

SAR Regulation Guide on 1st July 2020

Version: 1.0 of 18th March 2020

01. BACKGROUND	3
02. AMENDED ORDER OF 8 OCTOBER 2003 ON CONSUMER INFORMATION ON RADIO EQUIPMENT PURSUANT TO ARTICLE R. 20-11 OF THE FRENCH POST AND ELECTRONIC COMMUNICATIONS CODE	3
03. AMENDED ORDER OF 8 OCTOBER 2003 LAYING DOWN TECHNICAL SPECIFICATIONS APPLICABLE TO RADIO EQUIPMENT	4
04. AMENDED ORDER OF 12 OCTOBER 2010 ON THE DISPLAY OF THE SPECIFIC ABSORPTION RATE FOR RADIO EQUIPMENT	4
05. QUESTIONS / ANSWERS	4

01. Background

Article 4 of the "Abeille"¹ Act extended the obligation to display specific absorption rates (SAR) that previously only applied to mobile telephone equipment, to radio equipment which is subject to a measurement obligation. On this basis, the French Minister for Solidarity and Health and the Minister for the Economy and Finance jointly signed Decree no. 2019-1186 of 15 November 2019 relating to the display of the SAR for radio equipment, and the Order of 15 November 2019 relating to the display of the SAR for radio equipment and consumer information. The application date for the new provisions is **1st July 2020**.

On that date, the following will apply:

- The amended Order of 8 October 2003 on consumer information on radio equipment, issued in application of Article R. 20-11 of the French Post and Electronic Communications Code;
- Amended decree no. 2010-1207 of 12 October 2010 and order of 12 October 2010, relating to the display of the specific absorption rate for radio equipment;
- The amended order of 8 October 2003 laying down technical specifications applicable to radio equipment;

The operators concerned by these regulations are the manufacturers, importers and distributors of radio equipment.

02. Amended order of 8 October 2003 on consumer information on radio equipment pursuant to Article R. 20-11 of the French Post and Electronic Communications Code

All radio equipment **placed on the market** as from 1st July 2020 and of which the transmission power is higher than 20 mW and for which it is reasonably foreseeable that it will be used at a distance not exceeding 20 cm from the human head or body must comply with the provisions of the order.

¹ French n° 2015-136 Act of 9 February 2015 relating to the sobriety, transparency, information and consultation on exposure to electromagnetic waves amended article 184 of the n°2010-788 Act of 12 July 2010 on the national commitment to the environment

The SAR value(s) determined as part of the conformity assessment procedure, as well as the precautions for the use of the equipment mentioned in the appendix to the order, must feature in the operating instructions for each item of equipment.

Equipment **placed on the market before 1st July 2020** is therefore not covered by this new regulation.

03. Amended order of 8 October 2003 laying down technical specifications applicable to radio equipment

It concerns any radio equipment **put on sale from 1st July 2020** and of which the transmission power is greater than 20 mW and for which it is reasonably foreseeable that it will be used at a distance not exceeding 20 cm from the head or other parts of the human body (trunk and limbs).

Equipment **placed on the market before 1st July 2020** is therefore also affected by this new regulation.

04. Amended order of 12 October 2010 on the display of the specific absorption rate for radio equipment

It concerns any radio equipment **put on sale from 1st July 2020** of which the transmission power is greater than 20 mW and for which it is reasonably foreseeable that it will be used at a distance not exceeding 20 cm from the head or other parts of the human body (trunk and limbs). Advertising for these devices, published from 1st July 2020 onwards is also covered.

Equipment **placed on the market before 1st July 2020** is therefore covered by this new regulation.

05. Questions / Answers

Which equipment is covered by the provisions?

All equipment used close to the head, hand-held or carried close to the body is potentially covered.

A **non-exhaustive** list of equipment qualified as "*radio equipment of which the transmission power is greater than 20 mW for which it is reasonably foreseeable that it will be used at a distance not exceeding 20 cm from the head or other part of the human body*" is given below.

Two categories of radio equipment must be differentiated.

The first category includes all equipment for which the normal use is close to the body or head and for which the power of 20 mW will be exceeded, regardless of the model being considered:

- mobile phones;
- tablets equipped with a 3G or 4G/5G SIM card;
- connected watches that contain a mobile phone SIM card;
- 3G or 4G/5G pocket format routers;
- Maritime Portable VHF;
- laptops with a 3G or 4G/5G thumb drive;
- ...

The second category contains equipment for which the maximum authorised power of 20mW depends on the technical specifications of the device, and for which some models may not reach a power of 20mW. This includes the following devices:

- DECT standard cordless phones;
- walkie-talkies or equivalent devices (PMR);
- tablets operating using Wi-Fi or bluetooth;
- wireless microphones;
- radio controls used for drones or model making;
- connected motorcycle helmets;
- Wi-Fi laptops;
- ...

