirements of this Regulation shall not be applied to the radio equipment:

2.1. intended for the needs of national security and used only in the radio frequency spectrum laid down in the national radio frequency plan allocated only for the purpose of the national security, except for the functions referred to in Paragraphs 152 and 154 of this Regulation;

2.2. used for the termination of undesired radio communications in accordance with the laws and regulations regarding special radio facilities.

3. Terms used in this Regulation:

3.1. making available radio equipment on the market – sell, supply or otherwise distribute radio equipment in the course of an economic activity, whether in return for payment or free of charge;

3.2. place radio equipment on the market – the first making available of radio equipment on the European Union market;

3.3. putting into service – the first use of radio equipment in the European Union by its end-user;

3.4. manufacturer – a natural or legal person manufacturing radio equipment, or at the request of which radio equipment is being designed or manufactured, and who places it on the market, using its name or trade mark;

3.5. authorised representative – a natural or legal person carrying out commercial activity in the European Union, and having received a written mandate from the manufacturer to act on its behalf for the performance of specific tasks;

3.6. importer – a natural or legal person carrying out commercial activity in the European Union and placing the radio equipment imported from third countries on the market of the European Union;

3.7. distributor – a natural or legal person in the supply chain, other than the manufacturer or the importer, performing commercial activity in the European Union and making available radio equipment on the market;

3.8. technical specification – a document laying down technical requirements to be fulfilled by radio equipment;

3.9. notified body – a radio equipment conformity assessment authority accredited by the national accreditation authority and notified to the European Commission in accordance with the laws and regulations regarding the procedures for establishing the notification committee, and also procedures for taking a decision and notifying the European Commission by the committee regarding the conformity assessment authorities, which perform conformity assessment in the regulated area, or other radio equipment conformity assessment authority notified by a European Union Member State or the European Economic Area;

3.10. recall – a measure aimed at achieving the return of radio equipment that has already been made available to the end-user;

3.11. withdrawal from the market – a measure aimed at preventing radio equipment in the supply chain from being made available on the market;

3.12. market surveillance authority – the Consumer Rights Protection Centre;

3.13. CE marking – marking by which the manufacturer indicates that the radio equipment is in conformity with the applicable requirements set out in the laws and regulations providing for its affixing

4. Chapters 2, 3 and 4, Sub-paragraphs 114.5, 114.6, 114.7 and 114.8 and Paragraph 124 of this Regulation shall not apply to:

4.1. radio equipment of radio amateurs not placed or made available on the market;

4.2. radio equipment of seagoing vessels to which the laws and regulations regarding equipment of seagoing vessels and conformity assessment thereof apply;

4.3. civil aviation airborne radio equipment installed or attached to civil aviation aircraft used or intended to be used during operating of aircraft or navigating it during the flight;

4.4. radio equipment intended solely for ensuring of public security and national security (including national economic prosperity) and national activities in the area of criminal law;

4.5. custom-built evaluation kits destined for professionals to be used solely at scientific and research institutions;

4.6. radio equipment used for military needs and intended for national defence.

5. Sub-chapters 5.1, 5.2, 5.3, 5.4 and 5.6 of this Regulation shall not apply to the radio stations of radio amateurs.

6. Paragraphs 117, 118, 121, 132, Sub-paragraphs 114.1, 114.10, 122.2–122.15 of this Regulation shall not apply to the radio equipment intended only for reception of sound and television broadcasting signals.

**2. Placing and Making Available of Radio Equipment on the Market**

**2.1. Requirements for Placing and Making Available of Radio Equipment on the Market**

7. Radio equipment may be placed and made available on the market if:

7.1. it conforms to the essential requirements referred to in Paragraph 8 of this Regulation;

7.2. it is constructed in a way to be used in at least one European Union Member State without infringing the requirements laid down in the laws and regulations regarding use of the radio frequency spectrum;

7.3. its conformity to the essential requirements referred to in Paragraph 8 of this Regulation is assessed and certified in accordance with this Regulation;

7.4. it is labelled using the marking referred to in Sub-chapter 2.13 of this Regulation;

7.5. the information and documents referred to in Sub-paragraphs 11.10, 11.11, 11.12 and 11.13 of this Regulation are attached thereto;

7.6. the information referred to in Paragraph 20 to this Regulation is preserved.

**2.2. Essential Requirements and Condition for Conformity of Radio Equipment**

8. Radio equipment shall be constructed to conform to the following essential requirements:

8.1. it effectively uses the radio frequency spectrum and provides an opportunity to efficiently use this spectrum, avoiding harmful radio interference;

8.2. it does not cause any harm to health and safety of persons and domestic animals, as well as property, and conforms to other security requirements laid down in the laws and regulations regarding electric safety of equipment, but with no voltage limit applying (50 V for alternating current and 75 V for direct current);

8.3. its emitted electromagnetic field does not cause harm to the health of persons and domestic animals;

8.4. it ensures electromagnetic compatibility as laid down in the laws and regulations regarding electromagnetic compatibility of equipment;

8.5. radio equipment referred to in Annex 1 to this Regulation, in compliance with the requirements laid down in Annex 1 to this Regulation, fulfils functions ensuring access to emergency assistance services.

9. Radio equipment conforms to essential requirements referred to in Paragraph 8 of this Regulation, if it conforms to the requirements of applicable standards or the parts thereof, the references to which are published in the Official Journal of the European Union and which apply to abovementioned essential requirements. The national standardisation institution shall publish on its website a list of applicable standards adapted in a status of national standards.

**2.3. Obligations of a Manufacturer**

10. When placing radio equipment on the market, the manufacturer shall ensure that it is designed and manufactured in conformity with the essential requirements referred to in Paragraph 8 of this Regulation.

11. The manufacturer of the radio equipment has the following obligations:

11.1. to ensure that radio equipment is constructed in a way so that it could be used in at least one European Union Member State without infringing the requirements laid down in the laws and regulations regarding the use of the radio frequency spectrum;

11.2. prior to placing of radio equipment on the market, to draw up and independently update the technical documentation referred to in Sub-chapter 2.12 of this Regulation (hereinafter – technical documentation);

11.3. prior to placing of radio equipment on the market, to perform conformity assessment of the radio equipment in accordance with Sub-chapters 2.8, 2.9, 2.10 and 2.11 of this Regulation;

11.4. prior to placing of radio equipment on the market to draw up an European Union (EU) declaration of conformity referred to in Sub-chapters 2.9, 2.10 or 2.11 of this Regulation and label the radio equipment in conformity with the requirements of Sub-chapter 2.13 of this Regulation if conformity of the radio equipment to the essential requirements referred to in Paragraph 8 of this Regulation was established during the conformity assessment procedure. By preparing the EU declaration of conformity, the manufacturer shall undertake liability for conformity of the radio equipment to the requirements of Chapter 2 of this Regulation;

11.5. to keep the technical documentation and the EU declaration of conformity for 10 years after placing of the radio equipment on the market;

11.6. to develop procedures to ensure constant conformity of the radio equipment in serial manufacturing, and also take into consideration changes to radio equipment design or characteristics and changes to applicable standards the references to which are published in the Official Journal of the European Union and other technical specifications the reference to which is made in the EU declaration of conformity;

11.7. in order to safeguard human health and safety against risk caused by radio equipment, where appropriate, to carry out sample testing of radio equipment placed and made available on the market, investigate, and keep a register of complaints, of non-conforming radio equipment and radio equipment recalls, and to keep distributors informed of any such monitoring;

11.8. to ensure that radio equipment 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;

11.9. to indicate on the radio equipment the manufacturer's name or registered trademark and the postal address at which the manufacturer may be reached, or if it is not possible, provide it on the packaging, or in a document accompanying the radio equipment;

11.10. to ensure that clear and comprehensive user's manual (instructions) and warnings in the official language are attached to the radio equipment. Instructions shall include the information required to use radio equipment in accordance with its intended use, and, where applicable, a description of accessories and components, including software, which allow the radio equipment to operate as intended;

11.11. if the radio equipment transmits radio waves, the instructions referred to in Sub-paragraph 11.10 of this Regulation, to include also the information regarding the radio frequency band in which the radio equipment operates, and the maximum power of the transmitted signal, by indicating the type of power (for example, power in the transmitter output connector, equivalent isotropic radiated power from the antenna, effective power radiated from the antenna in a specific direction);

11.12. to attach the EU declaration of conformity or the following text to the radio equipment: *"[Manufacturer's name]* declares that radio equipment *[designation of radio equipment type]* conforms to *[the relevant law or regulation the conformity with which is declared]*. Full text of the EU declaration of conformity is available on the following website: *[precise address of the website where the EU declaration of conformity referred to in Sub-chapters 2.9, 2.10 or 2.11. of this Regulation can be found]*." Ensure availability of the EU declaration of conformity in the official language on the abovementioned website;

11.13. to indicate on the packaging the Member States or geographic areas in the Member State where restrictions to putting of the radio equipment into service or special requirements for obtaining the permit for use exist, and the fact that such information is fully included in the instructions for use of the radio equipment;

11.14. if the manufacturer establishes or it has a reason to believe that the radio equipment placed by it on the market does not conform to the relevant requirements referred to in Paragraph 8 of this Regulation, it shall immediately take all the necessary corrective measures to ensure conformity of the radio equipment, and if necessary, withdraw from the market or recall it. If non-compliance of the radio equipment presents a risk, shall immediately inform the market surveillance authority thereof, indicating detailed information of the non-compliance and the measures taken to rectify it, as well as results of these measures;

11.15. at the request of the market surveillance authority or an authority monitoring use provide all the necessary information and documentation to certify conformity of the radio equipment to the requirements of this Regulation. The abovementioned information and documents shall be submitted in the official language or other language acceptable for the market surveillance authority or the authority monitoring use;

11.16. at the request of the market surveillance authority or an authority monitoring use, to cooperate with them to eliminate risk caused by the radio equipment placed on the market;

11.17. if the information referred to in Sub-paragraph 11.10, 11.11, 11.12 or 11.13 of this Regulation is not precise or is insufficient, make the necessary corrections within the time period laid by the market surveillance authority or an authority monitoring use, which shall not be less than one month.

