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## **Ordinance on Telecommunications Installations (FAV)**

of 25 November 2015 (Status as of 16 July 2021)

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*The Swiss Federal Council,*

on the basis of Articles 21a paragraph 2, 22 paragraph 5, 31 paragraph 1, 32, 32a, 33 paragraph 2, 34 paragraph 1<sup>ter</sup>, 59 paragraph 3, 62 and 64 paragraph 2 of the Telecommunications Act of 30 April 1997<sup>1</sup> (TCA), and in implementation of the Federal Act of 6 October 1995<sup>2</sup> on Technical Barriers to Trade (TBTA),<sup>3</sup>

*ordains:*

### **Chapter 1    General Provisions**

#### **Art. 1            Subject matter**

This Ordinance regulates:

- a. the offering, making available on the market, putting into service, installation and operation of telecommunications installations as defined in Article 3 letter d TCA;
- b. the recognition of testing laboratories and conformity assessment bodies;
- c. the inspection of telecommunications installations.

#### **Art. 2            Definitions**

<sup>1</sup> In this Ordinance:

- a. *radio equipment* means an electrical or electronic product that intentionally sends or receives information in the form of radio waves, or an electrical or electronic product that requires an accessory, such as an antenna, so as to be able to intentionally send or receive information in the form of radio waves;

AS 2016 179

<sup>1</sup> SR 784.10

<sup>2</sup> SR 946.51

<sup>3</sup> Amended by No I of the O of 18 Nov. 2020, in force since 1 Jan. 2021 (AS 2020 6213).

- b. *line-connected equipment* means any electrical or electronic products that are intended to transmit information by wire or that are used for this purpose;
- c. *telecommunications terminal equipment* means any equipment that is intended to be connected directly or indirectly by any means to interfaces of telecommunications networks used wholly or in part to provide telecommunications services (Art. 3 let. b TCA);
- d. *interface*:
  - 1. means a termination point of a telecommunications network used wholly or partly for the provision of telecommunications services, i.e. a physical connection point by which users obtain access to such a network (telecommunications network interface used wholly or partly for the provision of telecommunications services), as well as its technical specifications, or
  - 2. an interface specifying the radio path between radiocommunications equipment (air interface), as well as its technical specifications;
- e. *offering* means any conduct aimed at making telecommunications installations available on the market whether by exhibition on premises or at events, display in advertising brochures, catalogues, electronic media or in any other way;
- f. *making available on the market* means any supply of telecommunications installations for distribution, consumption or use on the Swiss market in return for payment or free of charge;
- g. *placing on the market* means the first time that radio equipment is made available on the Swiss market;
- h. *putting into service* means the initial installation and operation of a telecommunications installation, irrespective of whether the transmission or reception of information is performed successfully;
- i. *installation* means making telecommunications installations ready for operation;
- j. *operation* means the use of telecommunications installations irrespective of whether the transmission or reception of information is performed successfully;
- k. *interference* means the effect on the reception of a radio system caused by undesirable energy as a result of emission, radiation or induction that is noticeable because of a deterioration in the transmission quality, distortion or loss of information that would have been available in the absence of this undesirable energy;
- l. *manufacturer* means any natural person or legal entity that manufactures a telecommunications installation or has a telecommunications installation designed or manufactured, and markets that equipment under its name or trade mark;

- m. *authorised representative* means any natural person or legal entity established in Switzerland that has received a written mandate from a manufacturer to act on its behalf in relation to specified tasks;
- n. *importer* means any natural person or legal entity established in Switzerland that places a telecommunications installation from a third country on the Swiss market;
- o. *distributor* means any natural person or legal entity in the supply chain, other than the manufacturer or the importer, who makes a telecommunications installation available on the market;
- o<sup>bis</sup>.<sup>4</sup> *fulfilment-service provider* means any natural person or legal entity that, in the course of a business activity, offers any two of the following services: warehousing, packaging, addressing and shipping of products, without being the owner of such products; not included are postal services under Article 2 letter a of the Postal Services Act of 17 December 2010<sup>5</sup> and any other services involving the movement of goods
- p.<sup>6</sup> *economic operator*: means any manufacturer, authorised representative, importer, distributor, fulfilment service provider or any other natural person or legal entity that is subject to obligations connected with manufacturing products, making products available on the market or putting products into service;
- p<sup>bis</sup>.<sup>7</sup> *information society service provider* means any natural person or legal entity that offers an information society service, i.e. any service normally provided for a consideration, at a distance, electronically and at the individual request of a recipient;
- p. *economic operators* means the manufacturer, the authorised representative, the importer and the distributor;
- q. *conformity marking* means a marking by which the manufacturer indicates that the telecommunications installation is in conformity with the essential requirements set out in Swiss legislation providing for its affixing.

<sup>2</sup> The import of a telecommunications installation for the Swiss market is equivalent to placing it on the market.

<sup>3</sup> Offering a telecommunications installation is equivalent to making it available on the market.

<sup>4</sup> A component or a sub-assembly intended for integration by the user into a telecommunications installation and able to affect the conformity of the installation with the essential requirements of this Ordinance (Art. 7) is regarded as a telecommunications installation.

<sup>5</sup> Telecommunications installation assembly kits are regarded as equivalent to telecommunications installations.

<sup>4</sup> Inserted by No I of the O of 18 Nov. 2020, in force since 16 July 2021 (AS 2020 6213).

<sup>5</sup> SR 783.0

<sup>6</sup> Amended by No I of the O of 18 Nov. 2020, in force since 16 July 2021 (AS 2020 6213).

<sup>7</sup> Inserted by No I of the O of 18 Nov. 2020, in force since 16 July 2021 (AS 2020 6213).

<sup>6</sup> Occupying one or more frequencies to block or interfere with telecommunications or broadcasting is deemed equivalent to transmitting information.

<sup>7</sup> The placing on the market of a second-hand, imported telecommunications installation is equivalent to the placing on the market of a new installation, provided no new, identical telecommunications installation is placed on the Swiss market.

<sup>8</sup> An importer or a distributor is equivalent to a manufacturer if it:

- a. places a telecommunications installation on the market under its name or its own trade mark; or
- b. modifies an installation already placed on the market in such a way that compliance with this Ordinance may be affected.

<sup>9</sup> The repair of a telecommunications installation is equivalent to its operation.

### **Art. 3** Interfaces

<sup>1</sup> The Federal Office of Communications (OFCOM) shall determine the technical regulations applicable to interfaces and publishes the list thereof in the Official Compilation of Federal Legislation by reference<sup>8</sup>.

<sup>2</sup> It shall determine the location of interfaces, taking international practice into account.

### **Art. 4** Technical standards

<sup>1</sup> OFCOM may draw up technical standards or instruct independent Swiss standards organisations to do so.

<sup>2</sup> It shall publish the technical standards referred to in Article 31 paragraph 2 letter a TCA in the Official Federal Gazette by reference<sup>9</sup>.

### **Art. 5** Classes of radio equipment

<sup>1</sup> Taking international practice into account, OFCOM shall determine the class of radio equipment and the equipment belonging to them; it shall draw up a list thereof<sup>10</sup>.

<sup>2</sup> A class includes categories of radio equipment considered to be similar and the radio interfaces for which this equipment is intended. Equipment may belong to more than one equipment class.

<sup>8</sup> These regulations may be inspected at or obtained for a fee from the Federal Office of Communication, Zukunftstrasse 44, PO Box, 2501 Biel or at the internet address [www.bakom.ch](http://www.bakom.ch).

<sup>9</sup> The standards may be inspected at or obtained for a fee from the Swiss Association for Standardization, Sulzerallee 70, 8400 Winterthur, [www.snv.ch](http://www.snv.ch), or the Swiss Telecommunications Association, ASUT, Klösterlistutz 8, 3013 Bern.

