



M/536

Brussels, 4.8.2015
C(2015) 5376 final

COMMISSION IMPLEMENTING DECISION

of 4.8.2015

**on a standardisation request to the European Committee for Electrotechnical
Standardisation and to the European Telecommunications Standards Institute as
regards radio equipment in support of Directive 2014/53/EU of the European
Parliament and of the Council**

(Text with EEA relevance)

Only the English, French and German texts are authentic

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council¹, and in particular Article 10(1) thereof,

Whereas:

- (1) Directive 2014/53/EU of the European Parliament and of the Council² repeals Directive 1999/5/EC of the European Parliament and of the Council³ with effect from 13 June 2016. Member States are to transpose that Directive into their national legislation by 12 June 2016.
- (2) This standardisation request should be executed in good cooperation with the European Conference of Postal and Telecommunications Administrations (CEPT), in line with Article 11(2) of the Radio Spectrum Policy Programme which has been established under Decision 243/2012/EU of the European Parliament and the Council⁴.
- (3) The intention to request harmonised standards in support of wireless communication is stated in point 3.2.17 of the annual Union work programme for European standardisation for 2015⁵.

¹ OJ L 316, 14.11.2012, p. 12.

² 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 relating to the making available on the market of radio equipment and repealing Directive 1999/5/EC (OJ L 153, 22.5.2014, p. 62).

³ Directive 1999/5/EC of the European Parliament and of the Council of 9 March 1999 on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity (OJ L 91, 7.4.1999, p. 10).

⁴ Decision No 243/2012/EU of the European Parliament and of the Council of 14 March 2012 establishing a multiannual radio spectrum policy programme (OJ L 81, 21.3.2012, p. 7).

⁵ COM(2014) 500 final.

- (4) The Commission has established guidelines for the execution of standardisation requests and the European standardisation organisations have agreed to apply those guidelines when executing standardisation requests.
- (5) In order to ensure that there are coherent terms of reference for developing and revising harmonised standards for radio equipment it is appropriate to consolidate the existing standardisation requests M/284, M/305, M/322, M/329, M/357, M/358, M/362, M/363, M/364 , M/391, M/405 , M/406, M/407 , M/455 and M/512 under a new standardisation request.
- (6) The European standardisation organisations, the European stakeholders organisations receiving Union financing and the Telecommunications Conformity Assessment and Market Surveillance Committee (TCAM) referred to in Article 45 (1) of Directive 2014/53/EU have been consulted.
- (7) The European standardisation organisations have indicated that the work covered by the request falls entirely under the scope of the European Committee for Electrotechnical Standardisation (Cenelec) and the European Telecommunications Standards Institute (ETSI).
- (8) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 22 of Regulation (EU) No 1025/2012.

HAS ADOPTED THIS DECISION:

Article 1 Requested standardisation activities

The European Committee for Electrotechnical Standardisation (Cenelec) and the European Telecommunications Standards Institute (ETSI) are requested to draft, in support of the implementation of Article 3 of Directive 2014/53/EU, harmonised standards for radio equipment, set out in Table 1 of Annex I to this Decision. Those requested harmonised standards shall meet the requirements set out in Annex II.

Article 2 Establishment of the work programme

Cenelec and ETSI shall prepare the joint work programme indicating all the requested deliverables, the responsible technical bodies and a timetable for the execution of the work in line with the deadlines set out in Annex I. Cenelec and ETSI shall submit the work programme to the Commission within one month from the receipt of this request and shall provide the Commission access to an overall project plan.

Cenelec and ETSI may decide how many harmonised standards are needed in order to execute the request referred to in Article 1.

Article 3 Agreement on the work programme

In their work programme, Cenelec and ETSI shall follow the possible priorities expressed by the Commission for the execution of the request referred to in Article 1.

Cenelec and ETSI shall inform the Commission about any amendments to the work programme.

New subjects for harmonised standards may be added to the work programme provided that Annex I includes requirements for such subjects, where the Commission has been consulted

and agrees to that addition, after having informed the Committee established by Article 22 of Regulation (EU) No 1025/2012.

Article 4 Reporting

Cenelec and ETSI shall report annually to the Commission on the execution of the request referred to in Article 1. They shall provide the Commission with the first joint annual report by 31 January 2016.

Article 5 Harmonised standards

Cenelec and ETSI shall include in every harmonised standard a clear and precise indication of the relationship between its content and the corresponding essential requirements of Article 3 of Directive 2014/53/EU that it aims to cover. Every harmonised standard developed on the basis of the request referred to in Article 1 shall refer a reference to this Decision.

CENELEC and ETSI shall include in every revised or amended harmonised standard information concerning significant changes that have been introduced by it.