12. The importer or distributor within the context of this Regulation shall be considered to be a manufacturer, and it shall have the same obligations as a manufacturer if it places a radio equipment on the market with its name or trademark or changes a radio equipment placed on the market in a way that these changes can affect its conformity to the essential requirements referred to in Paragraph 8 of this Regulation and the requirements referred to in Sub-paragraph 11.1 of this Regulation.

**2.4. Obligations of an Authorised Representative**

13. A manufacturer may, by a written mandate, appoint an authorised representative.

14. The authorised representative shall perform at least the following tasks:

14.1. keep the technical documentation and the EU declaration of conformity for 10 years after placing of radio equipment on the market, ensuring its availability to the market surveillance authority or an authority monitoring use;

14.2. at the request of the market surveillance authority or an authority monitoring use provide all the necessary information and documentation to certify the conformity of radio equipment with the requirements of this Regulation. The abovementioned information and documents shall be submitted in the official language or other language acceptable for the market surveillance authority or the authority in control of use;

14.3. at the request of the market surveillance authority or an authority monitoring use cooperate with them to eliminate the risks posed by the radio equipment covered by the mandate of the authorised representative.

15. The obligations and development of technical documentation referred to in Paragraph 10 of this Regulation shall not form part of tasks of the authorised representative.

**2.5. Obligations of an Importer**

16. The importer shall only place on the market radio equipment conforming to the requirements of this Regulation.

17. The importer shall have the following obligations:

17.1. to ensure that before placing radio equipment on the market:

17.1.1. the manufacturer has performed the conformity assessment procedure of the radio equipment;

17.1.2. radio equipment is so constructed that it can be operated in at least one European Union Member State without infringing the requirements laid down in the laws and regulations regarding use of the radio frequency spectrum;

17.1.3. the manufacturer has drawn up the technical documentation conforming to the Regulation;

17.1.4. radio equipment bears CE marking;

17.1.5.the radio equipment is accompanied by information and documents referred to in Sub-paragraphs 11.10, 11.11, 11.12 and 11.13 of this Regulation;

17.1.6. the manufacturer has complied with the requirements referred to in Sub-paragraphs 11.8 and 11.9 of this Regulation;

17.2. where an importer considers or has reason to believe that radio equipment is not conformity with the essential requirements referred to in Paragraph 8 of this Regulation, he shall not place the radio equipment on the market until the radio equipment has been brought into conformity. Where the radio equipment presents a risk, the importer shall inform the manufacturer and the market surveillance authority to that effect;

17.3.to indicate on the radio equipment the importer's name or registered trade mark and the postal address at which he can be contacted. Where the size or characteristics of the radio equipment does not allow it, or where the importer would have to open the packaging in order to indicated his name and address on the radio equipment, the abovementioned information shall be indicated on the packaging or document attached to the radio equipment;

17.4. to ensure that the radio equipment is accompanied by user's manual (instructions) and safety information in the official language;

17.5. to ensure that, while radio equipment is under responsibility of the importer, its storage or transport conditions do not jeopardise compliance of the radio equipment with the essential requirements referred to in Paragraph 8 of this Regulation;

17.6. in order to safeguard human health and safety against the risk caused by radio equipment, if necessary, to perform testing of the placed on the market and made available radio equipment, review and register complaints, register non-conforming and recalled radio equipment, as well as constantly inform distributors regarding this monitoring;

17.7. if the importer establishes or it has a reason to believe that the radio equipment placed by it on the market does not conform to the requirements of this Regulation, it shall immediately take all the necessary corrective actions to bring the radio equipment into conformity, and if necessary, withdraw from the market or recall it. Where non-compliance of the radio equipment presents a risk, immediately inform a market surveillance authority thereof, indicating detailed information regarding non-compliance and the measures taken to eliminate it;

17.8. to store a copy of the European Union declaration of conformity of the radio equipment for 10 years after the radio equipment has been placed on the market to make it available to the market surveillance authority and an authority monitoring use;

17.9. at the request of the market surveillance authority or an authority monitoring use, to provide all the necessary information and documentation to certify conformity of the radio equipment with the requirements of this Regulation. The abovementioned information and documents shall be submitted in the official language or other language acceptable for the market surveillance authority or the authority monitoring use;

17.10. at the request of the market surveillance authority or an authority monitoring use to cooperate with them to eliminate risks posed by radio equipment which it placed on the market;

17.11. if the information referred to Sub-paragraph 11.10, 11.11, 11.12, 11.13 or 17.4 of this Regulation is not precise or is insufficient, to make the necessary corrections within the time period laid down by the market surveillance authority or an authority monitoring use, which shall not be less than one month.

**2.6. Obligations of a Distributor**

18. When making available radio equipment on the market, the distributor shall conform to the requirements of this Regulation.

19. The distributor shall have the following obligations:

19.1. prior to making available of the radio equipment on the market, to ascertain that it is labelled with CE marking, and the documents referred to in this Regulation, user's manual (instruction) and warnings in the official language are attached thereto, and that the manufacturer has complied with the requirements referred to in Sub-paragraphs 11.1, 11.8, 11.9, 11.10, 11.11, 11.12 and 11.13 of this Regulation, while the importer – with the requirements referred to in Sub-paragraph 17.3 of this Regulation;

19.2. where a distributor considers or has a reason to believe that radio equipment is not in conformity with the essential requirements referred to in Paragraph 8 of this Regulation, he shall not sell radio equipment until it has been brought into conformity. Where the radio equipment presents a risk, the distributor shall inform the manufacturer or the importer and market surveillance authority thereof;

19.3. to ensure that, while the distributor is responsible for the radio equipment, its storage or transport conditions do not jeopardise the compliance of radio equipment with the essential requirements referred to in Paragraph 8 of this Regulation;

19.4. if the distributor establishes or it has a reason to believe that the radio equipment placed by it on the market is not in conformity with the requirements of this Regulation, he shall make sure that the corrective measures to bring that radio equipment into conformity, to withdraw it or recall it, if appropriate, are taken. Where non-compliance of the radio equipment presents a risk, immediately inform a market surveillance authority thereof, indicating detailed information regarding non-compliance and the measures taken to eliminate it;

19.5. at the request of the market surveillance authority or an authority monitoring use provide all the necessary information and documentation to certify the conformity of radio equipment to the requirements of this Regulation. The abovementioned information and documents shall be submitted in the official language or other language acceptable for the market surveillance authority or the authority monitoring use;

19.6. at the request of the market surveillance authority or an authority monitoring use cooperate with them to eliminate risks posed by the radio equipment placed on the market;

19.7. if the information referred to Sub-paragraph 11.10, 11.11, 11.12, 11.13 or 17.4 of this Regulation is not precise or is insufficient, make the necessary corrections within the time period laid down by the market surveillance authority or an authority monitoring use, which shall not be less than one month.

**2.7. Identification of Involved Parties**

20. At the request of the market surveillance authority, the involved party shall provide information, indicating all the involved parties which have supplied radio equipment to it, and all involved parties whereto it has supplied radio equipment.

21. The involved party shall ensure availability of the information referred to in Paragraph 20 of this Regulation for 10 years after radio equipment was supplied to it or it has supplied the radio equipment.

**2.8. Applicable Conformity Assessment Procedures**

22. A manufacturer shall demonstrate conformity of the radio equipment to the essential requirements referred to in Sub-paragraphs 8.2, 8.3 and 8.4 of this Regulation, using any of the following conformity assessment procedures:

22.1. internal production control;

22.2. EU-type examination and assurance of conformity to EU-type based on internal production control;

22.3. full quality assurance.

23. Where, in assessing the compliance of radio equipment with the essential requirements referred to in Sub-paragraphs 8.1 and 8.5 of this Regulation, the manufacturer has applied applicable standards the references of which have been published in the Official Journal of the European Union, he shall use any of the following conformity assessment procedures:

23.1. internal production control;

23.2. EU-type examination and assurance of conformity to EU-type based on internal production control;

23.3. full quality assurance.

24. Where, in assessing the compliance of radio equipment with the essential requirements referred to in Sub-paragraphs 8.1 and 8.5 of this Regulation, the manufacturer has not applied the applicable standards the references of which have been published in the Official Journal of the European Union, or has applied them partially, or such standards do not exist, any of the following conformity assessment procedures shall be used for the radio equipment in respect of these essential requirements:

24.1. EU-type examination and assurance of conformity to EU-type based on internal production control;

24.2. full quality assurance.

25. If any of the requirements referred to in Sub-paragraphs 2.9, 2.10 and 2.11 of this Regulation has not been fulfilled, it shall be considered that compliance of the radio equipment with the essential requirements referred to in Paragraph 8 of this Regulation has not been assessed and certified.

26. A manufacturer shall take into account all the intended operating conditions of the radio equipment. In assessing the compliance with the essential requirements referred to in Sub-paragraphs 8.2 and 8.3 of this Regulation, not only the conditions laid down by the manufacturer but also the conditions in which the radio equipment will be used shall be taken into consideration. If several configurations are possible for the radio equipment, the compliance with the essential requirements referred to in Paragraph 8 of this Regulation shall be assessed in respect of all the possible configurations.

**2.9. Internal Production Control**

27. Internal production control is the conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in Paragraphs 28 and 29 of this Regulation, and on its sole responsibility ensures and declares that the relevant radio equipment satisfies the essential requirements referred to in Paragraph 8 of this Regulation.

28. Internal production control shall include the following activities:

28.1. establishing technical documentation in accordance with Sub-paragraph 2.12 of this Regulation;

28.2. Drawing up of EU declaration of conformity containing the information referred to in Annex 2 to this Regulation and which the manufacturer constantly updates;

28.3. labelling equipment with the CE marking.