<sup>10</sup> This list may be inspected at or obtained for a fee from the Federal Office of Communication, Zukunftstrasse 44, PO Box, 2501 Biel or at the internet address [www.bakom.ch](http://www.bakom.ch).

## **Chapter 2 Making New Radio Equipment available on the Market**

### **Section 1 Conformity**

#### **Art. 6** Requirements for the making available on the market

<sup>1</sup> Radio equipment may be made available on the market only if, when properly installed and maintained and used for its intended purpose, it complies with the essential requirements set out in this Ordinance.

<sup>2</sup> In derogation from paragraph 1, making radio equipment that is intended to be operated by authorities to safeguard public security available on the market is governed by Articles 26 and 27, unless other equipment that complies with the other regulations of this Ordinance and fulfils the same purpose is available on the market.

#### **Art. 7** Essential requirements

<sup>1</sup> Radio equipment must be constructed so as to ensure:

- a. the protection of the health and safety of persons and domestic animals and the protection of property, including the objectives with respect to safety requirements set out in the Ordinance of 25 November 2015<sup>11</sup> on Low Voltage Electrical Equipment (LVEO), but with no voltage limit applying;
- b. an adequate level of electromagnetic compatibility as set out in the Ordinance of 25 November 2015<sup>12</sup> on Electromagnetic Compatibility (OEMC).

<sup>2</sup> Radio equipment shall be constructed so that it both effectively uses and supports the efficient use of radio spectrum in order to avoid harmful interference.

<sup>3</sup> OFCOM shall indicate the additional essential requirements that apply, and the relevant radio equipment or equipment classes taking account of the corresponding delegated legislation of the European Commission. The additional requirements are as follows:

- a. the equipment must interwork with certain accessories, in particular with common chargers;
- b. the equipment must interwork via networks with other radio equipment;
- c. the equipment can be connected to interfaces of the appropriate type throughout Switzerland;
- d. the equipment must not harm the network or its functioning nor misuse network resources, thereby causing an unacceptable degradation of service;
- e. the equipment must incorporate safeguards to ensure that the personal data and privacy of the user and of the subscriber are protected;
- f. the equipment must support certain features ensuring protection from fraud;
- g. the equipment must support certain features ensuring access to emergency services;

<sup>11</sup> SR 734.26

<sup>12</sup> SR 734.5

- h. the equipment must support certain features in order to facilitate its use by users with a disability;
- i. the equipment must support certain features in order to ensure that software can only be loaded into the radio equipment where the compliance of the combination of the radio equipment and software has been demonstrated.

**Art. 8** Meeting the essential requirements

<sup>1</sup> Radio equipment manufactured in accordance with the technical standards referred to in Article 31 paragraph 2 letter a TCA is presumed to meet the essential requirements with regard to those aspects governed by that provision.

<sup>2</sup> If a designated technical provision is modified, OFCOM shall give notice in the Federal Gazette of the point in time from which the presumption of the conformity of radio equipment with the previous version ceases to apply.<sup>13</sup>

**Art. 9** Meeting the requirements for use of the frequency spectrum

Radio equipment may only be made available on the market if it meets the requirements for using the frequency spectrum of at least one of the technical regulations for radio interfaces determined by OFCOM in accordance with Article 3 paragraph 1.

**Art. 10** Duty to provide information on the compliance of combinations of radio equipment and software

<sup>1</sup> Manufacturers of radio equipment and of software allowing radio equipment to be used as intended shall provide OFCOM with information on the compliance of intended combinations of radio equipment and software with the essential requirements set out in this Ordinance.

<sup>2</sup> Such information shall result from a conformity assessment carried out in accordance with Articles 12 and 13 and shall be continuously updated.

<sup>3</sup> OFCOM shall determine taking international practice into account the categories or classes of radio equipment that are subject to the requirements of paragraph 1, and shall issue the required administrative regulations.

**Art. 11<sup>14</sup>** Registration of radio equipment

<sup>1</sup> OFCOM shall determine taking international practice into account the categories of radio equipment that display a low level of conformity with the basic requirements of this Ordinance.

<sup>2</sup> Manufacturers must register radio equipment that belongs to the categories mentioned in paragraph 1 with OFCOM before the radio equipment may be placed on the market.

<sup>13</sup> Amended by No I of the O of 18 Nov. 2020, in force since 1 Jan. 2021 (AS 2020 6213).

<sup>14</sup> In force since 12 June 2018 (see Art. 45 para. 2).

<sup>3</sup> OFCOM shall issue each item of radio equipment with a registration number. Manufacturers must display this number on the equipment placed on the market.

<sup>4</sup> OFCOM shall issue the required technical and administrative regulations, taking international practice into account.

## **Section 2    Conformity Assessment**

### **Art. 12        Principles**

<sup>1</sup> The manufacturer shall perform a conformity assessment of the radio equipment with a view to meeting the essential requirements set out in this Ordinance. The conformity assessment shall take account of all intended operating conditions and, for the essential requirement set out in Article 7 paragraph 1 letter a, the assessment shall also take account of the reasonably foreseeable conditions. Where the radio equipment is capable of taking different configurations, the conformity assessment shall confirm whether the radio equipment meets the essential requirements set out in Article 3 in all possible configurations.

<sup>2</sup> Where the radio equipment is capable of taking different configurations, the conformity assessment shall confirm whether the radio equipment meets the essential requirements set out in this Ordinance in all possible configurations.

### **Art. 13        Applicable procedure**

<sup>1</sup> Manufacturers must demonstrate the compliance of radio equipment with the essential requirements set out in Article 7 paragraph 1 by using any of the following conformity assessment procedures:

- a. an internal production control (Annex 2);
- b. a type examination that is followed by the conformity to type based on internal production control (Annex 3);
- c. conformity based on full quality assurance (Annex 4).

<sup>2</sup> Where, in assessing the compliance of radio equipment with the essential requirements set out in Article 7 paragraphs 2 and 3, the manufacturer has applied the standards determined by OFCOM, it shall, at its discretion, use one of the procedures set out in paragraph 1 letters a–c (Annexes 2–4).

<sup>3</sup> Where, in assessing the compliance of radio equipment with the essential requirements set out in Article 7 paragraphs 2 and 3, the manufacturer has not applied or has applied only in part the standards determined by OFCOM, or where such standards do not exist, the radio equipment shall be submitted with regard to those essential requirements to any one of the procedures set out in paragraph 1 letter b (Annex 3) or letter c (Annex 4).

**Art. 14** Technical documentation

<sup>1</sup> The manufacturer shall establish the technical documentation before placing the radio equipment on the market and shall keep it continuously updated. The technical documentation must:

- a. make it possible to assess the radio equipment's conformity with the applicable requirements of this Ordinance;
- b. demonstrate the conformity the radio equipment with the aforementioned requirements.

<sup>2</sup> The documentation shall list the applicable requirements and cover, as far as relevant for the assessment, the design, manufacture and the operation of the radio equipment.

<sup>3</sup> The technical documentation must include an adequate analysis and assessment of the risks.<sup>15</sup>

<sup>4</sup> The technical documentation must, wherever applicable, contain at least the following elements:

- a. a general description of the radio equipment comprising:
  1. photographs or illustrations showing external features, markings and internal layout,
  2. versions of software or firmware affecting compliance with essential requirements,
  3. user information and installation instructions;
- b. conceptual design and manufacturing drawings and schemes of components, sub-assemblies, circuits and other relevant similar elements;
- c. descriptions and explanations necessary for the understanding of those drawings and schemes and the operation of the radio equipment;
- d. a list of the technical standards in accordance with Article 31 paragraph 2 letter a TCA applied in full or in part, and, where those standards have not been applied, descriptions of the solutions adopted to meet the essential requirements set out in this Ordinance, including a list of other relevant technical specifications applied. In the event of partly applied standards in accordance with Article 31 paragraph 2 letter a TCA, the technical documentation shall specify the parts which have been applied;
- e. a copy the declaration of conformity in accordance with Annex 5;
- f. where the conformity assessment module in Annex 3 has been applied, a copy of the type examination certificate and its annexes as delivered by the conformity assessment body concerned;
- g. results of design calculations made, examinations carried out, and other relevant similar elements;
- h. the test reports;

<sup>15</sup> Amended by No 1 of the O of 18 Nov. 2020, in force since 1 Jan. 2021 (AS 2020 6213).



