



An Coimisiún um
Rialáil Cumarsáide
Commission for
Communications Regulation

Product Safety Unit

Annual Report 2023

Reference: ComReg 24/29

Date: 23/04/2024

Additional Information

Document No:	24/29
Date:	23 April 2024

Legal Disclaimer

This document is not a binding legal document and also does not contain legal, commercial, financial, technical, or other advice. The Commission for Communications Regulation is not bound by it, nor does it necessarily set out the Commission's final or definitive position on particular matters. To the extent that there might be any inconsistency between the contents of this document and the due exercise by it of its functions and powers, and the carrying out by it of its duties and the achievement of relevant objectives under law, such contents are without prejudice to the legal position of the Commission for Communications Regulation. Inappropriate reliance ought not therefore be placed on the contents of this document.

Content

Section	Page
Executive Summary	7
1 Introduction.....	9
1.1 ComReg’s role as a market surveillance authority	9
1.2 ComReg’s approach to Market Surveillance	9
1.3 Structure of this report	10
2 Market surveillance.....	12
2.1 ComReg Market Research.....	12
2.2 Market Surveillance Workstreams	13
2.2.2 E-commerce Market Surveillance.....	14
2.2.3 Customs Inspections	14
2.2.4 Authorised Officer (AO) Inspections	18
2.2.5 Reactive Cases	19
2.3 Case Studies.....	19
2.4 Looking ahead	20
3 Product Recalls	22
3.1 Introduction	22
3.2 Looking ahead	24
4 PSU Communications	25
4.2 ComReg Website.....	25
4.3 Information for Economic Operators & End-Users	25
4.4 Mobile Phone Repeaters Awareness and Education Campaign.....	26
4.5 Looking ahead	27
5 Supporting the EU Single Market	28
5.1 Introduction	28
5.1.2 Market Surveillance Regulation.....	28
5.1.3 Radio Equipment Directive amendments	28
5.2 Stakeholder engagement.....	29
5.2.2 National co-operation	29
5.2.3 CCPC	30
5.3 Looking ahead	30

Annex

Section

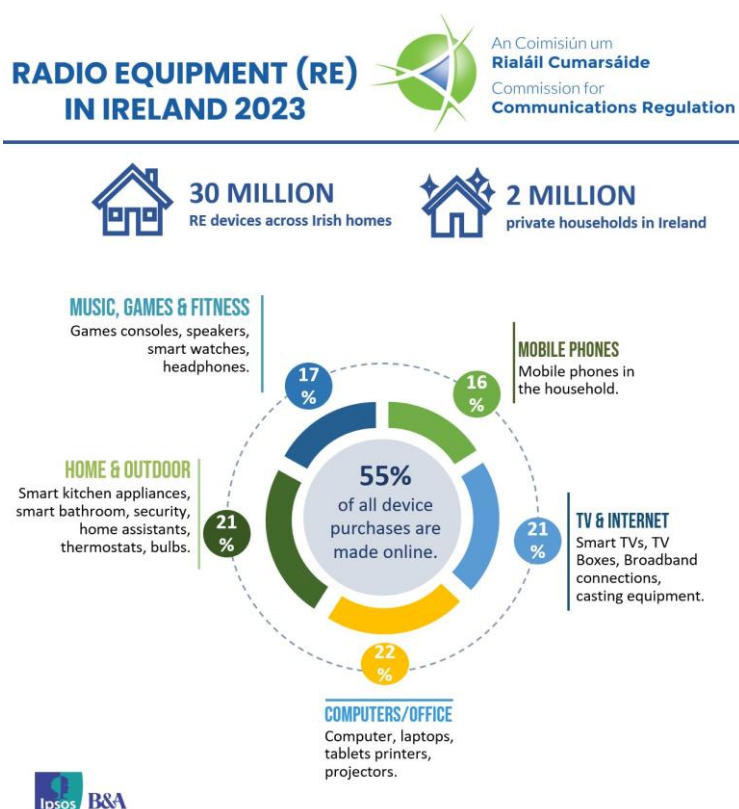
Page

Annex 1: Relevant Legal Framework	31
---	----

Executive Summary

In 2021, ComReg established a dedicated Product Safety Unit (“PSU”) to discharge its functions as Market Surveillance Authority (“MSA”) for the Radio Equipment Directive (“RED”) and the Electromagnetic Compatibility Directive (“EMC”). Market surveillance is the activity carried out to ensure that products on the market meet with legal requirements, including compliance with health and safety.

Research conducted by Ipsos B&A on ComReg’s behalf shows that in June 2023 the number of radio equipment devices in Irish homes was c. 30 million with up to 12 million new devices placed on the market annually.



This report outlines ComReg’s multi-faceted approach to market surveillance during the 2022 – 2023 period.

First, through co-operation and invaluable engagement with the Customs Division of the Office of the Revenue Commissioners, ComReg has identified and **removed in excess of 1,900 non-compliant products** from entering the market.

Second, ComReg’s proactive market surveillance inspections of products sold online and in-store resulted in the **removal of 2,200 non-compliant products** from sale.

Thirdly, and underpinning these activities, ComReg carried out several **communication campaigns to help Economic Operators** best understand their

obligations, how proactive engagement with ComReg can help and to **educate and inform End-Users**.

Finally, the PSU has forged positive relationships with other authorities, and continued to harness the expertise of both national and international bodies in the furtherance of product safety.

1 Introduction

1.1 ComReg's role as a market surveillance authority

- 1.1 The Commission for Communications Regulation (“ComReg”) is the designated Market Surveillance Authority (“MSA”) and competent authority for the purposes of the Radio Equipment Directive¹ (“RED”) and Electromagnetic Compatibility (“EMC”) Directive² in Ireland. Market surveillance of products is a requirement of the EU Single Market and ensures that products placed on the market, are manufactured to a minimum standard and can be used safely and with confidence by End Users.
- 1.2 The current Market Surveillance Regulation (EU) 2019/1020 (“MSR”)³ seeks to improve and modernise market surveillance, by addressing certain limitations of the previous market surveillance framework, notably, complex supply chains involving internet sales and third country (non-EU) sellers.
- 1.3 ComReg's market surveillance activities helps ensure that non-compliant products are identified, tested and, where appropriate corrective action is not undertaken by the Economic Operator⁴, removed from sale.
- 1.4 The RED is transposed into Irish law by the European Union (Radio Equipment) Regulations 2017 (S.I. No. 248 of 2017 as amended by S.I. No. 30 of 2024) (the “RE Regulations”), and the EMC Directive (“EMCD”) is transposed into Irish law under the European Communities (Electromagnetic Compatibility) Regulations 2016 and 2017 as amended (S.I. No. 145 of 2016 & S.I. No. 69 of 2017 as amended by S.I. No. 316 of 2023) (the “EMC Regulations”).
- 1.5 In June 2021, ComReg established its Product Safety Unit, with specific responsibility for discharging its duties under the EMC and RE Regulations.