29. The manufacturer shall take all necessary measures to ensure compliance of the manufactured radio equipment with technical documentation and the essential requirements referred to in Paragraph 8 of this Regulation during the production process and its supervision.

**2.10. EU-type Examination and Assurance of Conformity to EU-type Based on Internal Production Control**

30. 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 also verifies and attests that the technical design of the radio equipment meets the essential requirements referred to in Paragraph 8 of this Regulation.

31. EU-type examination shall be carried out by assessing adequacy of the technical design of the radio equipment through examination of the technical documentation and evidence referred to in Paragraph 32 of this Regulation, however without examination of a specimen radio equipment (design type). Technical documentation and correspondence concerning the EU-type examination procedures shall be drawn up in the official language of the European Union Member State in which the notified body carries out its commercial activity, or any other language acceptable to the abovementioned body.

32. The manufacturer shall lodge an application for EU-type examination with a single notified body of his choice. The application shall contain:

32.1. the manufacturer's name and address and, if the application is lodged by the authorised representative, also a name, surname and address of the representative;

32.2. a written confirmation that the same application has not been lodged with any other notified body;

32.3. the technical documentation ensuring a possibility to assess conformity of the radio equipment to the essential requirements referred to in Paragraph 8 of this Regulation and containing analysis and assessment of the risk. 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 include at least the information referred to in Sub-chapter 2.12 of this Regulation;

32.4. evidence confirming the adequacy of the technical design solution to the essential requirements referred to in Paragraph 8 of this Regulation. Indicate all the documents that have been used, in particular where the relevant standards have not been applied the references of which have been published in the Official Journal of the European Union, or if they are not 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 the manufacturer's responsibility.

33. The notified body shall examine the technical documentation and evidence referred to in Paragraph 32 of this Regulation to assess the adequacy of the technical design of the radio equipment to the essential requirements referred to in Paragraph 8 of this Regulation.

34. The notified body shall draw up an evaluation report that records the activities undertaken in accordance with Paragraph 33 of this Regulation and outcomes of these activities. Without prejudice to its obligations referred to in Sub-paragraphs 39.1, 39.2, 39.3, 40.1 and 40.2 of this Regulation, the notified body shall release the content of the abovementioned report, in full or in part, only with the agreement of the manufacturer.

35. If the type of radio equipment meets the essential requirements referred to in Paragraph 8 of this Regulation, the notified body shall issue an EU-type examination certificate to the manufacturer, which contains 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. The EU-type examination certificate shall contain the manufacturer's name and address, conclusions of the examination, the aspects of essential requirements examined, the conditions for validity of the certificate, if any, and any data necessary for identification of the approved type.

36. Where the type does not satisfy the essential requirements referred to in Paragraph 8 of this Regulation, the notified body shall not issue the EU-type examination certificate and shall inform the applicant accordingly, giving detailed reasons for the refusal.

37. 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 essential requirements referred to in Paragraph 8 of this Regulation, and shall determine whether such changes require further investigation. If such investigation is necessary, the notified body shall inform the manufacturer thereof, and also determine a time period not exceeding one month for the performance thereof.

38. The manufacturer shall inform the notified body, which has issued the EU-type examination certificate, regarding all the modification to the approved type that may affect the conformity of the radio equipment with the essential requirements referred to in Paragraph 8 of this Regulation or the conditions for validity of the certificate. Such modifications shall require additional approval in the form of an addition to the original EU-type examination certificate.

39. The notified body shall inform:

39.1. its notifying authority concerning the EU-type examination certificates 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 or any additions thereto refused, suspended or otherwise restricted.

39.2. other notified bodies regarding the EU-type examination certificates or any additions thereto which it has refused, withdrawn, suspended or otherwise restricted, and, upon request, regarding such certificates or additions thereto which it has issued;

39.3. the market surveillance authority and the European Union Member States regarding its issued EU-type examination certificates or additions thereto, if the applicable 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.

40. The notified body shall issue:

40.1. copies of the EU-type examination certificates or any additions thereto on request of other notified bodies, market surveillance authority, authority monitoring use, other surveillance authorities of the European Union Member States and the European Commission;

40.2. copies of the technical documentation and the results of the carried out examinations submitted thereto on request of other notified bodies, market surveillance authority, authority supervising use, other surveillance authorities of the European Union Member States and the European Commission.

41. The notified body shall store the copies of the EU-type examination certificate, its annex and addition, and also a case related to the application, including the documentation submitted by the manufacturer for 10 years after the assessment of the radio equipment or until expiration of the term of validity of the abovementioned certificate.

42. The manufacturer shall store the copies of EU-type examination certificate, its annexes and additions together with the technical documentation referred to in Sub-chapter 2.12 of this Regulation for 10 years after placing of the radio equipment on the market.

43. Assurance of conformity with the EU-type based on internal production control is a part of conformity assessment procedure by which the manufacturer fulfils the obligations referred to in Paragraphs 44, 45 and 46 of this Regulation, and also ensures and declares that the relevant radio equipment conforms with the type described in the EU-type examination certificate and the essential requirements pertaining to radio equipment referred to in Paragraph 8 of this Regulation.

44. The manufacturer shall take all the necessary measures for the production process and its supervision to ensure conformity of the radio equipment with the approved type described in the EU-type examination certificate and the essential requirements pertaining to radio equipment referred to in Paragraph 8 of this Regulation.

45. The manufacturer shall prepare the EU declaration of conformity containing the information referred to in Annex 2 to this Regulation which is constantly updated by the manufacturer, and affix the CE marking if the radio equipment satisfies the essential requirements referred to in Paragraph 8 of this Regulation and the type described in the EU-type examination. A type of radio equipment for which this declaration is prepared shall be identified in the EU declaration of conformity.

46. The manufacturer shall store EU declaration of conformity for 10 years after placing of the radio equipment on the market.

**2.11. Full Quality Assurance**

47. Conformity based on full quality assurance is a conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in Paragraphs 48, 63, 64 and 65 of this Regulation, and also ensures and declares that the relevant radio equipment satisfies the essential requirements referred to in Paragraph 8 of this Regulation that apply to it.

48. The manufacturer shall operate an approved quality assurance system for design, manufacture, final radio equipment inspection and testing of the radio equipment in accordance with Paragraphs 49, 50, 51, 52, 53, 54, 55, 56, 57, 58 and 59 of this Regulation and shall be subjected to surveillance as laid down in Paragraphs 60, 61 and 62 of this Regulation.

49. The manufacturer shall lodge an application for assessment of his quality system with the notified body of his choice, for the radio equipment concerned. The application shall include:

49.1. the manufacturer's name and address, and if the application is submitted by an authorised representative, also a name, surname and address of the representative;

49.2. the technical documentation for each radio equipment type intended to be manufactured. Technical documentation shall include at least the information referred to in Sub-chapter 2.12 of this Regulation;

49.3. the documentation of the quality assurance system;

49.4. a written declaration that the same application has not been lodged with any other notified body.

50. The quality assurance system shall ensure conformity of the radio equipment with the essential requirements referred to in Paragraph 8 of this Regulation. All the elements, requirements and provisions applied by the manufacturer shall be documented in a systematic and orderly manner, indicating the taken measures, procedures and instructions.

51. The documentation of the quality assurance system shall characterise:

51.1. the quality assurance objectives, the organisational structure, responsibilities and powers of the management with regard to design and product quality;

51.2. the technical design specifications including applicable standards the references of which have been published in the Official Journal of the European Union, and if the relevant applicable standards will not be applied in full, the means that will be used to ensure conformity of the radio equipment to the relevant essential requirements referred to in Paragraph 8 of this Regulation;

51.3. the design control and verification techniques, processes and systematic actions that will be used when designing radio equipment pertaining to the radio equipment type covered;

51.4. the relevant manufacturing, quality control and quality assurance techniques and processes, and also the measures to be taken regularly;

51.5. the examinations and tests that will be carried out before, during and after manufacture, and the frequency with which they will be carried out;

51.6. the quality records, for example, inspection reports and test data, calibration data, and also reports regarding the qualifications of the relevant personnel;

51.7. the means of monitoring the achievement of the required design and product quality and the effective operation of the quality assurance system.

52. The notified body shall assess the quality assurance system to determine whether it satisfies the requirements referred to in Paragraphs 50 and 51 of this Regulation, and notify the decision taken to the manufacturer or its authorised representative. The decision shall include the conclusions and justification for the assessment.

53. The quality assurance system conforms to the abovementioned requirements if the elements of the quality assurance system conform to the relevant applicable standards in the field of quality assurance.

54. The notified body shall perform audit of the quality assurance system.

55. The notified body shall ensure that at least one member of the auditing team has experience in the assessment of the relevant radio equipment field and radio equipment technology, and the knowledge regarding applicable essential requirements referred to in Paragraph 8 of this Regulation.

56. The audit shall include an assessment visit to the manufacturer's premises. The auditing team shall review the technical documentation referred to in Sub-paragraph 49.2 of this Regulation to verify the manufacturer's ability to identify the relevant requirements of this Regulation and to carry out the necessary examinations to ensure conformity of the radio equipment with these requirements.

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

58. The manufacturer shall keep the notified body that has approved the quality system informed of any intended change to the quality assurance system.

59. The notified body shall evaluate all the proposed changes and decide whether the modified quality assurance system conforms to the requirements referred to in Paragraphs 50 and 51 of this Regulation, and notify the manufacturer or its authorised representative of its decision within one month.

60. In order to ascertain that the manufacturer adequately fulfils the obligations provided for in the approved quality assurance system, the manufacturer shall provide the representatives of the notified body with an access to the designing, manufacturing, inspection, testing and warehouse premises and provide all the necessary information, in particular:

60.1. documentation of the quality assurance system;

60.2. quality inspection records, for example, results of analyses, calculations and tests, as provided for by the system for ensuring of designing quality;

60.3. quality records – inspection reports and test data, calibration data, reports regarding qualification of the relevant personnel, as provided for by the quality assurance system.