Cenelec and ETSI shall provide to the Commission the titles of the requested harmonised standards in all the official languages of the European Union. The first list of titles shall be provided by 15 March 2016.

Article 6 Validity and repeal

If the request referred to in Article 1 is not accepted by neither CENELEC nor ETSI within one month following its receipt, it may not constitute a basis for the drafting of harmonised standards..

If the request referred to in Article 1 is accepted by CENELEC and ETSI within one month following its receipt, the standardisation requests M/284⁶, M/305⁷, M/322⁸, M/329⁹, M/357¹⁰, M/358¹¹, M/362¹², M/363¹³, M/364¹⁴, M/391¹⁵, M/405¹⁶, M/406¹⁷, M/407¹⁸, M/455¹⁹ and M/512²⁰ are repealed as from 13 June 2016.

⁶ M/284 Harmonised standards for the R&TTE Directive

⁷ M/305 Harmonised standards covering protection from electromagnetic fields (0 Hz to 300 GHz) generated by apparatus included in the scope of either the Low Voltage Directive 73/23/EEC (LVD) or the Radio Equipment and Telecommunications Terminal Equipment (R&TTE) Directive 1999/5/EC

⁸ M/322 Alignment of harmonised standards for the R&TTE Directive with those of the Medical Devices and Medical Implant Directives

⁹ M/329 — Harmonised standards covering Ultrawide band (UWB) applications

¹⁰ M/357 — Requirements imposed by Commission decisions under Article 3.3 of the R&TTE Directive

¹¹ M/358 — Standards for equipment covered by the R&TTE Directive and which is intended to be installed in vehicles.

¹² M/362 — Harmonised standards for ensuring the safety of batteries in hand-held radio and telecommunications terminal equipment

¹³ M/363 — Harmonised standards for specific short range devices used for short range radar equipment operating in the 24 GHz range

¹⁴ M/364 — Harmonised standards for specific short range devices used for Euroloop and Eurobalise applications giving presumption of conformity with the R&TTE Directive (1999/5/EC)

¹⁵ M/391 — Standards for Radar Target Enhancers (RTE) for sea going vessels operating in the 9300-9500 MHz Band that are not covered by Directive 96/98/EC.

¹⁶ M/405 — Harmonised standards covering Air Traffic Management Equipment

¹⁷ M/406 — Harmonised standards for equipment operating in flexible bands

¹⁸ M/407 — Harmonised standards covering Ultra-Wideband Equipment

The second paragraph is without prejudice to the draft harmonised standards which are under development on the adoption date of this Decision, to be provided according to deadlines set in the relevant standardisation requests.

Article 7 Addressees

This Decision is addressed to CENELEC and ETSI.

Done at Brussels, 4.8.2015

For the Commission
Elżbieta BIEŃKOWSKA
Member of the Commission



¹⁹ M/455 — Harmonised standards on a common charging capability for Mobile Telephones
²⁰ M/512 — Harmonised Standards for Reconfigurable Radio Systems



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ANNEXES 1 to 2

ANNEXES

to the

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Annex I
Harmonised standards and deadlines for the publication

Table 1 – Requested new harmonised standards for radio equipment

| Reference information | Deadline for publication¹ |
|--|---|
| 1. Harmonised standard(s) for sound and TV broadcast receivers and other receive-only and non-receive-only equipment regarding receiver characteristics and receiver performance parameters | 15.3.2016 |
| 2. Harmonised standard(s) for radio equipment operating below 9 kHz | 15.3.2016 |
| 3. Harmonised standards for radio-determination equipment | 15.3.2016 |

Table 2 - Existing harmonised standards that fall within the scope of this request

| Reference information | Deadline for publication |
|---|---|
| 1. Standards contained in the list of references of the harmonised standards under Directive 1999/5/EC, published in the <i>Official Journal of the European Union</i> C 406 of 14 November 2014. | Adoption according to internal planning of Cenelec and ETSI. Harmonised standards adopted before 15.3.2016 to be cited in the Official Journal of the European Commission Union before Directive 2014/53/EU becomes applicable. |
| 2. Draft harmonised standards that are under development on the adoption date of this Decision on the basis of the standardisation requests repealed by Article 6 of this Decision. | According to deadlines set in the relevant standardisation requests. Harmonised standards adopted before 15.3.2016 to be cited in the Official Journal of the European Union before Directive 2014/53/EU becomes applicable. |

¹ 'Publication' refers to the moment where the relevant European standardisation organisation makes a standard available to its members or to the public.

Annex II

Requirements for the harmonised standards

1. HARMONISED STANDARDS DEVELOPED UNDER M/284

All harmonised standards developed under M/284 and as listed in Table 2 of Annex I shall fall within the scope of this request, with the exception of harmonised standards specific to terminal equipment that is not radio equipment and that does not fall within the scope of Directive 2014/53/EU.

