

*(free translation in English)*

**Decision No. 55 of 25 April 2022 relating to the recall and temporary withdrawal from the market of a radioelectric equipment of the brand UBIQUITI, model ROCKET PRISM AC GEN 2**

The General Director of the National Frequency Agency;

Having regard to Directive 2014/53/EU of the European Parliament and of the Council of 16 April 2014 on the harmonisation of the laws of the Member States concerning the making available on the market of radio equipment and repealing Directive 1999/5/EC;

Having regard to the French Postal and Electronic Communications Code (CPCE), in particular Articles L. 34-9, L. 43, R. 20-1 to R. 20-13-1 and R. 20-19 to R. 20-21;

Having regard to the code on the relationships between the public and the administration, in particular Article L. 221-8;

Having regard to the decision No. 2008-0568 of the electronic and postal communications regulatory authority dated 20 May 2008 designating frequencies in the 5 GHz band for wireless access facilities including radio local area networks and laying down their conditions of use;

Having regard to the letter of 30 July 2021 giving notice to the company UBIQUITI NETWORKS, INC. to take all necessary steps to bring into conformity or to withdraw from the market and recall the equipment referenced ROCKET PRISM AC GEN 2

Having regard to the technical conformity assessment report of the equipment n°R051-20-105572-1 Ed. 1, dated 3 March 2021

Having regard to the technical conformity assessment report on the equipment n°R051-20-105573-1 Ed. 1 dated 3 March 2021

Having regard to the technical conformity assessment report on the equipment n°RR-21-G225-ANF-1 Ed. 1 dated 14 October 2021

Having regard to the technical conformity assessment report on the equipment, No. R-21-G226-ANF-1 Ed. O dated 15 October 2021

Whereas UBIQUITI NETWORKS, INC. markets 5GHz access point equipment of the UBIQUITI brand and the ROCKET PRISM AC GEN 2; that this equipment meets the definition of radio equipment set out in 11° of article L. 32 of the CPCE;

Considering that, pursuant to Articles L. 32, L. 34-9 and R. 20-1 et seq. of the CPCE, the placing on the market of such equipment implies that it complies with the essential requirement relating to the efficient use of the radio spectrum by contributing to its optimised use in order to avoid harmful interference; that the provisions of the fourth paragraph of I. of Article L. 43 of the CPCE give the ANFR the power to monitor compliance with the provisions relating to the placing on the market of the equipment referred to in Article L. 34-9 of the CPCE and that the provisions of 12° of Article R. 20-44-11 of the CPCE entrust the ANFR with the task of carrying out inspections in order to seek out and record infringements relating to the conformity of the equipment referred to in Article L. 34-9 of the same code;

Considering that, in the course of carrying out this mission, authorised and sworn agents of the ANFR took a sample of the above-mentioned equipment from the NFTECH-WIFI FRANCE establishment in Metz (57050) on 20 November 2020; that this sample has been tested by a laboratory designated by

order of the minister responsible for electronic communications, that these tests have revealed a failure to meet the essential requirement relating to the efficient use of the radio spectrum, as provided for in Articles R. 20-4 and R. 20-19 of the CPCE;

Considering that by registered letter dated 30 July 2021, the ANFR gave UBIQUITI NETWORKS, INC. formal notice to take, within a period of four weeks, all necessary measures to bring into compliance or to withdraw from the market and recall the equipment referenced UBIQUITI ROCKET PRISM AC GEN 2; that UBIQUITI NETWORKS, INC. was informed that, after this period, the ANFR could adopt appropriate provisional measures pertaining to the withdrawal from the market of the non-compliant equipment and its recall;

Considering that by letter dated 14 September 2021, UBIQUITI NETWORKS, INC. informed the ANFR of the corrective measures adopted, in particular the development of a software update to take into account the ANFR's findings. UBIQUITI NETWORKS, INC. also reaffirmed that it disputes the non-conformity of the equipment;

Considering, however, that the new measurements carried out by the laboratory designated by the Minister responsible for electronic communications on a sample of the equipment after this update have confirmed the persistence of the nonconformities observed in relation to the abovementioned essential requirements;

Considering therefore that the non-conformity of the UBIQUITI ROCKET PRISM AC GEN 2 equipment presents a risk of harmful interference and that it should be withdrawn from the market and all units sold should be recalled until they no longer present the observed risk;

### **Decides:**

**Article 1:** The UBIQUITI equipment, model ROCKET PRISM AC GEN 2, manufactured by the company UBIQUITI NETWORKS, INC. are temporarily withdrawn from the market and are to be recalled from all locations for non-compliance with the essential requirement for efficient use of the radio spectrum. UBIQUITI NETWORKS, INC shall report to the ANFR on the actions taken within two weeks of the date of the recall.

**Article 2:** The present decision will be notified to the company UBIQUITI NETWORKS, INC. It will come into force upon receipt, in accordance with article L.221-8 of the code on the relationships between the public and the administration.

**Article 3:** The general director of the National Frequencies Agency is responsible for the enforcement of this decision.

Gilles Briant  
General director