

# Position Paper

2025 May

## On the Call for Evidence:

### «Activation of EU rules on radio equipment for reconfigurable radio systems»

Bitkom read the call for evidence with interest and would like to provide input on the presented options. Bitkom would like to underline that **manufacturers must already take measures to ensure conformity for software updates to comply with the RED**. Instead of requiring more reporting for already complying manufacturers, we encourage the Commission to **implement targeted measures** to specific risks and **strengthen market surveillance** to enforce the current requirements for all products. We would like to point out three aspects:

- **Redundant regulation:** A manufacturer that follows the RED (i.e., Art. 3(2)) already either technically prevents installation of non-conforming software, or else specifies software that maintains conformity in the Declaration of Conformity and user information. For this reason, we believe that the phrasing of policy option 0 of the call does not describe the current situation as it ignores real industry practices – *currently, the majority of manufacturers do implement specific measures to ensure conformity*. Bitkom hence **supports a revised Policy Option 0**, which represents the current status aligned with already existing RED provisions. This could be supported by adding further clarification to the RED-guide.
- **Unclear rationale and scope of products:** Bitkom believes that the number of radio devices placed on the market with a history of non-compliance caused by the installation of software, which would justify a regulation, is small. For the industry to properly estimate effects of the activation, we therefore ask the Commission a) to clarify the classes of products to which Article 3(3)(i) of the RED will apply especially with regards to the yet undefined term »software« in this context before proceeding further in the consultation; and b) to quantify the extent of the problem that justifies any additional regulation. If deemed necessary by the outcome of the evaluation, Bitkom believes a **targeted regulation of only the niche segment of high-risk products** to be more appropriate and effective.
- **Unproportional administrative burden:** Contradicting the Commission's goal of proportionate regulation as set forth in the Competitiveness Compass, the suggested policy options 2 and 3 would put an additional burden on every manufacturer of radio equipment. As described, the provisions of the RED already oblige companies to ensure compliance with the requirements, and it is not apparent that the number of products on

the market with non-compliance caused by the installation of software that compromises conformity is significant. The proposed policy options 2 and 3 entail additional administrative burden without added value.

Bitkom represents more than 2,200 companies from the digital economy. They generate an annual turnover of 200 billion euros in Germany and employ more than 2 million people. Among the members are 1,000 small and medium-sized businesses, over 500 start-ups and almost all global players. These companies provide services in software, IT, telecommunications or the internet, produce hardware and consumer electronics, work in digital media, create content, operate platforms or are in other ways affiliated with the digital economy. 82 percent of the members' headquarters are in Germany, 8 percent in the rest of the EU and 7 percent in the US. 3 percent are from other regions of the world. Bitkom promotes and drives the digital transformation of the German economy and advocates for citizens to participate in and benefit from digitalisation. At the heart of Bitkom's concerns are ensuring a strong European digital policy and a fully integrated digital single market, as well as making Germany a key driver of digital change in Europe and the world.

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