- i. an explanation of the compliance with the requirement of Article 9 and of the inclusion or not of information on the packaging in accordance with Article 19.

<sup>5</sup> Where the technical documentation is not formulated in an official Swiss language or in English, OFCOM may require a full or partial translation into one of those languages.

#### **Art. 15** Declaration of conformity

<sup>1</sup> Any radio equipment that is made available on the market must at the manufacturer's option carry a declaration of conformity with the essential requirements in its full form in accordance with Annex 5 or in its simplified form in accordance with Annex 6.

<sup>2</sup> The declaration of conformity must be issued by the manufacturer or by its authorised representative in accordance with the templates in Annex 5 and 6. It confirms that compliance with the essential requirements has been demonstrated, and shall be continuously updated.

<sup>3</sup> The declaration of conformity must be formulated in one of the official Swiss languages or in English or translated into one of those languages.

<sup>4</sup> Where the radio equipment is subject to more than one set of regulations that requires a declaration of conformity, only one declaration need be issued. A file containing two or more individual declarations is equivalent to a single declaration.

#### **Art. 16** Retaining the declaration of conformity and technical documentation

<sup>1</sup> The manufacturer, its authorised representative, or, if neither is established in Switzerland, the importer must be able to present a copy of the declaration of conformity and the technical documentation for 10 years after the radio equipment has been placed on the market.

<sup>2</sup> Where a series of radio equipment is placed on the market, this period begins on the date when the last equipment in the series concerned was placed on the market.

<sup>3</sup> The fulfilment service provider is subject to the obligation in paragraph 1 if:

- a. the manufacturer and its authorised representative is not established in Switzerland; and
- b. the importer imports the equipment for its own personal use.<sup>16</sup>

#### **Art. 17** Testing laboratories and conformity assessment bodies

<sup>1</sup> The testing laboratories and conformity assessment bodies that draw up reports or issue certificates must:

- a. be accredited under the Accreditation and Designation Ordinance of 17 June 1996<sup>17</sup> (AccDO);

<sup>16</sup> Inserted by No I of the O of 18 Nov. 2020, in force since 16 July 2021 (AS 2020 6213).

<sup>17</sup> SR 946.512

- b. be recognised in Switzerland by virtue of an international agreement; or
- c. be otherwise authorised under Swiss law.

<sup>2</sup> Any person acting on the basis of documents issued by a body other than those referred to in paragraph 1 must credibly show that the test or assessment procedure and the qualifications of that body fulfil the Swiss requirements (Art. 18 para. 2 TBTA).

<sup>3</sup> In addition to their obligations set out in the AccDO, the conformity assessment bodies must:

- a. participate in the regulatory activities in the area of radio equipment and frequency planning;
- b. fulfil their duties to provide information set out in Annexes 3 and 4.

<sup>4</sup> OFCOM shall issue the required administrative regulations on the obligations referred to in paragraph 3 letter a taking international practice into account.

### **Section 3 Providing Information**

#### **Art. 18 Conformity marking, information for identification and traceability**

<sup>1</sup> All radio equipment must bear the conformity marking in accordance with Annex 1 number 1 or the foreign conformity marking in accordance with Annex 1 number 2.

<sup>2</sup> The conformity marking must be affixed visibly, legibly and indelibly to the radio equipment or to its data plate, unless that is not possible or not warranted on account of the nature of radio equipment. The CE marking shall also be affixed visibly and legibly to the packaging.

<sup>3</sup> All radio equipment must if applicable bear the identification number of the conformity assessment body. This number must be of the same height as the conformity marking.

<sup>4</sup> All radio equipment must bear a type, batch or serial number or other element allowing its identification. Where the size or nature of the radio equipment makes this impossible, the required information must be provided on the packaging, or in a document accompanying the radio equipment.

<sup>5</sup> All radio equipment must bear the name, registered trade name or registered trademark of the manufacturer and the postal address at which it can be contacted. Where this is not possible, this information must be provided on its packaging, or in a document accompanying the radio equipment. The address must indicate a single point at which the manufacturer can be contacted. The contact details must be in a language easily understood by end-users.

<sup>6</sup> If the manufacturer is not based in Switzerland, the radio equipment must also bear the names, registered trade name or the registered trademark of the importer and the postal address at which it can be contacted. Where this is not possible, this information must be provided on its packaging, or in a document accompanying the radio

equipment. The contact details must be in a language easily understood by end-users.

<sup>6bis</sup> If the manufacturer and its authorised representative are not based in Switzerland and the importer imports the equipment for its own personal use, each item of equipment must also indicate the name, registered trade name or registered trademark of the fulfilment service provider and the postal address at which it may be contacted. If this is impossible, this information must be provided on the packaging or in a document accompanying the equipment. The contact details must be in a language easily understood by end users.<sup>18</sup>

<sup>7</sup> OFCOM shall issue the required administrative regulations.

#### **Art. 19** Further information

<sup>1</sup> All radio equipment must be accompanied by instructions and safety information. Instructions shall include the information required to use radio equipment in accordance with its intended use. Such information shall include, where applicable, a description of accessories and components, including software, which allow the radio equipment to operate as intended.

<sup>2</sup> The following information shall also be included in the case of radio transmitters:

- a. the frequency bands in which the radio equipment operates;
- b. the maximum radio-frequency power transmitted in the frequency bands in which the radio equipment operates;
- c. if applicable, the operational restrictions, and in particular any obligation to obtain an operating licence.

<sup>3</sup> The information referred to in paragraph 2 letter c must also be affixed to the packaging.

<sup>4</sup> Any offer of radio equipment for which no physical specimen is available, in particular offers on the internet or in brochures, must make clear reference to any restrictions on operation that apply to the equipment.

<sup>5</sup> The information must be formulated in the official language of the point of sale in a manner that is easy for users to understand. In bilingual locations it must be formulated in both official languages.

<sup>6</sup> OFCOM shall issue the required administrative regulations taking international practice into account.

#### **Art. 20** Restrictions

Where a radio receiver may be used to listen to both public and non-public radio broadcasts within the meaning of Article 179<sup>bis</sup> of the Criminal Code<sup>19</sup>, reference may only be made to listening to public radio broadcasts in the accompanying information.

<sup>18</sup> Inserted by No I of the O of 18 Nov. 2020, in force since 16 July 2021 (AS 2020 6213).

<sup>19</sup> SR 311.0

## Section 4 General Obligations of Economic Operators

### Art. 21 Identification obligations

<sup>1</sup> Economic operators shall, on request, identify the following to OFCOM:

- a. any economic operator which has supplied them with radio equipment;
- b. any economic operator to which they have supplied radio equipment.<sup>20</sup>

<sup>2</sup> Economic operators must be able to produce the information referred to in the first paragraph for 10 years from the time of being supplied with or supplying the radio equipment.

### Art. 22 Transport and storage obligations

Importers and distributors shall ensure that, while radio equipment is under their responsibility, its storage or transport conditions do not jeopardise its compliance with the essential requirements set out in Ordinance.

### Art. 23 Obligations to take action

<sup>1</sup> When deemed appropriate with regard to the risks presented by radio equipment, manufacturers and importers shall, to protect the health and safety of end-users, carry out sample testing of radio equipment made available on the market, investigate, and, if necessary, keep a register of complaints of non-conforming radio equipment and radio equipment recalls, and shall keep distributors informed of any such monitoring.