1.2 ComReg's approach to Market Surveillance

- 1.6 ComReg's role as the MSA for RED carries with it a ‘*safety of life*’ risk dimension that must be addressed with appropriate care and attention, by taking full account of the broad scope of the remit, and the challenges in preventing non-compliant products entering the European market.
- 1.7 Effective communications are a key tool for ComReg in addressing product safety and in mitigating any risk to stakeholders. ComReg's communications must be

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32014L0053>

² <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32014L0030>

³ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32019R1020>

⁴ ‘economic operator’ means the manufacturer, the authorised representative, the importer, the distributor, the fulfilment service provider or any other natural or legal person who is subject to obligations in relation to the manufacture of products, making them available on the market or putting them into service in accordance with the relevant Union harmonisation legislation;

clear and unambiguous with a particular focus on the key stakeholder groups of Economic Operators and End-Users.

- 1.8 ComReg adopts a multi-faceted approach to its market surveillance activities, constantly assessing the risk presented by, non-compliant radio and electrical equipment products and developing and refining its procedures to ensure efficient use of limited resources.
- 1.9 The ComReg approach to any Economic Operator is largely informed by their attitude to compliance. This is illustrated in Figure 1.

Economic Operator Attitude to Compliance

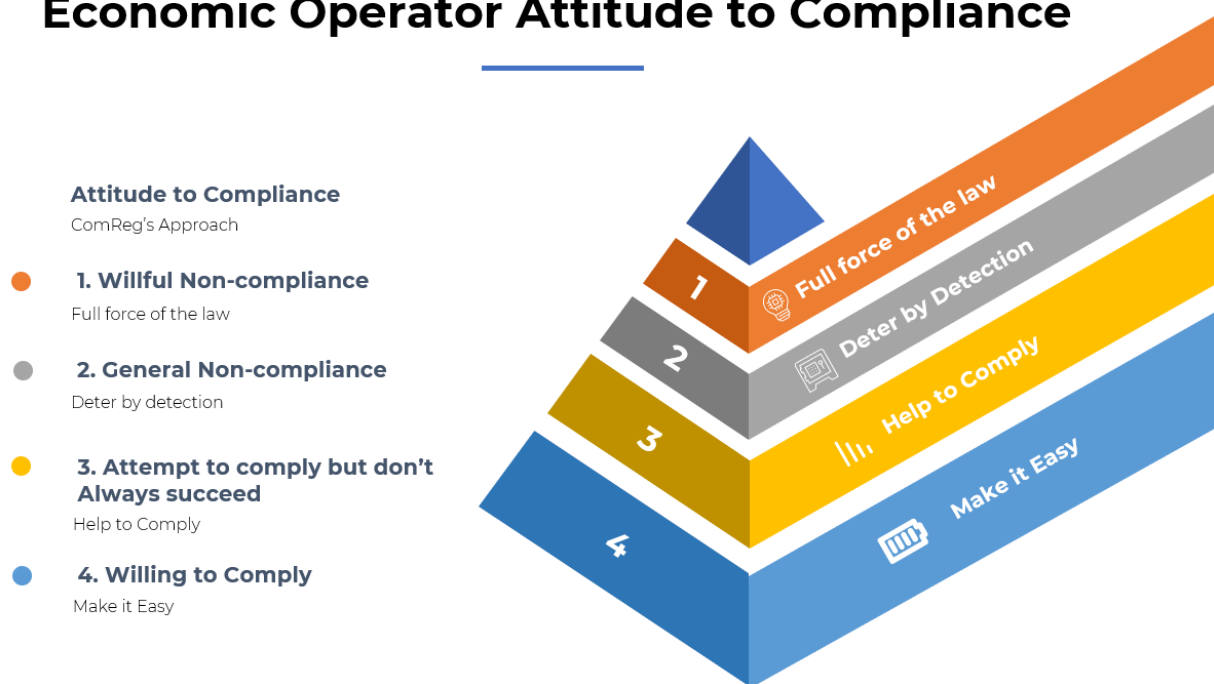


Figure 1. ComReg's approach to any Economic Operator is broadly informed by the attitude of the Economic Operator toward its obligations.

1.3 Structure of this report

- 1.10 The remainder of this report is structured as follows:
- **Chapter 2** provides information on the establishment of the Product Safety Unit and its work;
 - **Chapter 3** describes product recalls undertaken in 2023;
 - **Chapter 4** details the communications completed to date and upcoming campaigns in order to raise awareness of ComReg as an MSA, educate Economic Operators and empower End-Users;

- **Chapter 5** reports on how ComReg supports the EU single market, including monitoring legislative changes, market surveillance statistics and stakeholder engagement in relation to product safety

1.11 Annex 1 of this document sets out in detail the statutory provisions under which ComReg conducts its product safety work.

2 Market surveillance

2.1 ComReg Market Research

- 2.1 ComReg’s focus is on building a deep understanding of the radio equipment environment in Ireland, the stakeholders involved and their understanding of the obligations placed on them. This objective informs our approach.
- 2.2 In the period under review, ComReg carried out research on the volume of radio equipment products imported into Ireland. Additionally, ComReg engaged Ipsos B&A to conduct surveys and gather quantitative and qualitative data in respect of Economic Operators and End-Users to best gauge their knowledge and understanding of radio equipment product safety to. This valuable research has created a benchmark, against which the effectiveness of future communications campaigns can be assessed.
- 2.3 The Ipsos B&A research show that in June 2023 the number of radio equipment devices in Ireland was approximately **70 million** across domestic and commercial premises with up to **€6 billion worth imported into Ireland** in 2023.

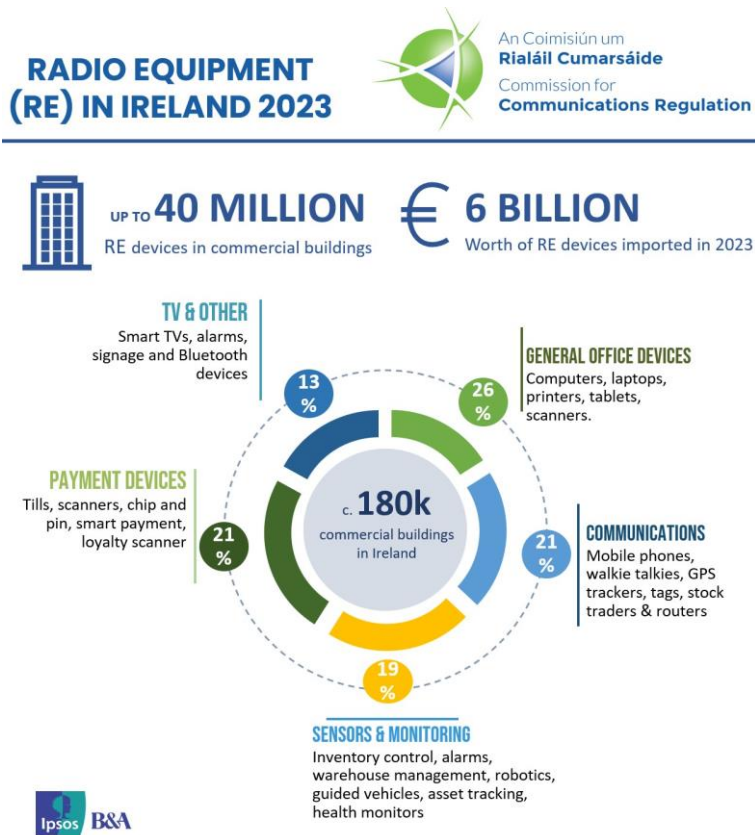


Figure 2. Volume of radio equipment in commercial buildings in Ireland

2.2 Market Surveillance Workstreams

2.4 The RE Regulations outline the essential requirement for radio equipment:

Radio equipment shall be constructed to comply with the following essential requirements:

(a) to protect the health and safety of persons and domestic animals and to protect property and so to comply (other than in relation to voltage limits) with the safety requirements of the European Union (Low Voltage Electrical Equipment) Regulations 2016;

(b) to have an adequate level of electromagnetic compatibility in compliance with the European Communities (Electromagnetic Compatibility) Regulations 2017 (S.I. No. 69 of 2017); and

(c) to both effectively use, and support the efficient use of, radio spectrum in a manner that avoids harmful interference.

