**Obligations of economic operators**

**(in accordance with Government Decision no. 740/2016)**

**Art. 10**

**MANUFACTURERS have the following obligations:**

**a)**to affix on the radio equipment placed on the market the registration number assigned by the European Commission for each type of radio equipment registered under art. 5;

**b)**to ensure that radio equipment placed on the market have been designed and manufactured in accordance with the essential requirements set out in art. 3;

**c)**to ensure that the radio equipment is constructed so that it can be used without violating the applicable requirements on the use of radio spectrum;

**d)**to establish the technical documentation provided in art. 23 and carry out the relevant conformity assessment procedure provided in art. 18 and 19 or have it carried out;

**e)**to draft EU declaration of conformity and to affix the EC mark, where it has been demonstrated the compliance of the radio equipment with the applicable requirements by the conformity assessment procedure provided in art. 18 and 19;

**f)**to keep the technical documentation and the EU declaration of conformity for 10 years after the radio equipment was placed on the market;

**g)**to establish procedures that ensure continued conformity of series production with the provisions of this decision and to ensure that changes in the design or changes to radio equipment features and changes of the harmonized standards under art. 17 paragraph (1), or of other technical specifications in relation to which the conformity of radio equipment is declared are properly taken into account;

**h)**to conduct in order to protect the health and safety of end users, whenever this is justified by the risks of radio equipment, technical tests at random on the radio equipment available on the market, investigate and, where appropriate, to keep a register of complaints on non-compliant radio equipment and their recalls;

**i)**to inform distributors about the monitoring activities referred to at letter h);

**j)**to ensure that on the radio equipment they place on the market is marked type, batch or serial number or any other element allowing their identification; where the size or nature of radio equipment does not allow it to ensure that the required information is provided on the packaging or in a document accompanying the radio equipment;

**k)**to indicate on radio equipment the name, trade name or registered trademark and mailing address at which they can be contacted; where the size or nature of radio equipment does not allow it, this information is provided on the packaging or in a document accompanying the radio equipment; the address specified by the manufacturer must indicate a single contact point and the contact details have to be in Romanian;

**l)**to ensure that the radio equipment is accompanied by user instructions and safety information referred to in art. 11, written in Romanian;

**m)**to ensure that each radio equipment is accompanied by a copy of the EU declaration of conformity or a simplified EU declaration of conformity, written in Romanian; the simplified EU declaration of conformity must contain the exact Internet address where you can obtain the full text of the EU declaration of conformity;

**n)**to mention on radio equipment packaging and in user instructions, the restrictions concerning its putting into service, geographic areas or regions where an authorization for radio spectrum usage is necessary, as the case may be;

**o)**to takeimmediately any necessary corrective action to bring the radio equipment into conformity, to withdraw and/or recall it, as appropriate, if they have evidence or information that a radio equipment which they have placed on the market does not comply with the provisions of this decision;

**p)**to informimmediately the market surveillance and radio equipment control authorities if the radio equipment which they have placed on the market poses a risk, giving details, in particular, on the non-compliance, on any corrective measures taken and on their outcome;

**q)**to provide, upon reasoned request received from the market surveillance and radio equipment control authorities and without exceeding the deadline they indicated, on paper or electronic format, all required information and documentation necessary to demonstrate the compliance of radio equipment with the provisions of this decision;

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

**Art. 12**

**(1)**A manufacturer may decide to appoint **an authorized representative** by a written mandate.

**(2)**Obligations laid down in art. 10 letter b) and d) are not part of the authorized representative’s mandate.

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

**a)**keeping the EU declaration of conformity and the technical documentation available to the market surveillance and radio equipment control authorities for 10 years after the radio equipment was placed on the market;

**b)**supplying, upon a reasoned request from the market surveillance and radio equipment control authorities, on paper or electronic format, with all information and documentation necessary to demonstrate the compliance of radio equipment;

**c)**cooperation with the market surveillance and radio equipment control authorities upon their request, on any action taken to eliminate the risks of radio equipment covered by the authorized representative's mandate obligations.

**Art. 13**

**IMPORTERS have the following obligations:**

**a)**to ensure that the radio equipment placed on the market is compliant with the provisions of this decision;

**b)**to ensure, before placing on the market of radio equipment that the appropriate conformity assessment procedure referred to in art. 18 and 19 was met by the manufacturer and that the radio equipment is constructed so that it can be used without violating the applicable requirements on the use of radio spectrum established by law;

**c)**to ensure that the manufacturer has drawn up the technical documentation, that the radio equipment bears the EC marking and meets the requirements of art. 21 that it is accompanied by the information and documents provided by art. 10 letter l) -n) and that the manufacturer has complied with the requirements of art. 10 letter j)-k);

**d)**not to place on the market the radio equipment in case they have evidence or information that it does not comply with the essential requirements set out in art. 3, before being brought into conformity, and, for safety reasons, to inform the manufacturer and the market surveillance and radio equipment control authorities;

**e)**to indicate on the radio equipment the name, trade name or the registered trademark and the mailing address at which they can be contacted or, if this is not possible, if the size of radio equipment does not allow it, or should open the packaging to fill in the name and address on the radio equipment, on the packaging or in a document accompanying the radio equipment; the contact details must be in Romanian;

**f)**to ensure that radio equipment accompanied by the user instructions and safety information referred to in art. 10 letter l) meets the requirements provisioned in art. 11;

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

**h)**to conduct, in order to protect the health and safety of end users, whenever this is justified by the risks of radio equipment, technical tests at random on the radio equipment made available on the market, investigate and, where appropriate, to keep a register of complaints on non-compliant radio equipment and their recalls;

**i)**to inform the distributors of any monitoring activities referred to at letter h);

**j)**to take immediately any necessary corrective action to bring the radio equipment into conformity, to withdraw and/or recall it, as appropriate, if they have evidence or information that a radio equipment which they have placed on the market does not comply with the provisions of this decision and immediately inform the market surveillance and radio equipment control authorities if the radio equipment poses a risk that can affect its operation or the operation of other radio equipment or for safety reasons, giving details, in particular, on the non-compliance and on any corrective measures taken;

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

**l)**to provide the market surveillance and radio equipment control authorities, upon their reasoned request and without exceeding a deadline, on paper or electronic format, all information and documentation necessary to demonstrate the compliance of radio equipment with the provisions of this decision;

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

**Art. 14**

**DISTRIBUTORS have the following obligations:**

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

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

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

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

**e)**to take immediately any necessary corrective action to bring the radio equipment into conformity, to withdraw and/or recall it, as appropriate, if they have evidence or information that a radio equipment which they made available on the market does not comply with the provisions of this decision and immediately inform the market surveillance and radio equipment control authorities of the member states where the radio equipment was made available on the market, if the radio equipment poses a risk that can affect its operation or the operation of other radio equipment or for safety reasons, giving details, in particular, on the non-compliance and on any corrective measures taken;

**f)**to provide the market surveillance and radio equipment control authorities, upon their reasoned request and without exceeding a deadline, on paper or electronic format, all information and documentation necessary to demonstrate the compliance of radio equipment with the provisions of this decision;

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

**Art. 15**

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

**Art. 16**

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

a) any economic operator who has supplied radio equipment;

b) any economic operator to whom they have supplied radio equipment.

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