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## Order on telecommunications installations (ILO)

Modification of ...

[ *Project of 08/28/2020* ]

*The Swiss Federal Council,  
stopped:*

I

The ordinance of 25 November 2015 on telecommunications installations <sup>1</sup> is amended as follows:

### *Preamble*

in view of art. 21 *a*, al. 2, 22, al. 5, 31, al. 1, 32, 32 *a*, 33, al. 2, 34, al. 1 <sup>ter</sup>, 59, al. 3, 62 and 64, al. 2, of the law of April 30, 1997 on telecommunications (LTC) <sup>2</sup>, in execution of the federal law of 6 October 1995 on technical barriers to trade (LETC) <sup>3</sup>,

*Art. 2, al. 1, let. o bis, p and p bis*

<sup>1</sup> We mean by:

- o bis*. *order fulfillment service provider*: any natural person or legal entity that offers, as part of a commercial activity, at least two of the following services: warehousing, packaging, labeling and ex-shipping, without owning the products concerned, excluding services postal defects within the meaning of article 2, letter a, of the law of 17 December 2010 on post <sup>4</sup> and any other freight transport service;
- p*. *economic operators*: the manufacturer, the authorized representative, the importer, the distributor scorer, the fulfillment service provider or any other natural or legal person subject to manufacturing obligations of products, when they are made available on the market or when they are put into service;
- p bis*. *information society service provider*: any natural person sic or moral that offers an information society service, that is

<sup>1</sup> RS 784.101.2

<sup>2</sup> RS 784.10

<sup>3</sup> RS 946.51

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mean any service normally provided for remuneration, remotely, by electronically and at the individual request of a recipient of services;

### *Art. 8, al. 2*

<sup>2</sup> In the event of a modification of a designated technical standard, OFCOM publishes Federal sheet the date from which the presumption of conformity ceases for radiocommunication installations conforming to the previous version.

### *Art. 14, al. 3*

<sup>3</sup> The technical documentation includes an adequate analysis and assessment of the or risks.

### *Art. 16, al. 1 bis*

<sup>1bis</sup> the provider of order execution services is subject to the obligation mentioned in para. 1:

- at. if the manufacturer and his representative are not established in Switzerland, and
- b. if the importer imports the facility for its own use.

### *Art. 18, al. 6 bis*

<sup>6bis</sup> If the manufacturer and his representative are not established in Switzerland, and the import the installation is imported for its own use, each radio installation munication must also bear the name, trade name or registered trade mark of the fulfillment service provider, as well as the postal address at which he can be contacted. Where this is not possible, this information should appear on the installation packaging or in an accompanying document. The contact details are indicated in a language easily understood by users. final assessors.

### *Art. 21, al. 1*

<sup>1</sup> Concerns only the German text

### *Art. 23, al. 4 and 5*

<sup>4</sup> If the radiocommunication installation presents a risk, the manufacturers, agents, importers and distributors must immediately inform OFCOM, in particular by providing details on the non-compliance and on the corrective actions taken.

<sup>5</sup> If the radiocommunication installation presents a risk, the service providers order fulfillment services must immediately inform OFCOM thereof, by providing details on the non-compliance and on the measures corrective measures taken, provided that neither the manufacturer nor his authorized representative has been established in Switzerland and that the importer has imported the installation for his own use.

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*Art. 24, al. 3*

<sup>3</sup> At OFCOM's request, economic operators and service providers information society services co-operate in the implementation of implementation of any measure intended to eliminate the risks presented by an installation radio communications that they have made available on the market. This obligation also applies to the authorized representative with regard to radio communication installations. munication covered by its mandate.

*Art. 25, al. 1, let. a, f, h and h bis*

<sup>1</sup> The following are not subject to the provisions of Chapter 2:

- at. the radio communication facilities that are installed and operated exclusively on frequencies allocated to the army, for military purposes, to for civil protection purposes or for other purposes aimed at extraordinary situations dinaries, as long as they are not set up and used in a common radiocommunication network with other organizations;
- f. the radio installations for radio amateurs made available tion on the market, which have been modified by an authorized radio amateur within the art. 44, al. 1, let. a to c, of the ordinance of ... on the use of radio frequency spectrum (OUS) <sup>5</sup> for its own use;
- h. the radiotelephony and radionavigation installations which are put into placed and operated exclusively and permanently in aircraft with occupied pants, which are used for the coordination of air traffic as well as the safety of the piloting, and which are recognized for this purpose by the Federal Aviation Office civil; the latter informs OFCOM of the recognized installations;
- h bis . radio communications installations installed in aircraft without occupants, whose design is certified in accordance with art. 56, s. 1, from Implementing Regulation (EU) 2018/1139 <sup>6</sup> and which are intended to operate only on frequencies allocated by the radio communication regulations. notices of 17 November 1995 <sup>7</sup> for protected aeronautical use;