<sup>2</sup> Manufacturers and importers that consider or have reason to believe that radio equipment which they have placed on the market is not in conformity with this Ordinance shall immediately take the corrective measures necessary to bring that radio equipment into conformity, to withdraw it or recall it, if appropriate.

<sup>3</sup> Distributors that consider or have reason to believe that radio equipment which they have made available on the market is not in conformity with this Ordinance shall make sure that the corrective measures necessary to bring that radio equipment into conformity, to withdraw it or recall it, if appropriate, are taken.

<sup>4</sup> Furthermore, where the radio equipment presents a risk, the manufacturers, authorised representatives, importers and distributors shall immediately inform OFCOM, giving details, in particular, of the non-compliance, of any corrective measures taken.<sup>21</sup>

<sup>5</sup> Where the radio equipment presents a risk, the fulfilment service providers must also immediately notify OFCOM to that effect, giving details, in particular, of the non-compliance and of any corrective measures taken, unless the manufacturer or its authorised representative is based in Switzerland and the importer has imported the equipment for its own personal use.<sup>22</sup>

<sup>20</sup> Amended by No I of the O of 18 Nov. 2020, in force since 1 Jan. 2021 (AS 2020 6213).

<sup>21</sup> Amended by No I of the O of 18 Nov. 2020, in force since 16 July 2021 (AS 2020 6213).

<sup>22</sup> Inserted by No I of the O of 18 Nov. 2020, in force since 16 July 2021 (AS 2020 6213).

**Art. 24** Obligations to cooperate

<sup>1</sup> Economic operators shall, further to a reasoned request from OFCOM, provide it with all the information and documentation necessary to demonstrate the conformity of the radio equipment with this Ordinance.

<sup>2</sup> The information and documents must be provided in paper or electronic form and in a language that OFCOM can easily understand.

<sup>3</sup> The economic operators und information society service providers shall cooperate with OFCOM, at its request, on any action taken to eliminate the risks posed by radio equipment which they have placed on the market. This obligation also applies to the authorised representative for the radio equipment covered by the mandate.<sup>23</sup>

**Chapter 3 Exemptions****Art. 25**

<sup>1</sup> The following are exempted from the provisions in Chapter 2:

- a.<sup>24</sup> radio equipment that is installed and operated exclusively on frequencies allocated to the military for military, civil defence or other purposes involving exceptional situations, unless it is installed and operated in a common radio network with other bodies;
- b. radio equipment that is installed and operated solely for technical tests by virtue of a radiocommunications licence granted for that purpose;
- c. radio equipment that is installed and operated on frequencies of over 3000 GHz;
- d. radio equipment for radio amateurs that is not made available on the market;
- e. kits (Art. 2 para. 5) to be assembled by radio amateurs, regardless of whether they are made available on the market or not;
- f.<sup>25</sup> radio equipment made available on the market for radio amateurs which has been modified by an authorised radio amateur for his or her own use in accordance with Article 44 paragraph 1 letters a and b of the Ordinance of 18 November 2020<sup>26</sup> on Using the Radio Frequency Spectrum (RFSO);
- g. radio equipment installed temporarily and operated by persons with foreign domicile or registered office for a period of no more than three months:
  1. when its installation and operation are authorised by the State in question, and
  2. when its power and frequencies comply with the technical standards fixed by OFCOM;

<sup>23</sup> Amended by No I of the O of 18 Nov. 2020, in force since 16 July 2021 (AS **2020** 6213).

<sup>24</sup> Amended by No I of the O of 18 Nov. 2020, in force since 1 Jan. 2021 (AS **2020** 6213).

<sup>25</sup> Amended by No I of the O of 18 Nov. 2020, in force since 1 Jan. 2021 (AS **2020** 6213).

<sup>26</sup> SR **784.102.1**

- h.<sup>27</sup> radio-telephony or radio-navigation equipment which is installed and operated solely and permanently in manned aircraft for the purpose of coordinating air traffic and for the safe navigation of aircraft and which is recognised for that purpose by the Federal Office of Civil Aviation; the latter shall inform OFCOM of the recognised equipment;
- h<sup>bis</sup>.<sup>28</sup> radio equipment installed in unmanned aircraft, the design of which is certified in accordance with Article 56 paragraph 1 of Regulation (EU) 2018/1139<sup>29</sup> and which is intended to operate only on frequencies allocated by the Radio Regulations of 17 November 1995<sup>30</sup> for protected aeronautical use;
- i. custom-built evaluation kits destined for professionals to be used solely at research and development facilities for such purposes;
- j. transmitters for measurement or testing, either intended to detect and diagnose problems on the putting into service, installation and operation of telecommunications installations or to establish their characteristics and verify their satisfactory operation, and installed and operated by persons specialised in telecommunications;
- k. radio receivers for measurement or testing, either intended to detect and diagnose problems on the putting into service, installation and operation of telecommunications installations or to establish their characteristics and verify their satisfactory operation.

<sup>2</sup> Radio equipment falling within the scope of Chapter 3 of this Ordinance is subject to the LVEO<sup>31</sup> and the OEMC<sup>32</sup> in relation to the requirements for making it available on the market. Articles 36–40 of this Ordinance are reserved.

<sup>3</sup> The radio equipment referred to in paragraph 1 letters b and g may not be made available on the market.

<sup>27</sup> Amended by No 1 of the O of 18 Nov. 2020, in force since 1 Jan. 2021 (AS **2020** 6213).

<sup>28</sup> Inserted by No 1 of the O of 18 Nov. 2020, in force since 1 Jan. 2021 (AS **2020** 6213).

<sup>29</sup> Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and on establishing a European Union Aviation Safety Agency and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealed Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91, amended by OJ. L 212 of 22.8.2018, p. 1.

<sup>30</sup> SR **0.784.403.1**

<sup>31</sup> SR **734.26**

<sup>32</sup> SR **734.5**

## Chapter 4 Special Provisions

### Section 1

#### Radio Equipment operated by Authorities to safeguard Public Security

##### Art. 26 Authorisation of equipment

<sup>1</sup> Subject to Article 6 paragraph 2, radio equipment that is intended to be operated by the authorities in order to safeguard public security may only be made available on the market if it has been authorised by OFCOM. The authorisation from OFCOM applies to any equipment of the same type.<sup>33</sup>

<sup>2</sup> The equipment referred to in paragraph 1 must meet the essential requirements of Article 7 paragraph 1 letter a.

<sup>3</sup> The equipment referred to in paragraph 1 must also meet certain requirements in relation to the use of frequencies in accordance with Article 7 paragraph 2 and Article 9 and electromagnetic compatibility in accordance with Article 7 paragraph 1 letter b.<sup>34</sup>

<sup>4</sup> Authorised equipment must be marked in accordance with Article 18 paragraph 4 and bear the authorisation number issued by OFCOM. The required information on intended use must be enclosed.

<sup>5</sup> OFCOM shall issue the required technical and administrative regulations.

##### Art. 27 Authorisation for making available on the market

<sup>1</sup> Any person wishing to make radio equipment in accordance with Article 26 paragraph available on the market must first obtain authorisation from OFCOM. OFCOM may make authorisation subject to terms and conditions. It shall issue the required administrative regulations.

<sup>2</sup> In the event of any failure to comply with the terms and conditions of authorisation, OFCOM may revoke the authorisation without compensation.

<sup>3</sup> OFCOM shall provide the authorities under paragraph 4 with a list of persons who have received authorisation, and a list of equipment authorised in accordance with Article 26 paragraph 1.