2.5 For radio products to be bought and sold in Ireland, they must comply with all of the requirements of the RED, which requires that the product is accompanied by an EU Declaration of Conformity (“DoC”) and must have a CE mark indelibly affixed.⁵

2.6 Products must also include clear safety information and user instructions and the radio equipment is accompanied with details of the operating frequency bands and the maximum power emitted at these bands.

2.7 Economic Operators must ensure that each item of radio equipment complies with these essential requirements.

2.8 ComReg undertakes market surveillance on a proactive and reactive basis on relevant products. This is to ensure that non-compliant products are identified, administratively assessed (if necessary, technically tested). If adequate corrective action is not undertaken by the Economic Operator to address non-compliance, the products are either removed from sale or prevented from being placed on the market. This activity presents as four distinct workstreams:

- (i) e-commerce market surveillance;
- (ii) Customs inspections;
- (iii) retail store inspections; and
- (iv) reactive cases.

⁵ Unless its absence, due to the nature of the product, is justified.

2.2.2 E-commerce Market Surveillance

- 2.9 By 2027, **23% of all retail purchases worldwide are expected to take place online**⁶. ComReg's above research has shown that 55% of all devices relevant to ComReg's product safety activities are already purchased online.
- 2.10 A particular focus for ComReg is mobile phone signal boosters which are the primary cause of harmful interference to mobile communications networks, making up 52% of radio frequency interference reports to ComReg in this reporting period⁷.
- 2.11 Non-compliant products identified and detained by Customs, are notified to sellers along with the cause of non conformance and a request to withdraw the product from sale to end users in Ireland and across the European Union. With the invaluable contribution of Customs, this has resulted in fewer non-compliant products entering the market from third countries (i.e. non EU countries).
- 2.12 By the end of 2023, over **2,200 mobile signal boosters have been successfully removed from sale** following action by ComReg.
- 2.13 Since ComReg established its Product Safety Unit in 2021, a total of **2,432 take-down notices for the removal from sale of non-compliant products have been issued** to online platforms.
- 2.14 ComReg continues to collaborate with online platforms to prevent non-compliant products entering the Irish market. A notable achievement in this regard is that e-commerce platform Alibaba has successfully revised its Rules Center⁸ so that mobile phone signal boosters are no longer shipped to Ireland.

2.2.3 Customs Inspections

- 2.15 ComReg enjoys a close relationship with Customs with whom we work closely in identifying and removing non-compliant products before they enter the market.
- 2.16 Articles 25 to 28 of the MSR set out the role of Customs authorities and the relationship with relevant MSAs in the identification and removal of non-compliant products, and where appropriate the release for free circulation of compliant products.⁹

⁶ <https://www.forbes.com/advisor/business/ecommerce-statistics/>

⁷ <https://www.comreg.ie/media/2024/01/SII-Infographic-2022-2023.png>

⁸

<https://rulechannel.alibaba.com/icbu?type=detail&ruleId=2047&cId=1396#/rule/detail?cId=1396&ruleId=2047&activekey=20+RADIO+EQUIPMENT-2>

⁹ The Revenue Commissioners has been designated as Ireland's Customs authority under Article 25 of the MSR.



Figure 3. Sample images of non-compliant products identified through the ComReg / Customs Profile

- 2.17 Our collective objective is to ensure that as many relevant products as possible that pose an increased likelihood of non-compliance are flagged by Customs for assessment by ComReg. This is in order to advise Customs to refuse release for free circulation of any non compliant products.
- 2.18 In 2021, ComReg developed a profile¹⁰ with Customs to identify those products likely to present non-compliance and this is regularly refined in line with market developments. Products typically targeted by the profile include mobile phone signal boosters, Wi-Fi repeaters, signal jammers and GPS trackers. Since the profile come into effect, ComReg has advised Customs **to refuse for release for free circulation 1,445 packages or consignments which consisted of 1,882 radio products in total.**
- 2.19 The most common non-compliance issue was the absence of an **EU Declaration of**

¹⁰ A Customs profile allows a Market Surveillance Authority to identify products of interest through targeting Commodity Codes, Product descriptions and the Declaration type (e.g. H7) within which the product is being targeted.

Conformity¹¹ (“DoC”) within the product packaging, accounting for 83% of the products inspected. **No CE mark** or a non-compliant CE mark was another common issue among the non-compliant products refused release from free circulation, and accounting for 41% of products inspected.

2.20 As outlined below, ComReg advised Customs to refuse release for free circulation a total of 1,902 non-compliant products since 1 July 2021 to 31 December 2023¹².

Number of non-compliant products refused release for free circulation per operating year	
1 July 2021 to 30 June 2022	403
1 July 2022 to 30 June 2023	908
1 July 2023 to 31 December 2023	591
Total:	1,902

Table 1. Totals of products refused release for free circulation per operating year.

2.21 In September 2022, ComReg refined the Customs profile, to improve efficiency and reduce the chance of compliant products, or products not of interest being held for inspection. ComReg will continue to monitor and review the profile and may introduce additional profiles as appropriate.

2.22 Figure 4 illustrates the non-compliant product types that were refused release for free circulation through inspections at Customs in the 2022–2023 operating year. **Non-compliant GPS location trackers made up 36% of the non-compliant products.**

¹¹ Schedule 6 of European Union (Radio Equipment) Regulation 2017 (S.I. No. 248 of 2017).

¹² The reporting period looks back to July 2021 as this is the first annual report prepared covering PSU activities.