*Art. 26, al. 1 and 3*

<sup>1</sup> *Concerns only the German text*

<sup>5</sup> RS 784.102.1

<sup>6</sup> Commission Implementing Regulation (EU) 2018/1139 of 4 July 2018 concerning common rules in the field of civil aviation and establishing a the European Union for Aviation Safety, and amending Regulations (EC) no 2111/2005, (EC) no 1008/2008, (EU) no 996/2010, (EU) no 376/2014 and the directives 2014/30 / EU and 2014/53 / EU of the European Parliament and of the Council, and repealing the regulations ments (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council as well whereas Council Regulation (EEC) No 3922/91, version of OJ L 212 of 22.08.2018, p. 1.

<sup>7</sup> RS 0.784.403.1

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<sup>3</sup> The facilities referred to in s. 1 must also meet certain requirements in spectrum use within the meaning of art. 7, al. 2, and 9, as well as in electromagnetic compatibility within the meaning of art. 7, al. 1, let. b.

*Art. 27, al. 4*

<sup>4</sup> The radiocommunication installations referred to in art. 26, al. 1, cannot be offered or made available on the market only for:

- at. police, criminal prosecution or sentence enforcement authorities;
- b. the Federal Intelligence Service;
- vs. the army, and
- d. the competent authorities to carry out searches in an emergency or searches for convicted persons.

*Art. 27a*                      **Demonstration**

<sup>1</sup> Anyone who wants to set up and operate for demonstration purposes an installation radio communication lation intended to be operated for the safety public by authorities and which has not been approved by OFCOM must obtain an authorization granted by the latter.

<sup>2</sup> OFCOM grants authorization if the demonstration does not interfere in any way excessive current or future regular use of frequencies in the bands concerned.

<sup>3</sup> Demonstrations are only authorized within the framework set by OFCOM. The one- this fixes in particular the duration of the demonstration, the place where it takes place and the frequency bands in which emissions are authorized. Shows outside these bands should be as low as possible.

*Art. 28*                      **Operating restrictions**

The radiocommunication installations referred to in art. 26, al. 1, cannot be operated only by the authorities referred to in art. 27, al. 4, and under the conditions set out in art. 53 to 59 OUS <sup>8</sup>.

*Art. 29, al. 2*

<sup>2</sup> Anyone who wants to set up and operate for demonstration purposes an installation radiocommunication lation not satisfying the conditions required for its made available on the market must obtain the necessary concession (art. 30 OR <sup>9</sup>).

<sup>8</sup> RS 784.102.1

<sup>9</sup> RS 784.102.1

*Art. 39, al. 4, introductory sentence*

<sup>4</sup> When OFCOM informs the population in application of art. 33, al. 4, LTC, it publishes or makes available online in particular the following information:

## II

Annex 1 is amended in accordance with the attached text .

## III

The ordinance of 27 June 1995 on epizootics <sup>10</sup> is amended as follows:

*Art. 17a, al. 1*

<sup>1</sup> The identification chip must meet the ISO 11784: 1996 / Amd 2: 2010 standards and 11785: 1996 / Cor 1: 2008 <sup>11</sup> , and contain the code of the country of origin and that of the manufacturer of the chip. The provisions of the ILO <sup>12</sup> on the provision and provision of market for new telecommunication installations (Articles 6 to 20 ILO) are reserved.

## IV

<sup>1</sup> This Order comes into force on 1<sup>st</sup> January 2021, subject to s. 2.

<sup>2</sup> Art. 2, al. 1, let. o<sup>bis</sup>, p and p<sup>bis</sup>, 16, al. 1<sup>bis</sup>, 18, al. 6<sup>bis</sup>, 23, al. 4 and 5, and 24, al. 3, come into force on July 16, 2021.

...

On behalf of the Swiss Federal Council:

The President of the Confederation, Simonetta Sommaruga  
Federal Chancellor Walter Thurnherr

<sup>10</sup> RS 916.401

<sup>11</sup> The standards can be viewed free of charge or obtained against payment from the Swiss Standards Association (SNV), Sulzerallee 70, 8404 Winterthur; [www.snv.ch](http://www.snv.ch).

<sup>12</sup> RS 784.101.2

**Conformity mark**

*Ch. 1.1, second sentence*

1.1 *Concerns only the German text*

