

## **Guidance Note on Radar Detectors**

### **Introduction**

This Guidance Note concerns radio receivers whose function is to detect the presence of radar devices used for motor vehicle speed limit enforcement purposes. The question arises as to whether such devices are within the scope of the R&TTE Directive and, if so, which equipment class is applicable.

It has already been established that radar equipment itself is within the scope of the Directive (see [http://ec.europa.eu/enterprise/rte/tcam5.htm#tcam5\\_9](http://ec.europa.eu/enterprise/rte/tcam5.htm#tcam5_9)). The analysis of the meaning of “communication” in that reference makes it clear that a receiver of radar signals which is not collocated with the radar transmitter is “radio equipment” within the meaning of the R&TTE Directive.

The “Indicative and non-exhaustive list of equipment or sorts of equipment falling within the classes established through Commission Decision of 6 April 2000” (see <http://ec.europa.eu/enterprise/rte/equip.htm>) includes in Subclass 7 “Receive-only radio equipment”.

On the face of it, radar detectors are therefore covered by the R&TTE Directive and fall in equipment Class 1 (no Alert mark).

However, such devices may be prohibited for “Public Order” reasons. Some Member States ban the sale, possession and putting into service of such equipment using regulations other than the R&TTED.

Note also that even where such exclusions do not apply, the Automotive EMC Directive (95/54/EC) may apply in addition to the R&TTE Directive for radar detectors intended to be fitted to vehicles.

### **Guidance**

Notified bodies should advise clients that radar detectors are restricted in some Member States by national legislation related to road traffic. Such a restriction may prevent the possession, placing on the market and/or the use of such devices. The attached table, kindly provided by the R&TTE Administrative Co-operation Group, gives a general indication of the position.

Radar detectors are within the scope of the R&TTE Directive and fall within Class 1. They have to comply with the applicable essential requirements.

Radar detectors fitted to vehicles are also subject to the Automotive EMC Directive (95/54/EC).

### **Disclaimer**

This guidance document does not replace the text of the R&TTE Directive and is for guidance only. In legal disputes the text of the Directive, or its implementation in National legislation, takes precedence.

**SUMMARY OF NATIONAL POSITIONS REGARDING RADAR SPEED DETECTORS**

| <b>COUNTRY</b> | <b>SALE</b>   | <b>USE</b>   |
|----------------|---|--|
| Austria        | Permitted under RTTED   | Use allowed only under licence                                     |
| Belgium        | Sale or possession prohibited under national road transport law | Use prohibited under national road transport law                   |
| Cyprus         | Sale or possession prohibited under national road transport law | Use prohibited under national road transport law                   |
| Czech Rep.     | Permitted under RTTED   | Use is currently legal   |
| Denmark        | Permitted under RTTED   | Use prohibited under national law                                  |
| Estonia        | Permitted under RTTED   | Use prohibited under traffic law                                   |
| France         | Sale or possession prohibited under highway code                | Use prohibited under highway code                                  |
| Finland        | Sale or possession prohibited under national law                | Use prohibited under national law                                  |
| Germany        | Permitted under RTTED   | Use prohibited under national law                                  |
| Greece         | Sale or possession prohibited under national law                | Use prohibited under national law                                  |
| Hungary        | Permitted under RTTED   | Use is legal   |
| Iceland        | Permitted under RTTED   | Use is permitted   |
| Ireland        | Sale prohibited under national road traffic law                 | Use prohibited under national road traffic law                     |
| Italy          | Sale or possession prohibited under national road transport law | Use prohibited under national road transport law                   |
| Latvia         | Permitted under RTTED   | Use prohibited under national road traffic regulations             |
| Lithuania      | Permitted under RTTED   | Use prohibited under national road traffic regulations             |
| Luxembourg     | Permitted under RTTED   | Use prohibited under national law                                  |
| Malta          | Permitted under RTTED   | No restrictions in use   |
| Netherlands    | Permitted under RTTED   | Use prohibited under national law                                  |
| Norway         | Permitted under RTTED   | Use in a vehicle prohibited under national road transport law      |
| Poland         | Permitted under RTTED   | Use in a vehicle prohibited under national road transport law      |
| Portugal       | Permitted under RTTED   | Possession and use in vehicles prohibited under national law       |
| Slovakia       | Permitted under RTTED   | Use prohibited under national road transport law                   |
| Slovenia       | Permitted under RTTED   | Use is permitted   |
| Spain          | Permitted under RTTED   | Use prohibited under traffic law                                   |
| Sweden         | Sale is prohibited under national law                           | Possession and use in vehicles prohibited by national law          |
| Switzerland    | Sale or possession prohibited under national road transport law | Use prohibited under national road transport law                   |
| Turkey         | Sale or possession prohibited under national law                | Use prohibited under national law                                  |
| United Kingdom | Permitted under RTTED   | Use is currently legal, but new legislation is under consideration |

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