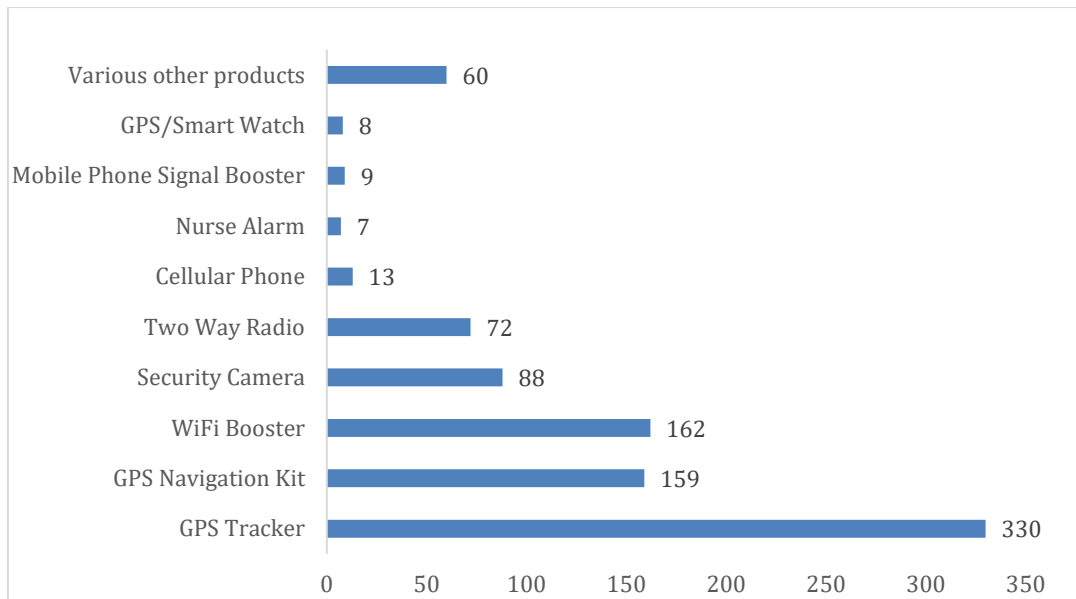


Figure 4. Breakdown of devices refused release for free circulation by Customs via ComReg inspections in the 2022/23 operating year

Case Study – CallToU



In March 2023, during its routine product inspections at Customs, ComReg inspected a personal safety alarm, used by vulnerable persons, their carers and those in assisted living environments. The device, branded CallToU Wireless Caregiver Pager, was inspected by authorised officers and found to have administrative and technical non-compliance issues with the Radio Equipment Regulations.

The administrative issues identified at the time of inspection were:

- The CE mark was not permanently affixed.
- The DoC was not accompanying the product.
- The device did not have a type, batch or serial number.
- The device did not have the manufacturer’s name or contact details.

The device was held by ComReg for further investigation and sent to Compliance Engineering Ireland (CEI) for technical testing in April 2023. CEI tested the device, which operated in the 433 MHz frequency band, against Harmonised Standard EN 300 220-2 Short Range Devices (SRD) operating in the frequency range 25 MHz to 1000 MHz; Part 2: Harmonised Standard covering the essential requirements of Article 3.2 of Directive 2014/53/EU for non-specific radio equipment. The test results showed that the device failed to meet the limits of unwanted emissions in the spurious domain. Therefore, the device did not meet the essential requirements of Article 3.2. Given the

user profile it was considered to present a risk to health and safety of persons and of causing harmful interference to other radio products.

The results of the inspection and technical testing were logged on the EU database ICSMS. ComReg made attempts to contact the manufacturer about the non-compliance issues in June 2023. ComReg received no response from the manufacturer and in July 2023 issued a Direction to withdraw the product from the market.

Following this a Safeguard notification was launched. This notifies all market surveillance authorities in the EU of a non-compliant product presenting a risk to the health and safety of persons or other aspects of protection of the public interest, and to take action in their countries. On creating a Safeguard notification there is a 90 day window for all MSAs to respond or object. As of 9 October 2023, the Safeguard was adopted and came into force across Europe and the product was removed from the market.

- 2.23 In the coming operating year ComReg will further engage with Customs on relevant RED and EMC products entering the state under active profiles, conduct inspections where necessary and advise Customs on product compliance for release or refusal for release for free circulation into the state. ComReg will continue to monitor and review the profile going forward and may introduce additional profiles as appropriate.

2.2.4 Authorised Officer (AO) Inspections

- 2.24 An important aspect of ComReg's market surveillance activities involves the inspection of products in retail stores including nationwide retailers and small independent shops.
- 2.25 This is an important activity as it permits physical inspection of products before purchase by End-Users, allowing full administrative checks and, where appropriate, technical testing to be undertaken and in 2023, ComReg AOs visited a number of high-street retailers to this end.
- 2.26 The products inspected included wireless speakers, wireless headphones, radio-controlled toys, air fryers and e-scooters. The most common non-compliance identified was the absence of a DoC (either the short or complete form) which is required to accompany radio equipment or where this was present, it was incorrectly drawn up, typically the absence of all the required elements.
- 2.27 In 2023, **7% of products inspected on the high street did not have a CE mark while 55% of products inspected were not accompanied by a DoC**. In all cases, any non-compliance found was communicated to the relevant Economic Operators, who in turn provided ComReg with the required information and undertook appropriate corrective action to address the non-compliance.

- 2.28 To date, retailers have been keen to ensure that all products that they have on their shelves are compliant with the RED and EMC and have taken action where non-compliance has been identified. ComReg has also enjoyed proactive engagement with many who are keen to better understand their obligations.

2.2.5 Reactive Cases

- 2.29 During the course of its market surveillance activities, ComReg receives information about potential non-compliant products and, where appropriate, addresses same.
- 2.30 Products Recalls frequently fall into this category, in most cases it is the Manufacturer who initiates the Product Recall however in the event that a product presents an elevated risk ComReg as the MSA can initiate a recall. Chapter 3 explores some individual cases.

2.3 Case Studies

Case Study – Wireless portable speaker

In June 2023, ComReg received a referral from the CCPC in relation to a portable wireless speaker reported to have gone on fire while left recharging overnight. As the device transmits data via Bluetooth, it is radio equipment as defined by the RED.

Due to the nature of the reported incident, the manufacturer was contacted by ComReg and, using its powers under the Radio Equipment Directive, requested the technical documentation from the manufacturer to assess its compliance with the essential requirements.

ComReg undertook a review of the technical documentation to identify any shortcomings in the design which may have contributed to the incident. The findings of the review were that the manufacturer has undertaken extensive testing to demonstrate that the products, tested under duress, failed “safely”, meaning that design features prevented any injury or damage. Furthermore, the safety information that accompanied the equipment detailed how to reduce likelihood of product failure.

The manufacturer was also obliged to furnish ComReg with details of previous incidents. None of these resulted in any reported injury. This meant that the risk level, according to the Safety Gate safety guidelines, was below the threshold for reporting the product to Safety Gate.

ComReg shared the results of the investigation with the End-User.

Case Study – AO Inspection

In September 2023, ComReg conducted AO inspections at a number of stores in Dublin city centre. Four products were administratively assessed in each store. The products included were wireless speakers/headphones, wireless chargers, and air fryers. Air fryers were of interest as they were part of the EMC AdCo¹³ campaign.

All products inspected had the CE mark on the packaging, seven products inspected had a CE mark on the product itself with one not having a CE mark affixed on the product, however this was justified due to the nature of the radio equipment. Of those checked it was found that 67% had a Declaration of Conformity available. ComReg followed up with the economic operators for these products to address the non-compliance issues found.