These existing harmonised standards need to be revised, as appropriate, to respond to changes introduced by the revised essential requirements of Directive 2014/53/EU (see 3). These existing harmonised standards can also be extended to reflect new standardisation needs (see 2).

2. NEW STANDARDISATION NEEDS ON THE BASIS OF DIRECTIVE 2014/53/EU

Work undertaken under this standardisation request shall cover the following objectives:

To make available harmonised standards covering all categories of products falling within the scope of Directive 2014/53/EU. Compared to Directive 1999/5/EC, the following changes to the scope have been introduced:

- (1) Sound and TV receive-only equipment and equipment operating below 9 kHz, which are excluded from Directive 1999/5/EC, shall now fall within the scope of Directive 2014/53/EU;
- (2) Radio-determination equipment shall now fall within the scope of Directive 2014/53/EU.

3. ESSENTIAL REQUIREMENTS THAT NEED TO BE COVERED BY THE STANDARDISATION WORK

Work undertaken under this standardisation request shall cover all the applicable essential requirements of Directive 2014/53/EU, namely:

- (1) The essential requirement set out in Article 3(1)(a), i.e. the protection of health and safety. According to Article 17(1), the assessment of conformity with the essential requirement set out in Article 3(1) (a) shall take into account the reasonably foreseeable conditions of use as well;
- (2) The essential requirement set out in Article 3(1)(b), i.e. electromagnetic compatibility;
- (3) The modified essential requirement set out in Article 3(2), i.e. effective use of radio spectrum and support for the efficient use of radio spectrum so as to avoid harmful interference, which has introduced requirements on receiver performance. Justification for this modified essential requirement is provided in recitals 10 and 11 of Directive 2014/53/EU. Implementation of this requirement on receiver characteristics is particularly relevant in the context of any harmonised conditions for the availability and efficient use of radio spectrum adopted or to be adopted by the European Commission under Decision No 676/2002/EC of the European Parliament

and of the Council², and of recent allocations and allocations under consideration within the UHF Band (470-862 MHz) affecting sound and TV broadcast receivers and other equipment. Receiver performance is also of particular importance for mobile terminals, in particular antenna performance, and for communication equipment used in safety of life applications. Moreover, the development of sharing mechanisms and mitigation techniques should be a constant priority in order to achieve the efficient use of radio spectrum, in line with the electronic communication regulatory framework including the Radio Spectrum Policy Programme (RSPP), considering the need to increase sharing capabilities of equipment.

- (4) The essential requirements set out in Article 3(3), which have been rendered applicable to one or more categories of products due to a decision adopted by the Commission, namely³:
- (a) Commission Decision 2005/631/EC;⁴
 - (b) Commission Decision 2005/53/EC;⁵
 - (c) Commission Decision 2013/638/EU;⁶
 - (d) Commission Decision 2001/148/EC;⁷
 - (e) Commission Decision 2000/637/EC.⁸

² Decision No 676/2002/EC of the European Parliament and of the Council of 7 March 2002 on a regulatory framework for radio spectrum policy in the European Community (Radio Spectrum Decision) (OJ L 108, 24.4.2002, p. 1).

³ The relevant Commission measures under Article 3(3) of Directive 2014/53/EU are available at: http://ec.europa.eu/enterprise/sectors/rte/documents/legislation/decisions/index_en.htm

⁴ Commission Decision 2005/631/EC of 29 August 2005 concerning essential requirements as referred to in Directive 1999/5/EC of the European Parliament and of the Council ensuring access of Cospas-Sarsat locator beacons to emergency services (OJ L 225, 31.8.2005, p. 28).

⁵ Commission Decision 2005/53/EC of 25 January 2005 on the application of Article 3(3)(e) of Directive 1999/5/EC of the European Parliament and the Council to radio equipment intended to participate in the Automatic Identification System (AIS) (OJ L 22, 26.1.2005, p. 14).

⁶ Commission Decision 2013/638/EU of 12 August 2013 on essential requirements relating to marine radio communication equipment which is intended to be used on non-SOLAS vessels and to participate in the Global Maritime Distress and Safety System (GMDSS) (OJ L 296, 7.11.2013, p. 22).

⁷ Commission Decision 2001/148/EC of 21 February 2001 on the application of Article 3(3)(e) of Directive 1999/5/EC to avalanche beacons (OJ L 55, 24.2.2001, p. 65).

⁸ Commission Decision 2000/637/EC of 22 September 2000 on the application of Article 3(3)(e) of Directive 1999/5/EC to radio equipment covered by the regional arrangement concerning the radiotelephone service on inland waterways (OJ L 269, 21.10.2000, p. 50).