61. The notified body shall at least once a year perform audit to make sure that the manufacturer maintains and applies the quality assurance system, and submit the audit report to the manufacturer.

62. During performance of the audit referred to in Paragraph 61 of this Regulation, the representatives of the notified body may visit the manufacturer without a warning. During such visits, the notified body may, if necessary, carry out radio equipment tests, or have them carried out, in order to check the proper functioning of the quality assurance system. It shall provide the manufacturer with a visit report and, if tests have been carried out, with a test report.

63. The manufacturer shall affix the CE marking in accordance with Sub-paragraph 70.1 of this Regulation and identification number of the notified body referred to in Sub-paragraph 70.2 of this Regulation to each item of radio equipment that satisfies the essential requirements referred to in Paragraph 8 of this Regulation.

64. The manufacturer shall draw up the EU declaration of conformity in writing for each radio equipment type, containing the information referred to in Annex 2 to this Regulation which is regularly updated by the manufacturer. The EU declaration of conformity shall identify the radio equipment type for which it has been drawn up.

65. The manufacturer within 10 years after placing of the radio equipment on the market shall provide the market surveillance authority and the authority monitoring use with the access to:

65.1. the technical documentation referred to in Sub-paragraph 49.2 of this Regulation;

65.2. the documentation concerning the quality assurance system referred to in Sub-paragraph 49.3 of this Regulation;

65.3. the approved changes referred to in Paragraph 58 of this Regulation;

65.4. the decisions and reports of the notified body referred to in Paragraphs 52, 54, 59, 61 and 62 of this Regulation.

66. Each notified body shall inform its notifying body regarding all issued or recalled approvals of the quality assurance system and shall, periodically or upon request, provide the body with a list of approvals of the quality assurance systems where the rejected approvals or the approvals the validity whereof is terminated or otherwise restricted are listed.

67. Each notified body shall inform other notified bodies regarding approvals of the quality assurance system which it has refused, suspended or withdrawn, and, upon request, also regarding approvals of the quality assurance system which it has issued.

**2.12. Technical Documentation**

68. Technical documentation shall be prepared by including in it all the data or references regarding means used by the manufacturer to ensure conformity of the radio equipment with the essential requirements referred to in Paragraph 8 of this Regulation.

69. The technical documentation shall include at least:

69.1. a general description of the radio equipment, including:

69.1.1. photographs or illustrations showing external features, marking and internal layout;

69.1.2. version of software affecting compliance with the essential requirements referred to in Paragraph 8 of this Regulation;

69.1.3. user information and installation instructions;

69.2. conceptual design, manufacturing drawings and schemes of components, sub-assemblies, circuits and other similar elements;

69.3. descriptions and explanations necessary for understanding of the abovementioned drawings and schemes and operation of the radio equipment;

69.4. a list with fully and partially applicable standards the references of which have been published in the Official Journal of the European Union, and, where the abovementioned standards have not been applied, descriptions of their solutions adopted for the radio equipment to meet the essential requirements referred to in Paragraph 8 of this Regulation, including a list of other relevant technical specifications used. If the abovementioned applicable standards are applied partially, the technical documentation shall specify the parts of the standards which have been applied;

69.5. a copy of the EU declaration of conformity;

69.6. if the EU-type examination procedure is applied, copies of the EU-type examination certificate and any annexes thereto issued by the notified body;

69.7. results of design calculations and examinations and other similar data;

69.8. test reports;

69.9. an explanation of compliance with the requirements referred to in Sub-paragraph 11.1 of this Regulation, and of the inclusion or not of information on the packaging in accordance with Sub-paragraph 11.13 of this Regulation.

**2.13. Marking**

70. The following information shall be indicated on the radio equipment made available on the market or on the data plates which are affixed to each radio equipment, and also on the packaging of radio equipment in a clearly visible, readable and indelible manner:

70.1. CE marking;

70.2. the identification number of the notified body if the assessment procedure referred to in Paragraph 47 of this Regulation is applied.

71. The number of the notified body shall be affixed after the CE marking at the same height as the CE marking.

72. If taking into consideration characteristics of the radio equipment it may not be labelled in accordance with Paragraph 70 of this Regulation, the CE marking and identification number of the notified body shall be placed only on the packaging.

73. The following information shall be provided in addition to the labelling on the radio equipment referred to in Paragraph 70 of this Regulation, or, where impossible, on its packaging or in the document attached to radio equipment, in a clearly visible, readable and indelible manner:

73.1. a type, batch or serial number or other identification element of the radio equipment;

73.2. a name, company name or a registered trademark of the manufacturer and importer;

73.3. contact address of the manufacturer and importer at which he can be contacted.

74. General principles laid down in Article 30 of Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 apply to the CE marking.

75. On account of the nature of radio equipment, the height of the CE marking affixed to radio equipment may be lower than 5 mm, provided that it remains visible and legible.

76. If other labelling is affixed to the radio equipment, it may not reduce visibility, readability and comprehensibility of the labelling referred to in Paragraphs 70 and 73 of this Regulation.

77. If a radio equipment which may not be removed by a user without special ancillary means is included as an integral part in the equipment made available on the market, the equipment shall be labelled in conformity with the procedures laid down in this Regulation.

78. The radio equipment, which is not labelled with the CE marking or fails otherwise to comply with this Regulation, may be displayed at the exhibitions or similar events if a well-visible warning sign is placed near it, clearly showing that this radio equipment may not be made available on the market of Latvia and put into service until it has been brought into conformity with the requirements of the laws and regulations.

**3. Notified Body**

79. The notified body shall conform to the following requirements:

79.1. the notified body shall be independent of the company whose radio equipment it assesses;

79.2. the notified body has proved its independence and the absence of conflict of interests to the Latvian National Accreditation Bureau, if it is a member of the association or foundation related to design, manufacturing, provision, assembly, use or maintenance of the assessed radio equipment;

79.3. the notified body, its management and the personnel responsible for carrying out the conformity assessment shall not be the designer, manufacturer, supplier, installer, purchaser, owner, user or maintainer of the radio equipment which they assess, nor the authorised representative of any of those parties. It shall not preclude them from using assessed radio equipment for the operation of the notified body or personal purposes;

79.4. the notified body, its management and personnel responsible for conformity assessment shall not be directly related to the design, manufacture, construction, the marketing, installation, use or maintenance of this radio equipment and shall not represent any parties engaged in those activities;

79.5. the notified body, its management and personnel shall not engage in the activities (especially in consulting) which may conflict with independence of their decision and honesty in relation to assessment activities which are laid down in Sub-chapters 2.10, 2.11 and Chapter 3 of this Regulation;

79.6. the notified body shall ensure that the operation of the performer of the task referred to in Paragraph 83 of this Regulation or a branch does not affect confidentiality, objectivity or impartiality of the conformity assessment;

79.7. the notified body and its personnel shall carry out conformity assessment professionally, in good faith and shall be technically competent. The personnel, in their decision-making and conformity assessment, shall be free of any influence (particularly financial) and from any influence of the persons or a group thereof interested in the result of those activities;

79.8. the notified body shall be capable of carrying out all the conformity assessment tasks assigned to it by Sub-chapters 2.10, 2.11 and Chapter 3 of this Regulation 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;

79.9. the notified body pursuant to the conformity assessment procedures to be carried out and the types and categories of the radio equipment to be assessed shall have:

79.9.1. the necessary personnel with technical knowledge and appropriate experience to perform assessment of the necessary conformity;

79.9.2. a description of the procedures in accordance with which they carry out conformity assessment, ensuring the transparency and the ability of reproduction of those procedures. The notified body shall have an appropriate policy and procedures in place that distinguish between tasks it carries out as a notified body and other activities;

79.9.3. has developed the 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;

79.10. the notified body shall have the means necessary to perform the technical and administrative tasks connected with the conformity assessment activities in an appropriate manner;

79.11. the personnel of the notified body responsible for conformity assessment shall have:

79.11.1. technical and vocational training regarding the relevant conformity assessment activities;

79.11.2. knowledge and adequate authority to fulfil the requirements pertaining to performed conformity assessment activities;

79.11.3. knowledge and understanding of the essential requirements referred to in Paragraph 8 of this Regulation, of the applicable standards, the relevant European Union and national laws and regulations;

79.11.4. required skills to draw up certificates and approvals of quality assurance system, documentation and conformity assessment reports certifying that the assessment have been carried out;

79.12. objectivity of the notified body, its management and personnel shall be ensured, including the remuneration received by the body's management and personnel carrying out conformity assessment shall not be dependent on the number of assessments carried out or their results;

79.13. third party liability of the notified body shall be insured in respect of the activities it is entitled to perform;

79.14. the personnel of the notified body shall not disclose the information obtained in carrying out their work duties, except for the information provided in accordance with this Regulation to the market surveillance authority or the authority monitoring use;

79.15. the notified body shall participate in the coordination groups of the notified bodies organised by the European Commission or ensure that personnel responsible for carrying out the conformity assessment tasks are informed regarding the relevant standardisation activities, the regulatory activities in the field of radio equipment and planning of radio frequency spectrum. The notified body shall use the decisions and documents prepared by this work group in its operation as the guidelines.

80. If the notified body demonstrates its conformity with the criteria laid down in the applicable standards or the parts thereof, it shall be considered as conforming to the requirements referred to in Paragraph 79 of this Regulation, in so far as the applicable standards cover those requirements.

81. If the notified body enters into agreement regarding performance of specific tasks in relation to conformity assessment or uses the branch, it shall make sure that the performer of the relevant task or branch meets the requirements referred to in Paragraph 79 of this Regulation, and inform the Latvian National Accreditation Bureau thereof.

82. The notified body shall take full responsibility for the actions taken by the performer of task or the branch referred to in Paragraph 81 of this Regulation, regardless of where it carries out its commercial activity.

83. The notified body may enter into agreement regarding carrying out individual conformity assessment activities or delegate them to the branch only if the applicant agrees to it.