In November 2023, ComReg conducted AO inspections focusing on radio-controlled devices. Six products were administratively inspected in total. These products included radio-controlled toys and eScooters which were part of the EMC AdCo campaign.

All products inspected had the CE mark on the packaging and affixed to the product. Of the products in scope of the RED, half had a DoC available. The remaining DoCs were made available following the inspection.

2.4 Looking ahead

2.31 In the coming year ComReg will continue to focus on its Market Surveillance workstreams and will:

- develop its IT capabilities to increase the efficiency of e-commerce market surveillance work by considering the benefit of web crawler technology to identify non-compliant and non-safe products on the market, especially from third countries;
- report its findings and measures undertaken on ICSMS¹⁴ to inform market surveillance authorities across the Union and to participate in upcoming joint actions organised at a European level;
- continue to work closely with Customs to identify and assess products at point of entry to the state; and
- continue its AO visits at retail outlets throughout the country.

¹³ Administrative Cooperation (AdCo) groups are discussed further in Section 5.9.

¹⁴ The internet-supported information and communication system for the pan-European market surveillance.

3 Product Recalls

3.1 Introduction

- 3.1 A key component of ComReg's market surveillance activities is to manage the recall of radio equipment products by Economic Operators. As previously stated, ComReg's role as the MSA for RED carries with it a 'safety of life' dimension and the associated risk necessitates the need for the recall of non-safe products. These recalls must be conducted with appropriate care and attention and in a timely manner.
- 3.2 In the event of a product recall¹⁵, ComReg uploads the Product Recall information, provided by the Economic Operator to the European Rapid Alert System for dangerous products (Safety Gate). Safety Gate ensures that information about dangerous non-food products withdrawn from the market, or recalled anywhere in Europe, is quickly circulated between EU Member States and the European Commission.
- 3.3 ComReg has a dedicated space on its Product Safety webpage for product recalls¹⁶, providing retailers and End-Users with information about recalls that are undertaken.
- 3.4 During this reporting period ComReg's PSU managed three product recalls, one of which followed the manufacturer's liquidation, see Case Study below. The other two were voluntary product recalls managed by the manufacturer, the details of which are published on ComReg's Product Safety webpage.

Case Study – Bluebell baby monitors

In June 2023, the UK Office for Product Safety and Standards (OPSS) notified CCPC of an unsafe product (Bluebell Baby Monitors) which was available on the Irish market. The product used Wi-Fi, and so fell under ComReg's remit. The app which supported the monitoring system was malfunctioning and had not been updated in some time. This meant there was a risk of a child not being monitored correctly.

¹⁵ A product recall is a request from an Economic Operator to the End-User to return a product after safety issues or product defects are identified. These issues or defects represent a health and safety risk to the End-User, and so the recall is a concentrated effort to limit the risk posed by the product in question and to protect End-Users. Recalls may result in the entire line of products or a particular batch that has defects being removed from the market.

¹⁶ [Product Recalls | Commission for Communications Regulation \(comreg.ie\)](https://www.comreg.ie/product-recalls)



Figure 5. Bluebell baby monitor.

As the Economic Operator had gone into liquidation, this was a ComReg-driven recall rather than the normal voluntary recall undertaken by the Economic Operator. Therefore, ComReg had to engage with each distributor/retailer individually on this recall. Known distributors/retailers of the product in Ireland were McCabe's Pharmacy, Boots, and Currys PC World.

In order to assess the risk presented by the product and upload a Safety Gate notification, ComReg worked with the aforementioned distributors/retailers to identify the following:

- (a) The number of units of Bluebell Baby Monitors sold both instore and online;
- (b) If the affected product been removed from distribution;
- (c) How many consumers had been affected;
- (d) How many of the affected consumers had been contacted and notified of the issue;
- (e) What, if any, notices or publications were sent or made available to consumers in relation to the recall, including direct communication sent to the consumers;
- (f) How many of the affected products had been returned to date;

- (g) How many consumers had been in contact with the distributors in relation to the recall to date;
- (h) In cases where contact with the affected customers was unsuccessful, details were requested on how the distributors proposed to rectify this, including (but not limited to) alternative and more visible communications;
- (i) If there was a permanent link on the distributors' website to a safety notice; and
- (j) What the adequacy and effectiveness of the proposed corrective measures were, including information relating to the execution, progress, and expected success rate of the corrective measures alongside any other relevant information.

In order to establish the risk level, ComReg determined the worst-case scenario which the malfunctioning product could engender. If an ill child was being monitored by the malfunctioning product, this could lead to a behavioural change in the monitoring of the child by the parent. This in turn could lead to the product's malfunctioning resulting in a medical situation remaining undetected. Further, as the End User-type associated with a baby monitor is a very young child (from 0 to 36 months), the hazard which the operational inadequacy posed was considered to be unacceptable.

Once ComReg had sufficient information to conduct its risk assessment, in conjunction with the European Commission, Bluebell Baby Monitors was assessed as presenting a serious risk, and this was included in the Safety Gate notification accordingly. ComReg also posted its own product recall information notice on the ComReg website¹⁷.

As a means of following up and ensuring the product had been removed from the Irish market, Authorised Officer visits were conducted in retail outlets and on the high-street. The product was not found for sale during these visits.

3.2 Looking ahead

- 3.5 ComReg stands ready to address any future product recalls and will continue to develop its procedures to maximise efficiency and mitigate the risk that is presented by non-safe products.

¹⁷<https://www.comreg.ie/product-safety-information-notice-on-bluebell-baby-monitor-sold-in-boots-mccabes-pharmacy-and-currys/>

4 PSU Communications

- 4.1 In 2022 ComReg developed a communications plan to raise awareness in respect of its role as the MSA for RED and EMCD. The plan was made up of three key elements; improving the ComReg's website, a schedule of campaigns targeted at both Economic Operators and End-Users, and a tactical campaign focused on mobile phone repeaters.

4.2 ComReg Website

- 4.2 ComReg's website plays a central role in the provision of information to all stakeholders, particularly in the event of a product recall or withdrawal. When visiting www.comreg.ie, all stakeholders must be able to find the information they are looking for both quickly and easily.

- 4.3 Working within the overall ComReg website framework, ComReg has improved its Product Safety webpages so that each area of the website now features links to information specific to unique stakeholder groups, including Economic Operators and End Users.

- 4.4 This newly designed visual layout enables those seeking information regarding Product Safety to find it easily and with the minimum number of clicks.

4.3 Information for Economic Operators & End-Users

- 4.5 A key component of the communications plan is for ComReg to execute communications campaigns that run prior to and during periods when there is likely to be an increase in demand for radio equipment. Critical times for messaging were identified as the lead up to Christmas, Black Friday, Cyber Monday and back to school. With this in mind, a series of campaigns were developed to run across 2023 and 2024 which are focused on delivering education, awareness, and engagement with all stakeholders.

- 4.6 ComReg recognises that for both Economic Operators and End-Users to act appropriately, they need to be aware of what action is required. Examples of such actions are End-Users ensuring that a product has a CE mark before purchasing, or Economic Operators checking with a non-EU based supplier that the product in question complies with the RED.