<sup>4</sup> The radio equipment referred to in Article 26 paragraph 1 may only be offered or made available on the market to:

- a. the police, the prosecution or prison and probation authorities;
- b. the Federal Intelligence Service;
- c. the Armed Forces;
- d. authorities responsible for conducting searches for missing persons and for convicted persons.<sup>35</sup>

<sup>33</sup> Amended by No I of the O of 18 Nov. 2020, in force since 1 Jan. 2021 (AS 2020 6213).

<sup>34</sup> Amended by No I of the O of 18 Nov. 2020, in force since 1 Jan. 2021 (AS 2020 6213).

<sup>35</sup> Amended by No I of the O of 18 Nov. 2020, in force since 1 Jan. 2021 (AS 2020 6213).

**Art. 27a<sup>36</sup>** Demonstration

<sup>1</sup> Any person wishing to install or operate for demonstration purposes radio equipment not authorised by OFCOM that is intended to be operated by authorities to safeguard public security requires authorisation from OFCOM.

<sup>2</sup> OFCOM shall grant authorisation provided the demonstration does not unduly disrupt current or future regular operations in the frequency range used.

<sup>3</sup> The demonstration is only permitted within the framework specified by OFCOM. OFCOM shall in particular specify the duration and location of the demonstration and the frequency bands permitted for the broadcasts. Broadcasts made outside these bands must be as low as possible.

**Art. 28<sup>37</sup>** Restriction on operations

The radio equipment referred to in Article 26 paragraph 1 may only be operated by the authorities referred to in Article 27 paragraph 4 and subject to the conditions set out in Articles 53–59 RFSO<sup>38</sup>.

**Section 2 Exhibition and Demonstration****Art. 29**

<sup>1</sup> Any person exhibiting radio equipment that does not fulfil the conditions required for making it available on the market must clearly indicate that the equipment is not in conformity with the regulations and that it may not be made available on the market or put into service.

<sup>2</sup> Any person who wishes to install and operate for demonstration purposes radio equipment that does not meet the requirements for being made available on the market must obtain the required licence (Art. 30 RFSO<sup>39</sup>).<sup>40</sup>

<sup>3</sup> Articles 22 LVEO<sup>41</sup> and 22 OEMC<sup>42</sup> are reserved.

<sup>36</sup> Inserted by No I of the O of 18 Nov. 2020, in force since 1 Jan. 2021 (AS 2020 6213).

<sup>37</sup> Amended by No I of the O of 18 Nov. 2020, in force since 1 Jan. 2021 (AS 2020 6213).

<sup>38</sup> SR 784.102.1

<sup>39</sup> SR 784.102.1

<sup>40</sup> Amended by No I of the O of 18 Nov. 2020, in force since 1 Jan. 2021 (AS 2020 6213).

<sup>41</sup> SR 734.26

<sup>42</sup> SR 734.5



## **Chapter 5**

### **Making available on the Market and Demonstrating New Line-Connected Telecommunications Installations**

#### **Art. 30** Making available on the market

<sup>1</sup> Line-connected telecommunications installations may only be made available on the market if they comply with the applicable provisions the LVEO<sup>43</sup> and the OEMC<sup>44</sup> in relation to being made available on the market.

<sup>2</sup> The following line-connected telecommunications terminal equipment is exempted from paragraph 1, but may only be put into service and operated if it does not present a risk to persons or property and does not cause harmful interference to telecommunications and radio broadcasting:

- a. equipment that is put into service and operated for a maximum of 18 months exclusively for technical tests;
- b. equipment that is put into service and operated exclusively by institutional beneficiaries who enjoy privileges, immunities and facilities under Article 2 paragraph 1 letters a, b, d–f, i, k and l of the Host State Act of 22 June 2007<sup>45</sup> within their building or parts of their building or on directly adjacent land.

#### **Art. 31** Demonstration

<sup>1</sup> Any person wishing to install and operate, for demonstration purposes, line-connected telecommunications terminal equipment which does not fulfil the conditions required for making it available on the market by connecting it to a telecommunication services provider's network must obtain the latter's consent.

<sup>2</sup> Articles 22 LVEO<sup>46</sup> and 22 OEMC<sup>47</sup> are reserved.

## **Chapter 6**

### **Putting into Service, Installation and Operation of Telecommunications Installations**

#### **Art. 32** Putting into service and operation

<sup>1</sup> Radio equipment that is covered by this Ordinance and put into service must comply with this Ordinance.

<sup>2</sup> Line-connected telecommunications installations must comply with the applicable provisions of the OEMC<sup>48</sup> in relation to the conditions for putting them into service.

<sup>43</sup> SR 734.26

<sup>44</sup> SR 734.5

<sup>45</sup> SR 192.12

<sup>46</sup> SR 734.26

<sup>47</sup> SR 734.5

<sup>48</sup> SR 734.5

<sup>3</sup> Telecommunications installations must be installed and maintained in the proper manner and operated as intended.

<sup>4</sup> When putting telecommunications installations into service and operating the same, the manufacturer's instructions must be respected.

<sup>5</sup> If a service provider puts a telecommunications installation into service, it must respect the recognised technical regulations.

<sup>6</sup> When repairing a telecommunications installation, the essential requirements and the requirements for the use of the frequency spectrum must be met.

**Art. 33**            Line-connected telecommunications installations with PLC technology

<sup>1</sup> In order to prevent interference and disturbance, OFCOM may issue technical and administrative regulations on putting into service, installing and operating line-connected telecommunications installations that use the power supply network including domestic installations for transmitting data (powerline communication, PLC).

<sup>2</sup> The putting into service of PLC equipment for transmitting data as part of telecommunications services and private networks that include two or more non-adjacent buildings must be reported to OFCOM in advance.

<sup>3</sup> OFCOM may make the operation of PLC equipment in problematic cases, such as the use of overhead powerlines, subject to prior approval.

**Chapter 7**  
**Making Available on the Market, Installation and Operation of**  
**Second-hand Telecommunications Installations**

**Art. 34**            Making second-hand telecommunications installations available on the market

<sup>1</sup> Second-hand telecommunications installations may be made available on the market only if they meet the requirements in force at the time they were first made available on the market and the applicable technical standards or regulations have not been substantially modified. Article 35 applies by analogy.

<sup>2</sup> A second-hand telecommunications installation in which components which are important for its function have been modified shall be subject to the same provisions as a new installation.

<sup>3</sup> Any person who makes second-hand radio equipment available on the market, must provide the purchaser with information on any restrictions on use that applied to the equipment at the time of its purchase.

<sup>4</sup> Article 19 paragraph 4 applies by analogy.

**Art. 35** Installation and operation of second-hand telecommunications installations

If the applicable technical standards or regulations are substantially amended, OFCOM shall if necessary issue technical and administrative regulations on the putting into service and operation of second-hand telecommunications installations.

**Chapter 8 Inspection****Art. 36** Principles

<sup>1</sup> OFCOM shall check whether telecommunications installations that are made available on the market, put into service, installed or operated comply with the provisions of this Ordinance and with its own regulations (Art. 33 para. 1 TCA). The executive authority in terms of the LVEO<sup>49</sup> is responsible for the inspection of health and safety aspects (Art. 7 para. 1 let. a).

<sup>2</sup> For this purpose, it shall carry out sample tests. It shall carry out an inspection if it has reason to believe that a telecommunications installation is not in conformity with the provisions of this Ordinance and the OFCOM regulations. It is also authorised to inspect telecommunications installations after a licence application has been filed

<sup>3</sup> It may ask the Federal Customs Administration (FCA) to provide information on imports of telecommunications installations over a specific period.

<sup>4</sup> If the FCA encounters telecommunications installations in the course of its normal activities that it suspects, on the basis of a checklist from OFCOM, do not comply with this Ordinance, it shall obtain a sample and send it immediately to OFCOM.

<sup>5</sup> The Ordinance of 2 May 1990<sup>50</sup> on the Protection of Military Installations remains reserved as regards military telecommunications installations.