84. The notified body shall store the documents regarding qualification assessment of the performer of task or the branch referred to in Paragraph 81 of this Regulation and the work carried out by them in accordance with Sub-chapters 2.10 and 2.11 and Chapter 3 of this Regulation in order to present them to the Latvian National Accreditation Bureau.

85. The notified body shall carry out conformity assessment in accordance with the conformity assessment procedures laid down in Sub-chapters 2.10 and 2.11 of this Regulation.

86. If the notified body discovers that the manufacturer has not met the essential requirements referred to in Paragraph 8 of this Regulation or the requirements of the applicable standards the references of which have been published in the Official Journal of the European Union, or they are listed in other technical specifications, it shall request the manufacturer to take the relevant corrective measures within one month, and not issue the EU-type examination certificate or the quality assurance system approval.

87. Where, in the course of the monitoring of conformity of radio equipment following the issue of an EU-type examination certificate or a quality assurance 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 assurance system approval if necessary.

88. 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 certificate or quality assurance system approval, as appropriate.

89. The notified body shall inform the Ministry of Economics regarding:

89.1. refusal to issue, restriction, suspension or withdrawal of the EU-type examination certificate or the quality assurance system approval if the requirements referred in this Regulation are not complied with;

89.2. circumstances affecting the scope of and conditions for notification;

89.3. requests for information from the market surveillance authority regarding conformity assessment activities;

89.4. conformity assessment activities performed and any other activities, including cross-border activities and entering into agreements for work performance (upon request).

90. The notified body shall, in accordance with the requirements of Sub-chapters 2.10 and 2.11 of this Regulation, provide information regarding conformity assessment results to other notified bodies, which perform similar conformity assessment activities, which incorporate the same categories of radio equipment.

91. The notified body shall directly or by means of appointed representatives participate in the work of the coordination group established by the European Commission.

**4. Market Surveillance**

**4.1. Market Surveillance Authority**

92. During surveillance of the radio equipment market, the officials of the market surveillance authority are entitled to:

92.1. control and monitor conformity of the radio equipment made available on the market to the requirements of this Regulation, by visiting trade, storage and manufacturing sites of the radio equipment, and perform examination of sample goods, including opening packaging and carrying out inspection of a sample and any documents attached thereto, trials of operation and testing of parameters;

92.2. request and receive documentation free of charge (including technical documentation, the EU declaration of conformity, the documentation referred to in Paragraphs 42 and 65 of this Regulation, the documentation giving assurance regarding fulfilment of obligations referred to in this Regulation, installation instructions of the radio equipment, instructions for use of the software ensuring operation of the radio equipment and setting of parameters, and of the radio equipment) and information (including information regarding parameters, assembly, installation, use, any restrictions to the use of the radio equipment, if any, and involved parties, who have delivered radio equipment, and involved parties, to whom the radio equipment was delivered) necessary for carrying out monitoring in conformity with the requirements laid down in this Regulation;

92.3. request the involved party to ensure translation of the documentation referred to in Sub-paragraph 92.2 of this Regulation to the official language. The market surveillance authority, when requesting to submit the translation of the documentation referred to in Sub-paragraph 92.2 of this Regulation, shall determine a time period of 30 days, unless a shorter time period is to be determined due to detecting a serious and immediate risk;

92.4. request the notified body to provide information regarding the EU-type examination certificates and decisions issued, recalled or refused by it, including to provide the copies of the certificates and decisions referred to in Paragraphs 42 and 65 of this Regulation and documentation based on which the abovementioned certificates and decisions were issued;

92.5. request and receive sample radio equipment free of charge, to carry out control purchases of sample goods and organise their expert-examination to establish conformity of the radio equipment with the requirements referred to in this Regulation;

92.6. request the manufacturer to carry out examination at the site of the notified body and at its own expense prove conformity of the radio equipment to the essential requirements referred to in Paragraph 8 of this Regulation, if it fails to meet the requirements referred to in Sub-chapter 2.12 and Sub-paragraph 92.3 of this Regulation.

93. Costs for expert-examination of the radio equipment shall be covered in accordance with the laws and regulations regarding safety of goods and services.

94. Officials of the market surveillance authority are entitled to provided instructions to the involved parties regarding the necessary actions for the elimination of non-compliances

95. If the relevant party involved fails to take appropriate corrective measures within the time period laid down by the market surveillance authority, the market surveillance authority is entitled to take a decision in conformity with the laws and regulations governing its operation.

96. The market surveillance authority shall request the authority monitoring use in conformity with its competence to provide an opinion regarding conformity of the radio equipment to the requirements for the use of radio frequency spectrum and the requirements referred to in Sub-chapter 2.2 of this Regulation.

97. In performing the examinations referred to in Sub-paragraph 92.1 of this Regulations, the officials of the market surveillance authority may invite the authorised officials of the authority monitoring use.

98. If the radio equipment has the EU-type examination certificate but the radio equipment does not conform to the essential requirements referred to in Paragraph 8 of this Regulation, the market surveillance authority shall inform the notified body so that, if necessary, it performs the activities referred to in Paragraphs 87 and 88 of this Regulation.

99. The market surveillance authority shall inform the authority monitoring use regarding:

99.1. the events referred to in Sub-paragraphs 11.14, 17.7 and 19.4 of this Regulation and any measures taken;

99.2. the received information referred to in Sub-paragraph 39.3 of this Regulation;

99.3. the established non-compliances referred to in Paragraphs 100, 102, 104 and 105 of this Regulation and adopted decisions referred to in Paragraphs 101, 102, 104 and 105 of this Regulation.

**4.2. Action of Market Surveillance Authority in Case of Non-compliances**

100. If the market surveillance authority establishes that the EU declaration of conformity has not been prepared for the radio equipment, or it is incorrect, its technical documentation is not available or is insufficient, attached information referred to in Sub-paragraphs 11.10, 11.11, 11.12 and 11.13 of this Regulation intended for the users is not available or is insufficient, information referred to in Paragraph 20 of this Regulation is not provided, or the radio equipment is not labelled in accordance with Sub-chapter 2.13 of this Regulation, the market surveillance authority shall instruct the relevant involved party to eliminate the established non-compliance within a time period which is not shorter than one month.

101. If the non-compliance referred to in Paragraph 100 of this Regulation is not eliminated in the laid down time period, the market surveillance authority is entitled to take a decision to prohibit placing and making available of the radio equipment on the market and instruct to withdraw radio equipment from the market or recall it.

102. If the market surveillance authority concludes that the radio equipment does not comply with the requirements referred to in this Regulation (except the cases referred to in Paragraph 100 of this Regulation), it, taking into consideration the risk presented by non-compliance of the radio equipment, shall ensure that corrective measures are taken during the time period laid down by the market surveillance authority, bringing the radio equipment into conformity with the laid down requirements, its withdrawal from the market or recall. If the relevant party involved fails to take appropriate corrective measures within the time period laid down by the market surveillance authority, the market surveillance authority is entitled to adopt a decision in conformity with the laws and regulations governing its operation.

103. If the market surveillance authority has a justified reason to believe that the radio equipment to which this Regulation applies presents a risk to human health or safety, ineffectively uses the radio frequency spectrum or does not allow effective use of this spectrum, which may lead to harmful radio interference, causes or could cause harmful radio interference or electromagnetic interference, or endangers or could endanger other public interests, it shall carry out assessment of the radio equipment in conformity with the requirements of this Regulation. If an expert-examination of the radio equipment is necessary, it shall be organised by the market surveillance authority, and the costs shall be covered in accordance with Sub-paragraph 92.5 and Paragraph 93 of this Regulation.

104. Where, in carrying out assessment of the radio equipment referred to in Paragraph 103 of this Regulation, the market surveillance authority establishes that the radio equipment does not comply with the requirements referred to in this Regulation, it shall, taking into account the risk presented by the radio equipment, ensure that corrective actions are taken within a reasonable time, bringing the radio equipment into conformity with the laid down requirements, its withdrawal from the market or recall.

105. Where, in carrying out assessment of the radio equipment referred to in Paragraph 103 of this Regulation or based on the opinion of the authority monitoring use referred to in Paragraph 146 of this Regulation, the market surveillance authority concludes that even though the radio equipment complies with the requirements laid down in this Regulation, it still presents a risk to human health or safety, ineffectively uses the radio frequency spectrum or does not allow efficient use of this spectrum, which may lead to harmful radio interference, causes or could cause harmful radio interference or electromagnetic interference, or endangers or could endanger other public interests, it shall, taking into consideration the risk presented by the radio equipment, ensure that corrective measures are taken within a reasonable time, bringing the radio equipment into conformity with laid down requirements, its withdrawal from the market or recall.

**4.3. Co-operation with the European Commission and European Union Member States**

106. If the market surveillance authority has grounds to believe that the radio equipment for which the assessment referred to in Paragraph 103 of this Regulation has been performed and a non-compliance to the requirements of this Regulation was established, is being made available also in another European Union Member State, it shall inform the European Commission and other European Union Member States regarding the results of the assessment carried out in Latvia and measures taken in accordance with Paragraph 104 of this Regulation.

107. The market surveillance authority shall immediately inform the European Commission and other European Union Member States regarding decisions taken in respect of the radio equipment in accordance with Paragraph 95 of this Regulation, by indicating all the available information, including:

107.1. data necessary for identification of the non-compliant radio equipment;

107.2. data regarding origin of the radio equipment;

107.3. nature of non-compliances and the risk caused;

107.4. information regarding measures taken in Latvia, and also explanations, arguments and opinion of the relevant manufacturer, authorised representative, importer or distributor;

107.5. indication regarding non-compliance of the radio equipment to the essential requirements referred to in Paragraph 8 of this Regulation and established inconsistencies of the radio equipment in respect of the applicable standards the references of which have been published in the Official Journal of the European Union.

108. If within three months from the receipt of the information referred to in Paragraph 107 of this Regulation, none of the European Union Member States or the European Commission has objected to the decision taken by the market surveillance authority, it shall be considered as justified.