- 4.7 To address this a number of informative videos, animations, and infographics were

created and promoted on social media platforms LinkedIn¹⁸, Facebook¹⁹, and X²⁰.

4.4 Mobile Phone Repeaters Awareness and Education Campaign

4.8 In January 2024, a targeted campaign designed to raise awareness and provide education on mobile phone repeaters was launched. The goal of the campaign was to drive as much traffic as possible to www.comreg.ie/repeaters, where further information was made available, including a list of repeaters manufacturers which comply with ComReg’s technical conditions, and a list of legitimate suppliers and installers.

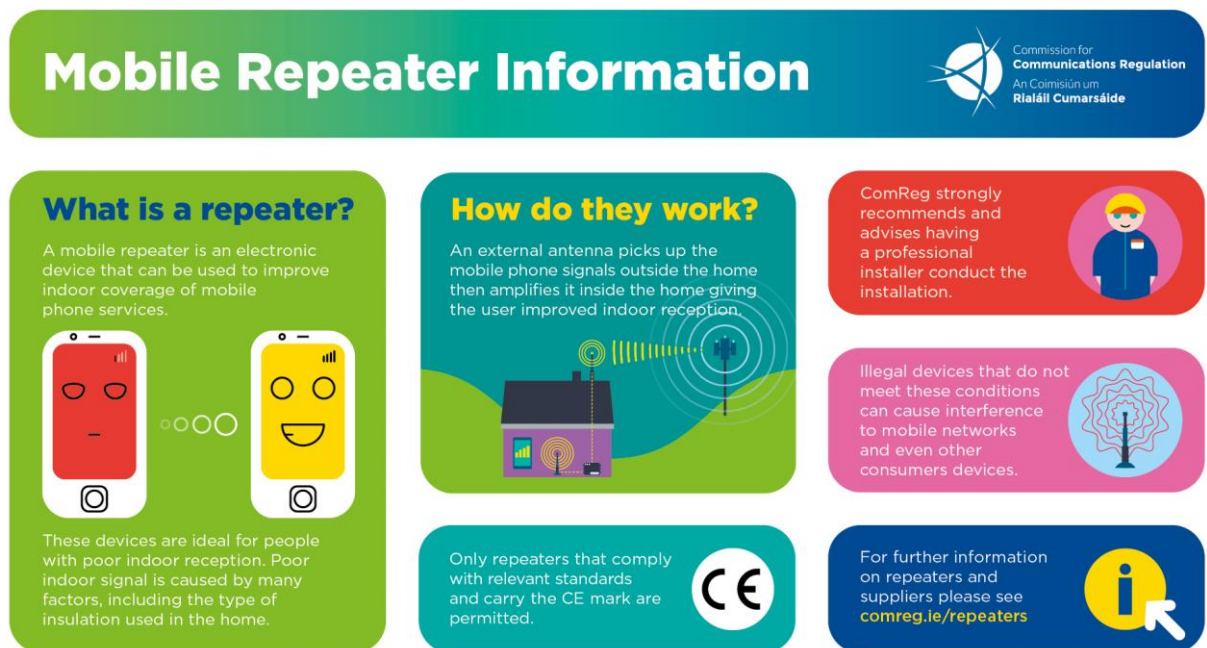


Figure 6: Mobile Repeater Infographic

4.9 To effectively reach as many people as possible, ComReg employed the use of LinkedIn^{21,22}, Twitter, Facebook, and www.tuairisc.ie. In particular, Tuairisc and Twitter were used to reach the Irish-speaking community.

¹⁸ https://www.linkedin.com/posts/comreg_if-you-are-offered-a-black-friday-deal-for-activity-7133034391118712832-JxaE

¹⁹ <https://www.facebook.com/watch/?v=343640374733741>

²⁰ <https://x.com/comreg/status/1734510398655590873>

²¹ https://www.linkedin.com/posts/comreg_wi-fi-calling-is-now-available-on-all-mobile-activity-7158485456983138305-gBea

²² https://www.linkedin.com/posts/comreg_is-f%C3%A9idir-glaonna-a-chur-tr%C3%AD-wi-fi-anois-activity-7158485491258990593-h9Qy

4.5 Looking ahead

- 4.10 ComReg's PSU will continue to execute communications campaigns to foster awareness, deliver education, and encourage engagement amongst all stakeholders.

5 Supporting the EU Single Market

5.1 Introduction

5.1 The technological capabilities of radio equipment and electrical products, and the associated supply chains, continues to evolve. Therefore, the legislative landscape within which MSAs operate must also change in order to meet the ongoing challenge presented by these changes. This is evidenced by the introduction of the new MSR – Regulation (EU) 2019/1020 – which came into force in 2021 and two amendments to the RED which will come into effect within the next two years.

5.1.2 Market Surveillance Regulation

5.2 The MSR²³ was enacted in 2019 to improve and modernise market surveillance, by addressing certain shortcomings of the previous market surveillance framework, notably, complex supply chains involving internet sales and third country (non-EU) sellers.

5.3 The MSR aims to strengthen market surveillance in Europe, with provisions for customs authorities and e-commerce. In addition, certain obligations now extend to fulfilment service providers, and a relevant economic operator is required in the EU for products from third countries. Eighteen pieces of product legislation are covered, including the RE and EMC Directives.

5.4 The MSR has applied since 16th July 2021 except for the PCN Articles, which came into force on 1st Jan 2021. While, as a Regulation its provisions will apply directly, for enforcement reasons it is necessary for the Department of Environment Climate and Communications (“DECC”) to amend existing legislation to give effect to those changes. This will ensure ComReg has the necessary powers and resources to ensure the market surveillance provisions of the MSR can be implemented as envisaged.

5.1.3 Radio Equipment Directive amendments

5.5 Directive (EU) 2022/2380, also known as the Common Charger Directive²⁴ will amend the RED to require certain categories of radio equipment (such as smartphones) to be chargeable using a USB Type-C cable, and for the packaging to indicate if a charger is included with the radio equipment. These measures will apply to radio equipment placed on the market from 28 December 2024. Directive (EU) 2022/2380 and Commission Delegated Regulation (EU) 2023/1717 were

²³ Regulation (EU) 2019/1020 (“MSR”) on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU)

²⁴ https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L_.2022.315.01.0030.01.ENG&toc=OJ%3AL%3A2022%3A315%3ATOC

transposed into Irish Law via the European Union (Radio Equipment) (Amendment) Regulations 2024 (S.I. No. 30 of 2024²⁵).

5.2 Stakeholder engagement

5.6 ComReg contributes to, and participates in, several national and European fora. This is to ensure that ComReg acts in a harmonised, agile and efficient manner in discharging its duties as a market surveillance authority in Ireland. In addition, the topics shared between authorities improves the effectiveness of market surveillance and increases positive outcomes of identified non-compliance for ensuring a fair market for Economic Operators who comply with product safety legislation, and safe products for End-Users.

5.2.2 National co-operation

5.7 The Department of Enterprise, Trade and Employment, as Single Liaison Office (“SLO”) of Ireland under Article 10(4)²⁶ of the MSR, chairs the quarterly National Market Surveillance Forum which brings together all MSAs in Ireland, across all sectors.

