

Katia Favre • David Känzig

July 11, 2014

The majority of telecommunications equipment do not comply with the technical requirements

Basel

burckhardt AG
Steinentorstrasse 23,
Postfach 258,
CH-4010 Basel

Zürich

burckhardt AG
Usterstrasse 12,
Postfach 1172,
CH-8021 Zürich



Telecoms Newsletter Switzerland

The majority of telecommunications equipment do not comply with the technical requirements

1 Inspection by OFCOM

The Federal Office of Communications ("OFCOM") recently inspected telecommunication equipment available on the Swiss market. This inspection, which was conducted in accordance with the Ordinance on Telecommunications Installations ("TIO") revealed that a vast majority of the equipment inspected did not comply with Swiss technical requirements. The review focused on equipment from non EU countries.

Thus, the findings may not be applied to all equipment on the Swiss market, however, it clearly demonstrates that telecommunications equipment cannot be imported without closely reviewing Swiss requirements and technical standards.

2 Regulation in place

Technical regulations on telecommunications equipment are primarily governed by the TIO, whereby the detailed regulations and technical standards have been delegated to OFCOM. OFCOM has published such regulations and technical standards on its homepage.

On an international level, the European Union and Switzerland entered into bilateral agreements on mutual recognition of technical requirements for telecommunications installations. Thus, equipment complying with EU's requirement will also meet the Swiss ones.

3 Inspection

The TIO requires the OFCOM to inspect telecommunications equipment in order to ensure compliance with Swiss regulations.

The results of the recent inspection showed that none of the mobile telephony installations, in particular repeater, were compliant. Over 95% of short range wireless devices, such as remote control devices or wireless audio equipment and over 85% of WLAN and RLAN and over 80% of Private Mobile Radio devices (PMR) were found non-compliant.

The majority of the issues concerned inadequate or inexistent conformity process, such as internal production control process and quality assurance process (82%) or conformity declaration (80%), missing labelling (63%), non conformity with technical standards (48%) or missing user information (47%).

4 Sanctions

OFCOM can issue sanctions depending on the severity of non-compliance issue. In particular, OFCOM can request that the equipment be recalled or that non-compliance be remediated when launching new equipment on the Swiss market. Further, OFCOM may request a refund for the inspection.

In addition, a company and/or its employees marketing non-compliant equipment in Switzerland may face administrative and/or criminal sanctions.

July 11, 2014

Katia Favre and David Känzig

© by Dr. Katia Favre (k.favre@thouvenin.com) and David Känzig (d.kaenzig@hegenbarth.ch)