109. If the European Commission adopts a decision that the decision referred to in Paragraph 95 of this Regulation is unjustified, the decision taken by the market surveillance authority shall be withdrawn.

110. If the market surveillance authority upon receipt of a notice from other European Union Member State establishes that the radio equipment non-conforming to the requirements of this Regulation is available also on the market of Latvia, it shall immediately inform the European Commission and other European Union Member States regarding the measures taken and provide additional information in its possession regarding non-compliance of the relevant radio equipment.

111. The market surveillance authority shall immediately inform the European Commission and other European Union Member States regarding decisions taken in accordance with Paragraph 105 of this Regulation, by indicating all the available data, including:

111.1. data necessary for identification of non-compliant radio equipment;

111.2. data on the origin and supply chain of the radio equipment;

111.3. risk presented;

111.4. information on the measures taken in Latvia.

112. If the market surveillance authority has objections against the actions taken by another European Union Member State, it shall inform the European Commission and other European Union Member States regarding its objections.

113. The market surveillance authority shall inform the authority monitoring use regarding the decisions taken referred to in Paragraphs 109, 110 and 112 of this Regulation.

**5. Installation and Use of Radio Equipment**

**5.1. Requirements for Installation and Use of Radio Equipment**

114. Radio equipment may be installed and used only if:

114.1. its use complies with the national radio frequency plan;

114.2. it effectively uses the radio frequency spectrum and provides an opportunity to efficiently use this spectrum, avoiding harmful radio interference;

114.3. it does not cause or cannot cause harmful radio interference or electromagnetic interference;

114.4. it does not present a risk or is not able to present a risk to life, health and safety of persons and domestic animals, safety of property and does not present a risk to the environment;

114.5. it complies with the essential requirements referred to in Paragraph 8 of this Regulation;

114.6. its conformity is certified and assessed in accordance with this Regulation;

114.7. it is marked in accordance with the requirements of this Regulation;

114.8. it is being made available on the market in accordance with this Regulation;

114.9. it is installed and used in accordance with the provisions determined by the manufacturer;

114.10. it operates in accordance with the radio frequency assignment use permit issued by the authority monitoring use or the common radio frequency assignment use permit.

115. The radio equipment referred to in Sub-paragraph 4.2 of this Regulation may be installed and used only if in addition to the requirements referred to in Paragraph 114 of this Regulation it conforms to the laws and regulations regarding equipment of the seagoing vessels.

116. The radio equipment referred to in Sub-paragraph 4.3 of this Regulation may be installed and used only if in addition to that referred to in Paragraph 114 of this Regulation, it conforms to the laws and regulations regarding the civil aviation airborne radio equipment installed or attached to civil aviation aircraft used or intended to be used during operating of aircraft or navigating it during the flight.

117. The radio equipment referred to in Sub-paragraph 4.4 of this Regulation may be installed and used only if in addition to the requirements referred to in Paragraph 114 of this Regulation:

117.1. a declaration of the manufacturer or authorised representative is attached thereto regarding its use only for ensuring public security and national security and for government actions in the area of criminal law;

117.2. a declaration of the manufacturer or authorised representative is attached thereto attesting that the parameters related to conformity to the national radio frequency plan and avoiding causing of harmful radio interference have been assessed and they conform to the technical specification of the radio equipment;

117.3. it conforms to the laws and regulations regarding electrical safety and laws and regulations regarding electromagnetic compatibility of equipment.

118. The radio equipment referred to in Sub-paragraph 4.5 of this Regulation may be installed and used only if in addition to the requirements referred to in Paragraph 114 of this Regulation:

118.1. a type, batch or serial number or other identification element is displayed on it, or, if the size or characteristics of radio equipment does not allow it, this information shall be indicated on the packaging or in a document intended for the user;

118.2. the manufacturer's name or registered trademark and address where the manufacturer may be reached, is displayed on the radio equipment, or, if it is not possible, the abovementioned information is indicated on the packaging or in a document attached to the radio equipment;

118.3. a declaration of the manufacturer is attached thereto attesting that the parameters related to conformity to the national radio frequency plan and avoiding causing of harmful radio interference have been assessed and conform to the technical specification of the radio equipment;

118.4. it is used only indoors.

**5.2. Exceptions to Application of Requirements for Installation and Use**

119. Sub-paragraphs 114.5, 114.6, 114.7 of this Regulation and Paragraph 117 of this Regulation shall not be applied to the radio equipment for which a short-term permit has been issued.

120. Sub-paragraphs 114.5, 114.6, and 114.7 of this Regulation shall not be applied to the radio equipment for which a permit for use in the radio communications of foreign diplomatic and consular representations has been issued.

**5.3. Obligations of the Installer of the Radio Equipment**

121. The installer of the radio equipment has the following obligations:

121.1. to install the radio equipment conforming to Sub-chapter 5.1 of this Regulation;

121.2. to draw up a technical design of installation in conformity with the laws and regulations regarding installation and construction of electronic communications networks;

121.3. by installing the radio equipment in a fixed location, to select a location for installation and parameters and assembly (cords, cables, antennas and ancillary equipment) of the equipment in order to preserve conformity of the radio equipment with the requirements of Sub-chapter 5.1 of this Regulation;

121.4. if other equipment is added to the radio equipment in the fixed location, to ensure that all fixed set conforms with the requirements of Paragraphs 115, 116, Sub-paragraphs 114.1, 114.2, 114.3, 114.4, 114.5, 114.9 and 117.3 of this Regulation;

121.5. if the radio equipment is built in any other equipment, fixed or mobile set, to ensure that conformity of the radio equipment to the requirements referred to in Paragraphs 115, 116, Sub-paragraphs 114.1, 114.2, 114.3, 114.4, 114.5, 114.9 and 117.3 of this Regulation is preserved;

121.6. upon request of the authorised official of the authority monitoring use, to present the technical design of installation, documents attesting the conformity of the radio equipment, attaching of which is provided for in the laws and regulations in the field of conformity assessment, labelling of the equipment, installation instructions of the radio equipment, instruction of use of the software ensuring operation of radio equipment and setting of parameters and of the radio equipment, and also information on restrictions of use of the radio equipment and the documentation submitted by the manufacturer of antenna containing data regarding antenna diagram and amplification;

121.7. to provide the authorised representatives of the authorities monitoring use with an access to the radio equipment at the location of its installation and an opportunity to view the radio equipment, devices attached to the radio equipment and software ensuring operation of the radio equipment and setting of parameters, and also an opportunity to connect to the transmitting and receiving system of the radio equipment to verify the technical parameters of the radio equipment operation;

121.8. upon request of the authorised official of the authority monitoring use, to terminate installation of the relevant radio equipment, if the conditions of the radio frequency assignment use permit or the laws and regulations in the field of use of radio frequency spectrum, and also the requirements of this Regulation are not complied with.

**5.4. Obligations of Holder and User of the Radio Equipment**

122. The holder and user of the radio equipment have the following obligations:

122.1. to ensure that radio equipment conforming to Sub-chapter 5.1 of this Regulation is used;

122.2. to ensure that conformity of the radio equipment to Sub-chapter 5.1 of this Regulation is maintained during the use;

122.3. to develop technical design of installation in conformity with the laws and regulations regarding installation and construction of electronic communication networks, if it has not been developed by the installer of radio equipment;

122.4. if other equipment is added to the radio equipment at the fixed location, to ensure conformity of the entire fixed set with the requirements of Paragraphs 115, 116, Sub-paragraphs 114.1, 114.2, 114.3, 114.4, 114.5, 114.9 and 117.3 of this Regulation;

122.5. if the radio equipment is built in any other equipment, fixed or mobile set, to ensure that conformity of the radio equipment with the requirements referred to in Paragraphs 115, 116, Sub-paragraphs 114.1, 114.2, 114.3, 114.4, 114.5, 114.9 and 117.3 of this Regulation is preserved;

122.6. to ensure that the radio equipment is used with the minimum radiated power conforming to the necessary quality of radio communications and distance of communications, height of antenna and other parameters not exceeding thresholds established in the radio frequency assignment use permit;

122.7. to ensure that identification signals referred to in Paragraph 126 of this Regulation are transmitted;

122.8. to ensure that the restrictions referred to in Paragraphs 123 and 125 of this Regulation are complied with;

122.9. if the radio equipment used in accordance with the common radio frequency assignment use permit has a connector for connecting of an external antenna, and the user uses an antenna analogue to the antenna indicated in the documentation attached by the manufacturer of the radio equipment with the amplification ratio not exceeding the one indicated by the manufacturer of the radio equipment, to store the documentation containing information regarding amplification of the antenna during the entire time of use of the radio equipment and present it upon request of the authorised official of the authority monitoring use;

122.10. during the entire time of use of the radio equipment to store and,upon request of the authorised official of the authority monitoring use, present the technical design of installation, documents confirming conformity of the radio equipment the appending of which is provided for in the laws and regulations in the field of conformity assessment, labelling of the equipment, installation instructions of the radio equipment, instructions for use of the software ensuring operation of radio equipment and setting of parameters and of the radio equipment, and also information regarding restrictions of use of the radio equipment;

122.11. to provide the authorised official of the authority monitoring use with an access to the radio equipment at the site of its installation or use and an opportunity to examine the radio equipment, devices affixed to the radio equipment and the software ensuring operation of the radio equipment and setting of parameters, and to ensure an opportunity to connect to the transmitting and receiving system of the radio equipment in order to verify the technical parameters of the radio equipment operation;

122.12. upon terminating the use of the radio equipment for the operation of which the authority monitoring use has issued a radio frequency assignment use permit, to inform the authority monitoring use regarding terminating the use of the radio equipment;

122.13. upon request of the authorised official of the authority monitoring use, to immediately terminate using the radio equipment if the conditions of the radio frequency assignment use permit, laws and regulations in the field of the use of radio frequency spectrum, and also the requirements of this Regulation are not complied with;

122.14. if an interference of the radio communication is established, to verify if the interfered radio equipment is in technical order and conforms to the laws and regulations regarding use of radio frequencies and the requirements laid down in the radio frequency assignment use permit;

122.15. to eliminate damage to the radio equipment, mutual interference of the equipment owned by it or other potential non-compliances;

122.16. to immediately terminate using the radio equipment if it could present a risk to human life, health, property or environment or causes electromagnetic interference or harmful radio interference.