5.8 It is attended by other government departments, national MSAs, the Irish National Accreditation Board, and the Revenue Commissioners as Ireland’s customs authority.

MSAs for RED & EMC in other Member States

5.9 European co-operation on market surveillance takes place through groups of MSAs, required under Article 30.2 of the Market Surveillance Regulation (Regulation (EU) 2019/1020), called **Administrative Cooperation Groups (AdCos)**. These meetings are usually made up of two delegates from national authorities competent in market surveillance within a given sector from each Member State and the European Commission also attend in an advisory role. Meetings take place several times per year to discuss market surveillance issues in their area of competence, and to ensure efficient, comprehensive, and consistent market surveillance.

5.10 At a European level, ComReg is a member of EMC AdCo and AdCo RED. Furthermore, it participates in the Expert Group on Radio Equipment (EGRE), the Telecommunications Conformity Assessment and Market Surveillance Committee (TCAM) and the EMC Working Party & Committee.

5.11 AdCo meetings provide an opportunity to share learnings between market

²⁵ <https://www.irishstatutebook.ie/eli/2024/si/30/made/en/pdf>

²⁶ The single liaison office shall at least be responsible for representing the coordinated position of the market surveillance authorities and the authorities designated under Article 25(1) and for communicating the national strategies as set out in Article 13. The single liaison office shall also assist in the cooperation between market surveillance authorities in different Member States, as set out in Chapter VI.

surveillance authorities in order to act in an effective and harmonised manner across the Union market. These meetings provide ComReg with an invaluable contact network and opportunity to exchange market surveillance knowledge and experience, and interpretation of legislation.

5.2.3 CCPC

5.12 The Competition and Consumer Protection Commission (“CCPC”) is Ireland’s Safety Gate contact point, and the market surveillance authority for multiple pieces of Union harmonisation legislation, including the Low Voltage Directive and the Toys Directive²⁷.

5.13 ComReg and the CCPC maintain regular contact as products can be subject to legislation under the responsibility of both organisations. For example, electrical products such as microwave ovens are subject both to the Low Voltage Directive and the EMC Directive, whereas radio-controlled toys are subject to both the Radio Equipment Directive and the Toys Directive.

The CCPC receives contact from consumers in relation to faulty goods. Where the CCPC identifies that reported dangerous incidents relate to radio equipment, the case is referred to ComReg where an investigation is conducted under RED. Over time, the referral process has greatly improved between the CCPC and ComReg, resulting in a more timely process to the benefit of both End-Users and Economic Operators.

5.3 Looking ahead

5.14 ComReg will continue to;

- monitor emerging legislation relevant to its remit through continued engagement with the SLO and other authorities both nationally and internationally;
- assist DECC as it advances the relevant legislative changes to give effect to the MSR;
- participate in relevant AdCo groups and other relevant national and international fora; and
- deepen its engagement with the CCPC in respect of relevant products and as the single point of contact for the Safety Gate system.

²⁷ Directive 2009/48/EC of the European Parliament and of the Council of 18 June 2009 on the safety of toys

Annex 1: Relevant Legal Framework

A 1.1 ComReg is the designated market surveillance authority, notifying authority and competent authority in the State in respect of the following legislation:

- European Union (Radio Equipment) Regulations 2017²⁸ (“RE Regulations”)
- European Communities (Electromagnetic Compatibility) Regulations 2016 and 2017 as amended²⁹ (together the “EMC Regulations”).

A 1.2 ComReg is the authority charged with the authorisation of wireless telegraphy equipment in Ireland for the purposes of the Wireless Telegraphy Act 1926, as amended (“1926 Act”). ComReg has the power to declare, by order, a class or description of apparatus for wireless telegraphy to be exempt from the requirement to hold a licence.

A 1.3 Exemption Order S.I. No. 283 of 2018 has been passed in relation to mobile phone repeaters, also known as signal boosters, meeting the prescribed conditions to be exempt from licensing requirements.

European Union (Radio Equipment) Regulations 2017

A 1.4 Regulation 2 of the RE Regulations defines “radio equipment”³⁰, “radio communication”³¹ & “radiodetermination”³², and Regulation 4 requires all radio equipment to comply with the following essential requirements:

- a) to protect the health and safety of persons and domestic animals and to protect property and so to comply (other than in relation to voltage limits) with the safety requirements of the European Union (Low Voltage Electrical Equipment) Regulations 2016;*
- b) to have an adequate level of electromagnetic compatibility in compliance with the European Communities (Electromagnetic Compatibility) Regulations 2017 (S.I. No. 69 of 2017);*
- c) to both effectively use, and support the efficient use of, radio spectrum in a manner that avoids harmful interference.*

A 1.5 The essential requirements apply to all radio equipment placed on the Union market and Economic Operators should not place or make available radio equipment on the market if these requirements have not been met. The RE Regulations define “manufacturer”, “importer”, “authorised representative” and

²⁸ S.I. 248/2017, transposing Directive 2014/53/EU

²⁹ S.I. 145/2016 and S.I. 69/2017, both transposing Directive 2014/30/EU

³⁰ Defined therein as “an electrical or electronic product, which intentionally emits or receives radio waves for the purpose of radio communication or radiodetermination, or an electrical or electronic product which must be completed with an accessory, such as antenna, so as to intentionally emit or receive radio waves for the purpose of radio communication or radiodetermination.”

³¹ “radio communication” means communication by means of radio waves;

³² “radiodetermination” means the determination of the position, velocity or other characteristics of an object, or the obtaining of information relating to those parameters, by means of the propagation properties of radio waves;

“distributor”. Hence, a manufacturer may only place radio equipment on the market that complies with the RE Regulations. Before placing radio equipment on the market, the manufacturer of the equipment shall, for example, draw up the EU declaration of conformity and affix the CE marking.³³

- A 1.6 Manufacturers may appoint an authorised representative, based in the EU, to act on their behalf in relation to their obligations under the RE Regulations by a written mandate. This must include at least the tasks in Regulation 10(4), and cannot include the requirements to make sure radio equipment complies with the essential requirements or draw up its technical documentation. Under Regulation 10(2), authorised representatives shall only perform the tasks in the written mandate.
- A 1.7 Importers must ensure that radio equipment they intend to place on the market complies with the RE Regulations **before** placing it on the market. Similarly, distributors shall not make available radio equipment on the Union market without acting in due care with the requirements of the RE Regulations.
- A 1.8 Regulation 30 of the RE Regulations designates ComReg as the market surveillance authority in the State for the purposes of the RED and the RE Regulations.
- A 1.9 Regulation 31 provides that where ComReg, as the market surveillance authority, has sufficient reason to believe that any radio equipment presents a risk to health and safety of persons or the other aspects of the protection of the public interest, then ComReg shall, without delay, evaluate that equipment in respect of all relevant requirements of the RE Regulations. The Economic Operator concerned must co-operate with any such evaluation. Where ComReg has reason to believe that radio equipment does not comply in all respects, it shall notify the Economic Operator concerned.
- A 1.10 Where ComReg believes that action is required to prevent a risk to health or safety of persons or the protection of the public interest, it may direct the Economic Operator concerned, within a period specified, to do any of the following: take all appropriate corrective action to bring the equipment into compliance; withdraw the equipment from the market; or recall equipment already placed on the market. Such a direction must be complied with by the Economic Operator concerned. Where ComReg is of the opinion that urgent action is required because of public health or safety requirements it may issue an urgent direction without advance notice.
- A 1.11 Regulation 39 empowers ComReg, in its capacity as market surveillance authority, to carry out inspections of radio equipment, where appropriate, on its entry into