**Art. 37** Powers

<sup>1</sup> OFCOM shall be authorised to demand from economic operators any necessary documents and information which may prove that telecommunications installations comply with the provisions of this Ordinance and its regulations, to demand the delivery, without charge, of the necessary telecommunications installations in order to test them or have them tested by a laboratory mentioned in Article 17.

<sup>2</sup> During the inspections, the user must provide the following:

- a. the documents for the telecommunications installation that are in its possession; and
- b. the information required to identify the person responsible for making the telecommunications installation available on the market.

<sup>49</sup> SR 734.26

<sup>50</sup> SR 510.518.1

**Art. 38** Tests by a body

<sup>1</sup> OFCOM shall arrange for a body under Article 17 to test a telecommunications installation if:

- a. the tests carried out by OFCOM suggest that the installation does not meet the requirements of Articles 7 and 9; and
- b. the request is made by the person responsible for making the installation available on the market.

<sup>2</sup> Before it arranges for an installation to be tested by a body under Article 17, it shall consult the person responsible for making it available on the market, in particular in relation to the chosen body, the extent of the tests and their estimated costs.

<sup>3</sup> The costs of the tests by the body shall be paid by the person responsible for making the installation available on the market if the tests show that the installation does not meet the requirements.

<sup>4</sup> OFCOM may arrange for the tests to be carried out by a body if it is unable to carry out the tests itself. In this case, the person responsible for making an installation available on the market that does not meet the essential requirements, or the owner of the fixed installation that does not meet these requirements shall be charged the same costs as would have applied if OFCOM had carried out the test itself. Paragraphs 2 and 3 do not apply.

**Art. 39** Measures

<sup>1</sup> If the inspection shows that regulations in this Ordinance or OFCOM's regulations are being violated, after hearing the person responsible for placing the telecommunications installation on the market or for its operation, OFCOM shall order measures provided for in Article 33 paragraph 3 TCA. It may publish notice of the measures or make such notice accessible online.

<sup>2</sup> If the technical documentation does not present sufficient relevant information or references to ensure compliance of the telecommunications installations with the essential requirements set out in this Ordinance, and if the requirements of Article 14 are therefore not met, OFCOM may request the manufacturer or the importer to have a test performed by a body acceptable to OFCOM at the expense of the manufacturer or the importer within a specified period in order to verify compliance with the essential requirements set out in this Ordinance.

<sup>3</sup> Article 19 paragraph 7 TBTA applies.

<sup>4</sup> If OFCOM provides information to the public pursuant to Article 33 paragraph 4 TCA, it shall publish the following information in particular or make it available online:<sup>51</sup>

- a. the measures taken;
- b. how to use the telecommunications installation as intended;

<sup>51</sup> Amended by No 1 of the O of 18 Nov. 2020, in force since 1 Jan. 2021 (AS 2020 6213).

- c. the information that enable it to be identified, such as the manufacturer, trademark and type;
- d. photographs of the telecommunications installation and its packaging;
- e. the date of the ruling on non-conformity.

**Art. 40** Interference

<sup>1</sup> OFCOM may at any time have access to telecommunications installations which interfere with telecommunications or broadcasting and take the measures provided for in Article 34 TCA.

<sup>2</sup> In addition, Articles 22 and 23 apply by analogy.

## **Chapter 9 Final Provisions**

**Art. 41** Implementation

<sup>1</sup> OFCOM shall implement this Ordinance.

<sup>2</sup> It is authorised to conclude international agreements pertaining to technical and administrative matters relating to this Ordinance.

**Art. 42** Repeal of other legislation

The Ordinance of 14 June 2002<sup>52</sup> on Telecommunications Installations is repealed.

**Art. 43** Amendment of other legislation

<sup>1</sup> and <sup>2</sup> ...<sup>53</sup>

**Art. 44** Transitional provisions

<sup>1</sup> Radio receivers and radio equipment for radio amateurs that was not subject to a conformity assessment procedure or placed on the market before 1 May 2001 may continue to be installed and operated unless it is required to undergo a conformity assessment procedure. However, such equipment may not be made available on the market without undergoing a conformity assessment procedure.

<sup>2</sup> Until 12 June 2017, radio equipment that does not comply with this Ordinance may still be placed on the market if:

- a. it complies with the Ordinance of 14 June 2002<sup>54</sup> on Telecommunications Installations; or

<sup>52</sup> [AS 2002 2086, 2003 4771, 2005 677, 2007 995 7085 No II, 2008 1903, 2009 5837 6243 Annex 3 No II 7, 2012 6561, 2014 4169, 2016 119 Art. 30 para. 2 let. e]

<sup>53</sup> The amendments may be consulted under AS 2016 179.

<sup>54</sup> [AS 2002 2086, 2003 4771, 2005 677, 2007 995 7085 No II, 2008 1903, 2009 5837 6243 Annex 3 No II 7, 2012 6561, 2014 4169, 2016 119 Art. 30 para. 2 let. e]

- b. it was exempted from a conformity assessment in accordance with Article 16 letter g<sup>bis</sup>–h<sup>bis</sup> of the Ordinance of 14 June 2002 on Telecommunications Installations and:
1. it complied with the Ordinance of 9 April 1997<sup>55</sup> on Low Voltage Electrical Equipment and the Ordinance of 18 November 2009<sup>56</sup> on Electromagnetic Compatibility, or
  2. it complies with the Ordinance of 25 November 2015<sup>57</sup> on Low Voltage Electrical Equipment and the Ordinance of 25 November 2015<sup>58</sup> on Electromagnetic Compatibility.

**Art. 45** Commencement

<sup>1</sup> This Ordinance, subject to paragraph 2 below, comes into force on 13 June 2016.

<sup>2</sup> Article 11 comes into force on 12 June 2018.

<sup>55</sup> [AS 1997 1016, 2000 734 Art. 19 No 2 762 No I 3, 2007 4477 No IV 23, 2009 6243 Annex 3 No II 4, 2010 2583 Annex 4 No II 1 2749 No I 1, 2013 3509 Annex No 2. AS 2016 105 Art. 29]

<sup>56</sup> [AS 2009 6243, 2014 4159. AS 2016 119 Art. 30 para. 1]

<sup>57</sup> SR 734.26

<sup>58</sup> SR 734.5

*Annex 1<sup>59</sup>*  
(Art. 18 para. 1)

## Conformity marking

### 1. Swiss conformity marking

- 1.1 The Swiss conformity marking comprises the two Latin capital letters «C» and «H» together as «CH». The letters must be appear within an elliptical shape; the main axis of the ellipse is horizontal.



Minimum dimensions:

Height of the ellipse	7.2 mm
Width of the ellipse	11 mm
Height of the letters	5 mm
Width of the letters	2.5 mm
Diameter of the line	0.6 mm

- 1.2 In the case of any reduction in size or enlargement of the conformity marking, these proportions must be retained.

### 2. Foreign conformity marking

- 2.1 The use of the conformity marking set out in Annex II to Regulation (EC) No 765/2008<sup>60</sup> is permitted. The illustration below is for information purposes only.



- 2.2 When affixing this conformity marking, the general principles set out in Article 30 of Regulation (EC) No 765/2008 must be respected.

3. The minimum dimensions of the conformity marking may be reduced because of the small size of the radio equipment provided it remains visible and legible.

<sup>59</sup> Revised by No II of the O of 18 Nov. 2020, in force since 1 Jan. 2021 (AS 2020 6213).  
<sup>60</sup> 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 repealed Regulation (EEC) No 339/93 of the Council, version in accordance with OJ L 218, of 13.8.2008, p. 30.