**5.5. Restrictions for the Installation and Use**

123. The authority monitoring use may determine restrictions for the installation and use of the radio equipment not included in the common radio frequency assignment use permit, and the use of which is not the same in the entire European Union in order to:

123.1. ensure the interests of national defence, safety and public security;

123.2. ensure rational and effective use of the radio frequency spectrum;

123.3. prevent harmful radio interference;

123.4. free the radio frequency bands for other types of radio communication or radio communication systems, the introduction of which is provided for in the national radio frequency plan;

123.5. ensure visits of delegations of foreign senior officials in Latvia.

124. The authority monitoring use shall, upon the request of involved parties , provide information regarding the determined restrictions for the use of the radio equipment.

125. State agency "Civil Aviation Agency" shall, in accordance with the laws and regulations regarding aviation, set the restrictions and prohibitions for the installation and use of radio equipment in the objects of civil aviation or in direct vicinity thereof, if such radio equipment causes or could cause harmful radio interference with radio navigation and air traffic management equipment.

**5.6. Use of Identification Signals of Radio Stations**

126. Identification signals of radio stations shall be assigned by the authority monitoring use. Signals shall not be assigned to the radio stations related to national security, safety and ensuring of public security, unless they require international identification signals.

127. Identification signal shall be transmitted by the stations to which such signal is assigned.

**6. Monitoring of the Use**

**6.1. Authority Monitoring Use**

128. Monitoring of the use of the radio equipment shall be carried out by the authority monitoring use.

129. The authority monitoring use has the right together with the market surveillance authority to visit the sites for trade, storage or manufacturing of radio equipment, carrying out examinations of the information and technical parameters of the radio equipment, including to open packaging and perform inspection of the radio equipment and documents attached thereto, trials of operation and testing of parameters.

130. During monitoring of the radio equipment use and assessing conformity of the use to the laws and regulations in the areas within the competence of the authority monitoring use, the authorised officials of the authority monitoring use in accordance with the procedures laid down in this Regulation are entitled to:

130.1. freely without a special permit, fee or other restrictions visit any buildings, premises, territories and other areas where installation or use of the radio equipment is taking place;

130.2. freely perform any activities related to monitoring of the use;

130.3. prepare an act regarding the inspection carried out in accordance with the procedures laid down in this Regulation;

130.4. demand and receive free of charge from the involved parties, holders, installers and users of the radio equipment, notified body, State and local government authorities, and also from natural and legal persons governed by private law the information and documents necessary for the performance of the tasks established for the authorities monitoring use;

130.5. determine a term of at least one month for the manufacturer, authorised representative, importer or distributor, holder, installer and user of the radio equipment for the provision of a written response, explanation or information to the authority monitoring use, and the term for the elimination of the established infringements of the laws and regulations;

130.6. prepare an administrative act regarding non-compliance with the laws and regulations in the fields within the competence of the authority monitoring use;

130.7. examine an operation of the radio equipment by directly connecting to the transmitter and antenna feeder system or by performing radio monitoring and measurement of technical parameters of radio irradiation;

130.8. examine radio equipment at the location of its installation or use, including:

130.8.1. inspect the radio equipment, devices attached to the radio equipment and software ensuring operation of the radio equipment and setting of parameters;

130.8.2. perform measurements of parameters of the radio equipment, including transmitter, receiver and antenna feeder system;

130.8.3. upon performing measurements of the radio equipment operation:

130.8.3.1. connect to the radio equipment;

130.8.3.2. temporarily terminate the operation of the radio equipment;

130.8.4. terminate operation of the radio equipment if it is used in breach of the laws and regulations in the fields within the competence of the authority monitoring use;

130.9. request that the holder or user of the radio equipment ensures presence of the representative during examination of the radio equipment;

130.10. request that the involved person, holder, installer or user of the radio equipment complies with the requirements laid down in the laws and regulations in the fields within the competence of the authority monitoring use and eliminates non-compliances;

130.11. if necessary, invite employees of law enforcement authorities;

130.12. receive and inspect the documentation issued by the manufacturer containing the information regarding technical parameters of the radio equipment and antenna, conformity approvals, the affixing of which to the radio equipment is provided for in the laws and regulations in the field of conformity assessment, labelling of the radio equipment, other documents related to the installation or use of the equipment (including technical design of the installation of the radio equipment, installation instructions of the radio equipment, instructions for the use of the software ensuring operation of the radio equipment and setting of parameters and of the radio equipment).

131. If the radio equipment is used in breach of the requirements of laws and regulations in the field of use of the radio frequency spectrum, or the harmful radio interference caused by the interfering equipment causes or could cause risk to national security, public security, maritime or air traffic safety, human life, health or environment, the authorised officials of the authority monitoring use, without giving a prior warning to the installer, holder or user of the equipment, are entitled to:

131.1. access such radio equipment or interfering equipment at any time of the day;

131.2. request immediate termination of operation of such radio equipment or interfering equipment;

131.3. take measures to terminate the operation of such radio equipment or interfering equipment.

132. If the holder of the radio equipment during the examination referred to in Sub-paragraph 130.8 of this Regulation is not able to present the EU declaration of conformity of the radio equipment, the authority monitoring use is entitled to request immediate termination of the installation and operation of such equipment until the elimination of non-compliance.

133. Paragraph 132 of this Regulation shall not be applicable to the equipment referred to in Paragraph 4 of this Regulation.

134. If the documentation or information referred to in Paragraph 129, Sub-paragraphs 130.4 and 130.12 of this Regulation is not submitted within the time period laid down by the authority monitoring use, it shall be considered that the documentation is not prepared.

135. The authority monitoring use shall submit the received documentation and information referred to in Paragraph 129, Sub-paragraphs 130.4 and 130.12 of this Regulation also to the market surveillance authority, if it requests it.

136. If the authority monitoring use establishes that the information or documentation requested in Paragraph 129, Sub-paragraphs 130.4 and 130.12 of this Regulation is not prepared for the radio equipment, the declaration of conformity has not been issued in accordance with the laws and regulations in the field of conformity assessment, technical documentation is not issued in accordance with Sub-chapter 2.12 of this Regulation or other laws and regulations in the field of conformity assessment, the information intended for the user and referred to in Sub-paragraphs 11.10, 11.11, 11.12 and 11.13 of this Regulation is not added or is incomplete, the labelling of the radio equipment does not conform to the requirements of Sub-chapter 2.13 of this Regulation or other laws and regulations in the field of conformity assessment, the authority monitoring use may assign the relevant involved party to eliminate the established non-compliance within one month.

137. If the involved party during the time period laid down by the authority monitoring use fails to take relevant corrective measures, the authority monitoring use shall inform the market surveillance authority regarding the established non-compliance.

138. If the authority monitoring use, during the examinations referred to in Paragraph 130 of this Regulation or upon receipt of the information from the market surveillance authority establishes that the radio equipment does not conform to the requirements of Sub-chapter 5.1 of this Regulation, it shall take a decision regarding immediate termination of the installation and operation of such equipment.

139. The authority monitoring use shall examine a submission regarding radio interference and provide reply in accordance with the Law On Submissions. If the operation of the radio navigation and other security radio communication services is hindered, and radio interference presents a risk to human life, air traffic or navigation security, national security or public security, the authority monitoring use shall examine the submission regarding radio interference within two working days.

140. Protection against harmful radio interference caused by other radio frequency allocations shall be ensured by the authority monitoring use to the radio frequency allocation with protected terms of use (protected allocation) registered in the database of radio frequency spectrum resources.

141. The authority monitoring use shall not ensure protection against the harmful radio interference caused by allowed operation of special radio means in the territories laid down in the laws and regulations regarding procedures for the use of special radio means and technical requirements for their operation.

142. If the radio equipment works in accordance with the parameters and standards laid down in the radio frequency assignment use permit, or with common use criteria of numerical interference and radio frequency spectrum established by a special agreement, mutual radio interference shall be considered as allowed interference.

143. The authority monitoring use shall examine the submissions regarding radio interference, find out the reasons for radio interference and take a decision regarding necessary measures for the elimination of harmful radio interference.

144. If the reason for harmful radio interference is found out during the examination, the authorised officials of the authority monitoring use shall take a decision:

144.1. that the harmful radio interference shall be eliminated by the holder of the interfering equipment and interfered equipment, if the operation of the interfered radio equipment does not conform to the laws and regulations in the field of use of the radio frequency spectrum or the radio frequency assignment use permit;

144.2. that harmful radio interference shall be eliminated by the holder or user of the interfering equipment if the parameters of the interfering equipment do not conform to the laws and regulations regarding electromagnetic compatibility;

144.3. that the harmful radio interference shall be eliminated or the effect thereof shall be reduced to the acceptable level by the holder of the radio equipment whose equipment was installed last in chronological terms, if the operation of all involved radio equipment conforms to the laws and regulations in the field of use of the radio frequency spectrum and the radio frequency assignment use permit;

144.4. regarding an individual solution for elimination of harmful radio interference if the operation of the interfering equipment and interfered equipment conforms to the laws and regulations in the field of use of the radio frequency spectrum and the radio frequency assignment use permit.

145. When taking a decision to eliminate harmful radio interference, advantage to receive protection against the harmful radio interference shall be provided to the radio frequency allocation registered in the database of radio frequency spectrum resources with protected conditions for use.

146. If radio interference occurs among the radio equipment of several users operating in the radio frequency bands next to each other, and special radio frequency protection bands are not laid down for the right of use of the relevant radio frequency spectrum granted to the users, the involved parties shall make a mutual agreement regarding resolving of the situation. If an agreement may not be reached, the authority monitoring use shall determine protective bands of the radio frequency, by accordingly reducing the volume of the radio frequency spectrum available to the involved users or by determining other conditions for use of the radio frequency.