³³ “CE marking” under the Regulations means a marking by which a manufacturer indicates that the radio equipment is in conformity with the applicable requirements set out in Union harmonisation legislation providing for its affixing. The “EU declaration of conformity” under the Regulations means a declaration of conformity drawn up in accordance with the requirements of Regulation 17.

the State (where the State is the equipment's point of entry into the Union market), or at any site in the State where radio equipment is stored or manufactured. ComReg shall also perform appropriate surveillance of radio equipment made available on the Irish market or put into service in Ireland.

A 1.12 Regulation 40 provides that ComReg, as market surveillance authority, may appoint members of its staff or other persons considered suitably qualified to be Authorised Officers for the purpose of the RE Regulations. Regulation 41 empowers an Authorised Officer, at all reasonable times, to enter and search any place where there are reasonable grounds to believe that radio equipment is being kept or which has, for example, been manufactured, stored, distributed, supplied, or placed on the market. Regulation 42 provides that for the purposes of entering a premise by force, or a dwelling, an Authorised Officer must first obtain a warrant from a Judge of the District Court.

European Communities (Electromagnetic Compatibility) Regulations 2016 and 2017 as amended

A 1.13 Under the EMC Regulations a person shall not *inter alia* make available on the market equipment to which these Regulations apply or put into service equipment to which these Regulations apply, unless that equipment complies with these Regulations when it is properly installed, maintained and used for its intended purpose.

A 1.14 Such equipment must meet the essential requirements as set out in Annex I to the EMC Directive. ComReg is the designated competent authority, notifying authority and market surveillance authority in the State for the purposes the EMCD & EMC Regulations.

A 1.15 Similarly to the RE Regulations, the obligations imposed under the EMC Regulations apply to all Economic Operators in the chain for the manufacture and supply of equipment – i.e. manufacturers, authorised representative, importers, and distributors. ComReg may carry out evaluations as to whether equipment complies with the requirements of EMC Regulations and relevant Economic Operators must as necessary with such evaluations. If, in the course of such an evaluation, ComReg finds that equipment does not comply with the Regulations, ComReg shall issue a "risk compliance notice" requiring the Economic Operator concerned to do any of the following: take all appropriate corrective actions to bring the equipment into compliance; withdraw the equipment from the market or recall the equipment from the market. Where ComReg is of the opinion that urgent action is required, it may issue an urgent direction without advance notice.

A 1.16 Regulation 25(1) mandates ComReg to inspect apparatus and fixed installations, where appropriate, and ComReg may require Economic Operators to provide such information as it requires. Regulation 25(2) tasks ComReg with carrying out surveillance of equipment made available on the Irish market having regard to the

requirements of these Regulations. Regulations 26 and 27 set out the search and entry powers very similar to those under the RE Regulations. Appointed Authorised Officers, with or without a District Court warrant as relevant and necessary, may at all reasonable times enter and search any premises, place, vehicle, vessel, or aircraft at or in which the officer has reasonable grounds for suspecting that there is equipment present or that records relating to equipment are kept.

A 1.17 Regulation (EU) 2019/1020

- A 1.18 Regulation (EU) 2019/1020, also known as the Market Surveillance Regulation (the “MSR”), confers on market surveillance authorities strengthened powers to carry out effective market surveillance to ensure that relevant products are compliant with certain EU harmonisation legislation, per Annex I of the MSR, with a view to ensuring the free movement of compliant products within the EU.
- A 1.19 The MSR also defines fulfilment service providers³⁴ as Economic Operators. Article 4 of the MSR, which applies to the RED & the EMCD, requires an Economic Operator established in the Union responsible for performing the tasks outlined in the Article for products to be placed on the Union market.
- A 1.20 Article 6 also defines distance selling of products from third countries, where offers are directed to End-Users in the European Union, as making them available on the Union market.
- A 1.21 Article 7 obligates information society service providers to co-operate with MSAs to mitigate or eliminate risks presented by products offered for sale online through their services. Information society services providers capture entities involved in e-commerce activities that are not Economic Operators, such as dropshippers, web hosting services, domain registrars, domain registries and online selling platforms.

Articles 25 to 28 detail the role of the customs authority, and how with MSAs, prevent non-compliant products entering the Union market, and they interact when these products are identified.

³⁴ ‘fulfilment service provider’ means any natural or legal person offering, in the course of commercial activity, at least two of the following services: warehousing, packaging, addressing and dispatching, without having ownership of the products involved, excluding postal services as defined in point 1 of Article 2 of Directive 97/67/EC of the European Parliament and of the Council (31), parcel delivery services as defined in point 2 of Article 2 of Regulation (EU) 2018/644 of the European Parliament and of the Council (32), and any other postal services or freight transport services

Glossary

Term	Meaning
AdCo	European cooperation on market surveillance takes place through informal groups of market surveillance authorities, called Administrative Cooperation Groups. ComReg product safety team attend AdCo RED and AdCo EMC.
AO	Authorised Officer
CCPC	Competition and Consumer Protection Commission
CE mark	This mark affixed to a product is a declaration by the manufacturer that it conforms to applicable Union harmonisation legislation.
ComReg	Commission for Communications Regulation
Customs	Customs Division of the Revenue Commissioners
(EU) DoC	EU Declaration of Conformity
EGRE	Expert Group on Radio Equipment
EMC Regulations	European Communities (Electromagnetic Compatibility) Regulations 2016 and 2017 (S.I. No. 145 of 2016 & S.I. No. 69 of 2017 as amended by S.I. No. 316 of 2023)
EMCD	Electromagnetic Compatibility Directive 2014/30/EU
EU DoC	EU Declaration of Conformity.
ICSMS	Information and Communication System for Market Surveillance
ISSP	Information Society Service Provider
ITU	International Telecommunication Union
LVD	Low Voltage Directive 2014/35/EU
MS	Market surveillance
MSA	Market surveillance authority
MSF	Market surveillance forum made up of the Single Liaison Office, customs authority & market surveillance authorities.
MSR	Market Surveillance Regulation (EU) 2019/1020
NMSS	National Market Surveillance Strategy
PSU	Product Safety Unit
Safety Gate	Rapid Information Exchange System used for dangerous products
RE Regulations	European Union (Radio Equipment) Regulations 2017 (S.I. No. 248 of 2017 as amended by S.I. No. 30 of 2024)
RED	Radio Equipment Directive 2014/53/EU

SII	ComReg Spectrum Intelligence & Investigations Unit
TCAM	Telecommunications Conformity Assessment and Market Surveillance forum