**Internal production control (Module A)**

- 1 The internal production control is the conformity assessment procedure by which the manufacturer fulfils the obligations in points 2, 3 and 4 of this Annex and ensures and declares on its own sole responsibility that the radio equipment concerned satisfies the requirements of this Ordinance that apply to it.
- 2 **Technical documentation**  
The manufacturer shall draw up the technical documentation in accordance with Article 14.
- 3 **Manufacture**
  - 3.1 The manufacturer shall take all measures necessary so that the manufacturing process and its monitoring ensure the compliance of the manufactured radio equipment with the technical documentation referred to in point 2 of this Annex and with the essential requirements set out in this agreement.
  - 3.2 The manufacturer shall take appropriate account of any changes in the design or characteristics of the radio equipment and changes in the harmonised standards or in other technical specifications by reference to which conformity of radio equipment is declared.
- 4 **Conformity marking and declaration of conformity**
  - 4.1 The manufacturer shall affix the conformity marking referred to in Article 18 to each individual item of radio equipment that satisfies the requirements applicable under this Ordinance.
  - 4.2 The manufacturer shall issue a written declaration of conformity in accordance with Annex 5 for each radio equipment model.
- 5 **Authorised representative**
  - 5.1 The manufacturer's obligations mentioned in point 4 may be fulfilled by its authorised representative on the manufacturer's behalf and under its responsibility provided such obligations are specified in a mandate.
  - 5.2 The design and manufacture of radio equipment and drawing up the technical documentation may not be delegated to the authorised representative.



## **Type examination, followed by conformity to type based on an internal production control**

### **I Type examination (Module B)**

- 1 The type examination is the part of the conformity assessment procedure in which a conformity assessment body examines the technical design of the radio equipment and certifies that it satisfies the essential requirements of this Ordinance.
- 2 A type examination is carried out by assessing the adequacy of the technical design of the radio equipment through examination of the technical documentation referred to in point 3, without examination of a specimen (design type).
- 3 **Request for a type examination**
  - 3.1 The request for a type examination must be submitted by the manufacturer to a single conformity assessment body of its choice.
  - 3.2 The request includes:
    - a. the name and address of the manufacturer and, if the request is submitted by the authorised representative, the agent's name and address as well;
    - b. a written declaration that same request has not been submitted to any other conformity assessment body;
    - c. the technical documentation referred to in Article 14;
    - d. the supporting evidence for the adequacy of the technical design solution. This supporting evidence shall mention any documents that have been used, in particular where the relevant technical standards of OFCOM (Art. 31 para. 2 let. a TCA) have not been applied or have not been fully applied. The additional 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 its behalf and under its responsibility.
- 4 The conformity assessment body shall examine the technical documentation and additional supporting evidence to assess the adequacy of the technical design of the radio equipment.
- 5 The conformity assessment body shall draw up an evaluation report that records the activities undertaken in accordance with point 4 and their outcomes. Without prejudice to its obligations as provided in point 8, the conformity assessment body shall release the content of that report, in full or in part, only with the agreement of the manufacturer.

## **6 Type examination certificate**

- 6.1 Where the type meets the requirements of this Ordinance that apply to the radio equipment concerned, the conformity assessment body shall issue a type examination certificate to the manufacturer. The certificate shall contain the name and address of the manufacturer, the conclusions of the examination, the aspects of the essential requirements covered by the examination, the conditions (if any) for its validity and the necessary data for identification of the approved type. The type examination certificate may have one or more annexes attached
- 6.2 The type examination certificate and its annexes shall contain 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.
- 6.3 Where the type does not satisfy the applicable requirements of this Ordinance, the conformity assessment body shall refuse to issue a type examination certificate and shall inform the applicant accordingly, giving detailed reasons for its refusal

## **7 Obligations to take action**

- 7.1 The conformity assessment body shall keep itself apprised of any changes in the generally acknowledged state of the art; if there is any indication that the approved type may no longer comply with the applicable requirements of this Ordinance, it shall determine whether such changes require further investigation. If so, the conformity assessment body shall inform the manufacturer accordingly
- 7.2 The manufacturer shall inform the conformity assessment body that holds the technical documentation relating to the type examination certificate of any modifications to the approved type that may affect the conformity of the radio equipment with the essential requirements of this Ordinance or the conditions for the validity of the certificate. Such modifications shall require additional approval in the form of an addition to the original type examination certificate

## **8 Obligations to provide information**

- 8.1 Each conformity assessment body shall inform OFCOM of the type examination certificates and/or any additions thereto that it has issued or withdrawn and shall provide OFCOM periodically or on request with a list of certificates and/or additions thereto to that it has refused, suspended or otherwise restricted in any other way.
- 8.2 Each conformity assessment body shall inform the other conformity assessment bodies of any type examination certificates and/or any additions thereto that it has refused, suspended or otherwise restricted in any other way, and shall notify them on request of any such certificates and/or additions thereto that it has issued.
- 8.3 Each conformity assessment body shall inform OFCOM concerning the type examination certificates and/or any additions thereto that it has issued, where

technical standards designed by OFCOM (Art. 31 para. 2 let. a TCA) have not been applied or not been fully applied. OFCOM and the other conformity assessment bodies may, on request, obtain a copy of the type examination certificates and/or additions thereto. OFCOM shall on request be provided with a copy of the technical documentation and the results of the examinations carried out by the conformity assessment body. OFCOM shall keep a copy of the type examination certificate, its annexes and additions, as well as the technical file including the documentation submitted by the manufacturer, for ten years from the assessment of the radio equipment until the expiry of the validity of that certificate

- 9 The manufacturer shall retain a copy of the type examination certificate, its annexes and additions and the technical documentation for ten years after the radio equipment has been placed on the market for submission to OFCOM.
- 10 The manufacturer's authorised representative may submit the request referred to in point 3 and fulfil the obligations set out in points 7 and 9, provided they are specified in a mandate.

## **II Conformity to type based on internal production control (Module C)**

- 1 Conformity to type based on an internal production control is the part of a conformity assessment procedure in which the manufacturer fulfils the obligations set out in points 2 and 3 and ensures and under its responsibility declares that the radio equipment concerned conforms to the type described in the type examination certificate and satisfies the applicable requirements of this Ordinance.

### **2 Manufacture**

- 2.1 The manufacturer shall take all the measures required to ensure that the production process and its monitoring guarantee the conformity of the manufactured radio equipment with the type described in the type examination certificate and with the applicable requirements of this Ordinance.
- 2.2 The manufacturer shall take appropriate account of any changes in the radio equipment design or characteristics and changes in the harmonised standards or in other technical specifications by reference to which conformity of the radio equipment is declared.

### **3 Conformity marking and declaration of conformity**

- 3.1 The manufacturer shall affix the conformity marking to each individual item of radio equipment that is in conformity with the type described in the type examination certificate and satisfies the applicable requirements of this Ordinance
- 3.2 The manufacturer shall issue a written declaration of conformity for each radio equipment model in accordance with Annex 5.

**4 Authorised representative**

- 4.1 The manufacturer's obligations mentioned in point 4 may be fulfilled by its authorised representative on the manufacturer's behalf and under its responsibility provided such obligations are specified in a mandate.
- 4.2 The design and manufacture of radio equipment and drawing up the technical documentation may not be delegated to the authorised representative.

## **Full quality assurance (Module H)**

- 1 Conformity based on full quality assurance is the conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in points 2 and 5, and ensures and declares on its sole responsibility that the radio equipment concerned satisfies the requirements of this Ordinance that apply to it.
- 2 **Manufacturing**
  - 2.1 The manufacturer shall operate an approved quality system for the design, manufacture, final radio equipment inspection and testing of the radio equipment concerned as specified in point 3 and shall be subject to monitoring as specified in point 4.
  - 2.2 The manufacturer shall take appropriate account of changes to the design of the radio equipment or in its characteristics and changes in the harmonised standards or other technical specifications by reference to which conformity of radio equipment is declared.
- 3 **Quality assurance system**
  - 3.1 The manufacturer shall apply to the conformity assessment body of its choice for the assessment of its quality system for the radio equipment concerned.