Technological evolutions in connected objects may lead to the extension of this second category to the following equipment:

- radio frequency belts;
- connected glasses ("smart glasses");
- wireless headphones or headsets;
- portable safety sensors (distance sensors);
- virtual reality headsets;

- connected watches;
- ...

Connected equipment that may be in brief contact with a part of the human body but which is not intended to be used on the head, hand-held or worn at less than 20 cm from the human body (connected washing machine, wifi router, connected TV, etc.) are not covered by this new regulation.

How can distributors obtain the SAR values for the devices?

Distributors must display the SAR values provided by the manufacturers of each appliance put on sale from 1st July 2020 at the point of sale or distribution.

For equipment put on the market from 1st July 2020, the information must be available in the **operating instructions** for each item of equipment.

For equipment put on the market before 1st July 2020, manufacturers will be in charge of providing the SAR value for the head, trunk or limbs accordingly to distributors by any means (website, email, etc.) for display at the point of sale or distribution free of charge to the final consumer and in all advertising.

In particular, distributors will be able to contact manufacturers at the contact address indicated on each item of equipment.

Who checks what?

The National Frequency Agency (ANFR) checks compliance with the regulations laid down by the order of 8 October 2003 on consumer information on radio equipment and the order of 8 October 2003 laying down technical specifications applicable to radio equipment.

The French Competition, Consumer Affairs and Fraud Control Department (DGCCRF) monitors compliance with the regulations set out in the order of 12 October 2010 relating to the display of the SAR for radio equipment.

When is something put on the market?

A product is put on the market **when it is first made available on the European Union market**². This operation is reserved either for manufacturers or for importers, so that manufacturers and importers are the only economic operators authorised to put products on the market³. **When a manufacturer or importer first supplies a product to a distributor or end-user**, the operation is always referred to as "putting on the market".

Any subsequent supply, for example from one distributor to another or from a distributor to an end-user, is defined as **making available on the market**⁴.

Radio products made available on the market must comply with the so-called "RED" Directive 2014/53/EU when they are put on the market.

What sanctions are applicable by the ANFR?

Following formal notice by the ANFR and in the absence of a response at the expiry of the deadline or if the measures taken do not demonstrate compliance of the equipment or in the light of new checks on the equipment, the ANFR may:

- Adopt appropriate interim measures to obtain the withdrawal of non-compliant equipment from the market and its recall⁵;
- Inform the European Commission services, as well as the authorities of the other European Union Member States⁶;
- Initiate administrative sanction proceedings and impose an administrative fine of up to €7,500. This decision may be published at the expense of the sanctioned person⁷;
- Refer the matter to the Public Prosecutor, which will expose the economic operator to the pronouncement of a 5th class fine (€ 1500), per non-conforming item of equipment, in application of 1° of II of article R. 20-25 of the French Post and Electronic Communications Code (CPCE);
- Refer the matter to the Minister for electronic communications, who may issue an order restricting freedom of movement, prohibiting the placing on the

² Section 6 of Article R. 9 of the CPCE: "*Putting on the market*" means making radio equipment available on the European Union market, including by importing it. "

³ It should be noted that distributors who supply products under their own name or brand name are considered to be manufacturers and, as such, must comply with all the resulting duties.

⁴ Section 5 of Article R. 9 of the CPCE: "*Making available on the market*" means any supply of radio equipment intended for distribution, consumption or use on the European Union market in the context of commercial activity, whether in return for payment or free of charge. "

⁵ V of article R. 20-21 of the CPCE.

⁶ *Ibid.*

⁷ *Ilbis* of Article L. 43 of the CPCE.

market or commissioning of the equipment or withdrawing it from the market or from service⁸;

- Charge the economic operator the cost of the checks⁹.

What can the DGCCRF do?

In the event of non-compliance with the provisions of decree No. 2010-1207 of 12 October 2010 and the order of 12 October 2010, CCRF investigators may:

- after an adversarial procedure, require professionals to comply with their duties¹⁰;
- record the offence and refer it to the Public Prosecutor. Offences are punishable by the fine provided for 5th class offences¹¹.

These actions can be taken simultaneously.

What are the points of contact?

Agence Nationale des Fréquences

4 Rue Alphonse Matter B.P 8314
F-88108 Saint Dié Des Vosges Cedex
Phone: +33 3 29 42 20 31
e-mail: sma@anfr.fr– www.anfr.fr

Direction générale de la concurrence, de la consommation et de la répression des fraudes

59 boulevard Vincent Auriol
F-75703 Paris Cédex 13
Phone: +33 1 44 97 31 17
e-mail: Bureau-5A@dgccrf.finances.gouv.fr - www.economie.gouv.fr/dgccrf

⁸ I of article R. 20-21 of the CPCE.

⁹ Article R. 20-20 of the CPCE.

¹⁰ Article L. 521-1 of the French Consumer Code.

¹¹ Article R. 451-1 of the French Consumer Code.