

Only the French version is authentic

This document constitutes the position of the Fédération Française des Télécoms (hereinafter "FFTélécoms") on the draft decree of the French Government amending Decree No. 2010-1207 of 12 October 2010 on the display of the specific absorption rate of radio terminal equipment.

FFTélécoms is a professional association bringing together telecommunications operators on the French market.

This contribution is based on the FFTélécoms response to the public consultation launched by the French Ministry of Solidarity and Health on 16 April 2018 on this draft decree.

It is a priority for electronic communications operators that the scope of this regulatory text be as clear as possible and not open to interpretation, since operators are a final link in the radio equipment marketing chain and thus in direct contact with consumers to whom they consider they owe clear and fair information on the products sold.

COMMENTS ON ARTICLE 2 OF THE DRAFT DECREE

1/ The deletion of the term "terminals" and its replacement by the much broader term "radio equipment" apparently brings all radio equipment intentionally transmitting waves within the scope of the regulatory provisions. However, the terms "likely to be used" and "reasonably foreseeable" that are applied to the new formulation do not refer to any technical standard and thus leave excessive scope for interpretation to the manufacturer of radio equipment for their application or not to many devices.

For example, radio/wireless access points (box, 4G router modem,) are not intended to be used within 20 cm of the body. They are therefore a priori excluded from the scope of the decree which concerns consumer devices (mobile phones, tablets, connected toys) operating close to the body. However, access points could also be considered by European harmonised standards as likely to generate reasonably foreseeable exposure to less than 20 cm and could therefore be subject to SAR measurements by some manufacturers.

The result will be a high probability for electronic communications operators distributing equipment to have different information from one manufacturer to another for the same category of equipment, when their wish is to have uniform information for all the equipment marketed.

These differences of interpretation on the part of manufacturers will then lead to detrimental legal uncertainty for distribution operators, who can only relay the technical information at their disposal.

The choice of the formulation "radio equipment" without more precise qualifier is therefore not optimal to limit this risk, even if the FFTélécoms and its members understand the will of the Government and the General Directorate of Health not to exclude from the provisions of this decree radio equipment that is not network terminals.

In order to avoid any legal uncertainty for distributors, the FFTélécoms therefore proposes to link the scope of these texts with the harmonised standard EN 50566 which already defines a certain number of situations, in particular for connected objects operating close to the body. The purpose of this standard is "to demonstrate the conformity of the radio frequency fields of hand-held or near-body wireless communication devices used by the general public (30MHz-6GHz)".

2/ Moreover, on the technical level, the draft decree refers to a power threshold of 20 mW. It should be remembered that mobile systems have form factors with instantaneous peaks that can and are allowed to exceed 20 mW provided that the "max average" power over 6 minutes remains below 20 mW.

It should also be added that this is transmitted radio power and not electrical power consumed by the equipment.

For the record, the SAR and power density limit values of the Order of 8 October 2003 are defined in accordance with Recommendation 1999/519/EC. The average SAR time interval and power density are recalled in Recommendation 1999/519/E (Note 6).

COMMENTS ON ARTICLE 3 OF THE DRAFT DECREE

An entry into force of the decree on 1 July 2018 is not feasible for operators due to the compliance period.

Operators need time to modify the information documents and commercial supports that will include the regulatory provisions. Moreover, they are dependent on the technical information transmitted by their radio equipment suppliers.

The operators therefore want the decree to enter into force at least 12 months after its publication in the Official Journal.