147. If based on the results of the performed examinations, the authority monitoring use establishes that by using the radio equipment, the use conforming to the requirements of the laws and regulations in the field of use of the radio frequency spectrum is not possible, and the operation of the radio equipment causes or could cause harmful radio interference with the radio equipment in use or radio communication systems provided for in the national radio frequency plan, it shall prepare a relevant opinion and take a decision regarding prohibition to use the equipment. The market surveillance authority shall be informed thereof.

148. The authority monitoring use shall inform the market surveillance authority regarding any infringements of Paragraph 7 of this Regulation and laws and regulations regarding electromagnetic compatibility of the equipment related to a systemic error in the structure or manufacturing of the radio equipment established during examination of the radio equipment.

**6.2. Obligations of the Owner, Possessor or User of the Object and Owner of Interfering Equipment**

149. If during performance of the examinations referred to in Sub-paragraph 130.8 of this Regulation the authority monitoring use finds a radio equipment at the immovable property operating without a radio frequency assignment use permit or infringing the technical requirements laid down in the common radio frequency assignment use permit, the owner, possessor of the immovable property or his or her authorised representative has an obligation upon request of the authorised official of the authority monitoring use to provide information in its possession regarding the owner or user of the fixed radio equipment installed at the immovable property.

150. Where the authority monitoring use based on the information in its possession has localised the source of interference and established that the interfering equipment is located in the territory, structure or on a structure, in the premises or in any other object or on any other object of the immovable property, upon request of the authorised official of the authority monitoring:

150.1. the owner, possessor or user of the relevant object shall provide the information in its possession regarding equipment in its object able to be the interfering equipment, and regarding its owner, possessor or user;

150.2. the owner, possessor or user of the interfering equipment shall provide all the information in its possession regarding the interfering equipment and provide the authorised officials of the authority monitoring use with an access to the interfering equipment in order to perform the necessary measurements and take other measures. The owner, possessor or user of the object shall cooperate with the authorised officials of the authority monitoring use in order to provide them with an access to the source of interference.

**6.3. Use and Supervision of the Use of the Radio Equipment Used for the Needs of National Security**

151. Sub-paragraphs 121.6, 121.7, 122.9, 122.10, 122.11, 122.13, 122.16, 130.1, 130.3, 130.6, 130.8, 130.9, 130.11, 130.12 and Paragraphs 131, 135, 136, 137, 138, 149 and 150 of this Regulation shall not be applicable to the radio equipment used for the military needs intended for the national defence and used only in the radio frequency bands laid down in the national radio frequency plan allocated for the common use of the defence systems and civil radio communication systems.

152. The Ministry of Defence shall immediately on request of the authority monitoring use terminate the operation of the radio equipment referred to in Sub-paragraph 2.1, Paragraphs 151 and 155 of this Regulation, if they could present a risk to human life, health, property or environment.

153. The Ministry of Defence shall, on request of the authority monitoring use, ensure termination of the operation of the radio equipment referred to in Paragraphs 151 and 155 of this Regulation, if they are used without complying with the conditions laid down in the radio frequency assignment use permit, laws and regulations in the field of use of the radio frequency spectrum, and also the requirements of this Regulation.

154. The Ministry of Defence shall immediately, after receiving the information from the authority monitoring use regarding radio interference, take measures for the elimination of the radio interference and inform the authority monitoring use thereof.

155. Sub-chapters 5.3 and 5.4 of this Regulation shall not be applied to the armed forces units of the countries of the North Atlantic Treaty Organization and the Partnership for Peace Programme participating in military training or operations in the Republic of Latvia, in respect of the radio equipment used for a period up to one year.

156. A radio frequency assignment use permit for the armed forces units of the countries of the North Atlantic Treaty Organization and the Partnership for Peace Programme participating in military training or operations in the Republic of Latvia from State joint stock company "Electronic Communications Office" shall be requested by the National Armed Forces.

157. The Ministry of Defence shall ensure that the armed forces units of the countries of the North Atlantic Treaty Organization and the Partnership for Peace Programme participating in military training or operations in the territory of the Republic of Latvia use the radio equipment in compliance with Sub-paragraphs 114.1, 114.3, 114.4 and 114.10 of this Regulation.

**7. Closing Provisions**

158. Cabinet Regulation No. 561 of 21 August 2007, Procedures for Conformity Assessment, Distribution and Utilisation of Radio Equipment and Electronic Communications Network Terminal Equipment (Latvijas Vēstnesis, 2007, No. 137, 2010, No. 148), is repealed.

159. If the radio equipment was placed on the market before 13 June 2017, except for the radio equipment referred to in Sub-paragraphs 4.1, 4.2, 4.3, 4.4 and 4.6 of this Regulation, its making available on the market, putting into service or use shall not be restricted based on non-compliance to the requirements of Paragraph 7, Sub-paragraphs 114.5, 114.6, 114.7 and 114.8 of this Regulation, if it conforms to the laws and regulations on conformity assessment or making available on the market applicable until 13 June 2016.

160. Sub-paragraphs 117.1 and 117.2, Paragraphs 118 and 132 of this Regulation shall not be applied to the radio equipment put into service and used before 12 June 2017.

**Informative Reference to the European Union Directive**

The Regulation contains legal norms arising from Directive 2014/53/EU of the European Parliament and of the Council of 16 April 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment and repealing Directive 1999/5/EC.

Acting for the Prime Minister –

Minister for Finance Dana Reizniece-Ozola

Minister for Transport Uldis Augulis

**Annex 1**

Cabinet Regulation

No. 360

7 June 2016

**Radio Equipment to which the Requirements Referred to in Sub-paragraph 8.5 of this Regulation Apply**

|  |  |  |
| --- | --- | --- |
| No. | Description of equipment | Requirements |
| 1. | Radio equipment intended for the use in the internal waterways of Austria, Belgium, Bulgaria, the Czech Republic, France, Croatia, Luxembourg, Moldova, Montenegro, the Netherlands, Poland, Romania, Serbia, Slovakia, Switzerland, Hungary and Germany | An automatic transmitter identification system (ATIS) shall be introduced in the radio equipment operating in the frequency bands 156–157.450 MHz, 160.6–160.975 MHz and 161.475–162.050 MHz, conforming to the relevant standards in the field of water transportation and radio communication of the European Telecommunications Standards Institute (hereinafter - the ETSI).  Transmission power of the radio communication equipment for the modes "ship-to-ship" (radio communication between the ship stations), "ship-to-port authority" (radio communication intended for the operations in the port stations of internal waterways, between the ship station and competent authority) and "on-board communication" (internal radio communication on the board of the ship or in a group of several ships being towed or pushed, and also radio communication for mooring) may not exceed 1 W |
| 2. | The radio equipment not mentioned in Sub-paragraph 4.2 of this Regulation used in the marine mobile communication service or marine mobile satellite service and intended to be installed on the ships to which the International Convention for the Safety of Life at Sea (SOLAS) of 1974 does not apply, and which are intended for the use in the Global Maritime Distress and Safety System (GMDSS), as laid down in Chapter IV of the SOLAS convention | Without prejudice to the requirements for the equipment of passenger ships laid down in the laws and regulations regarding equipment of the seagoing vessels, the radio equipment shall be made to ensure correct operation in the marine environment, conformity to all the requirements for GMDSS operation applicable to the ships not subjected to the SOLAS Convention in accordance with the relevant provisions of the International Maritime Organisation, and to ensure clear and sustainable high credibility communication in communication channels of an analogue and digital system |
| 3. | The radio equipment using the frequency of 457 kHz and intended for searching of the avalanche victims (avalanche radio beacons) | Avalanche radio beacons shall be designed to be able to cooperate with the new and already used radio beacons placed on the market in conformity with the laws and regulations in the area of radio communication and conforming to the relevant ETSI standards in the area of radio communications. Avalanche radio beacons shall be designed to safely operate after getting into avalanche and continue to work if remaining in snow for a longer period after avalanche |
| 4. | Radio equipment operating in the marine mobile communication service or marine mobile satellite service and intended to be installed on the ships to which the SOLAS Convention does not apply, and which are intended for ensuring of operation of the Automatic Identification System (AIS) | The equipment shall be constructed to ensure correct operation in the intended environment, using it on the ships and land stations not subjected to the SOLAS Convention, and to conform with all relevant requirements for the use of the ships' Automatic Identification System (AIS) |
| 5. | An emergency position-indicating radio beacon station (EPIRB) intended for the use in COSPAS-SARSAT system and using 406 MHz frequency | Position-indicating radio beacon stations shall be designed to ensure their precise operation which is in accordance with the adopted operational requirements in the environment where they may be used. In emergency situations they shall ensure clear and lasting communication with a high degree of precision and shall conform to all the requirements of the COSPAS-SARSAT system |

Minister for Transport Uldis Augulis

**Annex 2**

Cabinet Regulation

No. 360

7 June 2016

**EU Declaration of Conformity**

1. Radio equipment (product, type, batch or serial number).

2. Given name, surname or name and address of the manufacturer and authorised representative thereof, if necessary.

3. A certification that a declaration of conformity has been issued under the sole responsibility of the manufacturer or authorised representative.

4. Object of the declaration of conformity (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. A certification that the object of the declaration is in conformity with the relevant laws and regulations (specify the relevant laws and regulations).

6. Applicable standards the references of which have been published in the Official Journal of the European Union or the other technical specifications in relation to which conformity is declared (indicate identification numbers and versions and, where applicable, also issue date).

7. Information regarding the notified body, indicating the name and number of the body, conformity assessment activities performed by the body and the issued EU-type examination certificates.

8. Where applicable, information regarding 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.

10. Information regarding preparation of declaration of conformity:

10.1. place and date of issue;

10.2. given name, surname, function, signature.

Minister for Transport Uldis Augulis