The application contains:

    - a. the name and address of the manufacturer and, if the application is filed by the authorised representative, its name and address as well;
    - b. the technical documentation for each radio equipment type intended to be manufactured;
    - c. the documentation concerning the quality system;
    - d. a written declaration that the same application has not been filed with any other conformity assessment body.
  - 3.2 The quality system shall ensure compliance of the radio equipment with the requirements of this Ordinance that apply to it.

All the elements, requirements and provisions adopted by the manufacturer shall be documented in a systematic and orderly manner in the form of written policies, procedures and instructions. The quality system documentation shall permit a consistent interpretation of the quality programmes, plans, manuals and records.

It shall, in particular, contain an adequate description of:

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

- b. the technical design specifications, including the standards that will be applied and, where the relevant technical standards designated by OFCOM (Art. 31 para. 2 let. a TCA) will not be applied in full, the means that will be used to ensure that the essential requirements of this Ordinance that apply to the radio equipment will be met;
- c. the design control and design verification techniques, processes and systematic actions that will be used when designing radio equipment pertaining to the radio equipment type covered;
- d. the corresponding manufacturing, quality control and quality assurance techniques, processes and systematic actions that will be used;
- e. the examinations and tests that will be carried out before, during and after manufacture, and the frequency with which they will be carried out;
- f. the quality records, such as inspection reports and test data, calibration data, reports concerning the qualifications of the personnel, etc.;
- g. the means of monitoring the achievement of the required design and product quality and the effective operation of the quality system.

3.3 The conformity assessment body shall assess the quality system to determine whether it satisfies the requirements referred to in point 3.2.

It shall presume conformity with those requirements in respect of the elements of the quality system that comply with the corresponding specifications of the relevant standard designated by SECO (Annex 2 AccDO<sup>61</sup>).

In addition to experience in quality management systems, the auditing team shall have at least one member experienced as an assessor in the relevant radio equipment field and radio equipment technology concerned, and knowledge of the applicable requirements of this Ordinance. The audit shall include an assessment visit to the manufacturer's premises. The auditing team shall review the technical documentation referred to in point 3.1 letter b to verify the manufacturer's ability to identify the applicable requirements of this Ordinance and to carry out the necessary examinations with a view to ensuring compliance of the radio equipment with those requirements.

The manufacturer or its authorised representative shall be notified of the decision.

The notification shall contain the conclusions of the audit and the reasoned assessment decision.

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

3.5 The manufacturer shall keep the conformity assessment body that has approved the quality system informed of any intended change to the quality system.

<sup>61</sup> SR 946.512

The conformity assessment body shall evaluate any proposed changes and decide whether the modified quality system will continue to satisfy the requirements referred to in point 3.2 or whether a reassessment is necessary.

It shall notify the manufacturer of its decision. The notification shall contain the conclusions of the examination and the reasoned assessment decision.

#### **4 Monitoring under the responsibility of the conformity assessment body**

4.1 The purpose of monitoring is to make sure that the manufacturer duly fulfils the obligations arising out of the approved quality system.

4.2 The manufacturer shall, for assessment purposes, allow the conformity assessment body access to the design, manufacture, inspection, testing and storage sites, and shall provide it with all necessary information, in particular:

- a. the quality system documentation;
- b. the quality records as provided for by the design part of the quality system, such as results of analyses, calculations, tests, etc.;
- c. the quality records as provided for by the manufacturing part of the quality system, such as inspection reports and test data, calibration data, reports concerning the qualifications of the personnel, etc.

4.3 The conformity assessment body shall carry out periodic audits to make sure that the manufacturer maintains and applies the quality system and shall provide the manufacturer with an audit report.

4.4 Furthermore the conformity assessment body may pay unexpected visits to the manufacturer. During such visits, the conformity assessment body may, if necessary, carry out radio equipment tests, or have them carried out, in order to check the proper functioning of the quality system. It shall provide the manufacturer with a visit report and, if tests have been carried out, with a test report.

#### **5 Conformity marking and declaration of conformity**

5.1 The manufacturer shall affix the conformity marking in accordance with Article 18 and, under the responsibility of the conformity assessment body referred to in point 3.1, the latter's identification number to each item of radio equipment that satisfies the applicable requirements set out in this Ordinance.

5.2 The manufacturer shall draw up a written declaration of conformity for each radio equipment type in accordance with Annex 5.

6 The manufacturer shall, for a period ending 10 years after the radio equipment has been placed on the market, keep at the disposal of OFCOM:

- a. the technical documentation referred to in point 3.1;
- b. the documentation concerning the quality system referred to in point 3.1;
- c. the change referred to in point 3.5, as approved;

d. the decisions and reports of the conformity assessment body referred to in points 3.5, 4.3 and 4.4.

7 Each conformity assessment body shall inform its OFCOM of quality system approvals issued or withdrawn, and shall, periodically or on request, make available to its notifying authority the list of quality system approvals refused, suspended or otherwise restricted.

Each conformity assessment body shall inform the other conformity assessment bodies of quality system approvals which it has refused, suspended or withdrawn, and, on request, of quality system approvals which it has issued.

**8 Authorised representative**

8.1 The manufacturer's obligations mentioned in points 3.1, 3.5, 5 and 6 may be fulfilled by its authorised representative on the manufacturer's behalf and under its responsibility provided such obligations are specified in a mandate.

8.2 The design and manufacture of radio equipment and drawing up the technical documentation may not be delegated to the authorised representative.



## Template for the declaration of conformity

<sup>1</sup> The declaration of conformity for radio equipment that bears the Swiss conformity marking in accordance with Annex 1 point 1 must be issued according to the following template:

### **Title: Declaration of conformity**

1. Radio equipment (product, type, batch or serial number):
2. Name and address of the manufacturer or its authorised representative established in Switzerland:
3. The manufacturer bears sole responsibility for issuing this declaration of conformity:
4. The object of the declaration (identification of the radio equipment allowing traceability; it may include a colour image of sufficient clarity where necessary for the identification of the equipment):
5. The object of the declaration described above is in conformity with the applicable legislation in Switzerland:  
Ordinance of 25 November 2015 on Telecommunications Installations  
Any other legislation where applicable
6. References to the relevant technical standards used or references to the other technical specifications in relation to which conformity is declared. References must be listed with their identification number and version and, where applicable, date of issue:
7. Where applicable: the conformity assessment body (name, identification number) performed ... (description of intervention) and issued the following type examination certificate: ...
8. Where applicable, description of accessories and components, including software, which allow the radio equipment to operate as intended and covered by the declaration of conformity: ...
9. Additional details:  
Signed for and on behalf of:  
(Place and date of signature):  
(Name, function) (Signature):

<sup>2</sup> The declaration of conformity for radio equipment that bears the foreign conformity marking in accordance with Annex 1 point 2 must be issued according to the template in Annex VI of Directive 2014/53/EU<sup>62</sup>.

<sup>62</sup> Directive 2014/53/EU of the European Parliaments and of the Council of 26 February 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, amended by OJ L 153, of 22.5.2014, p. 62

## **Template for the simplified declaration of conformity**

<sup>1</sup> The simplified declaration of conformity for radio equipment bearing the Swiss conformity marking in accordance with Annex 1 point 1 is worded as follows:

- Hereby, [Name of manufacturer] declares that the radio equipment type [designation of type of radio equipment] is in compliance with the Ordinance of 25 November 2015 on Telecommunications Installations.
- The full text of the declaration of conformity is available at the following internet address: [exact address]

<sup>2</sup> The simplified declaration of conformity for radio equipment bearing the foreign conformity marking in accordance with Annex 1 point 2 must be issued in accordance with the template in Annex VII to Directive 2014/53/EU<sup>63</sup>.

<sup>63</sup> See footnote to Annex 5 para. 2.

