DECISIONS

COMMISSION IMPLEMENTING DECISION (EU) 2020/167

of 5 February 2020

on the harmonised standards for radio equipment drafted in support of Directive 2014/53/EU of the European Parliament and of the Council

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 Council [1], and in particular Article 10(6) thereof,

Whereas:

(1) In accordance with Article 16 of Directive 2014/53/EU of the European Parliament and of the Council, [2] radio equipment which is in conformity with harmonised standards or parts thereof, the references of which have been published in the *Official Journal of the European Union*, is to be presumed to be in conformity with the essential requirements set out in Article 3 of that Directive, covered by those harmonised standards or parts thereof.

(2) By Commission Implementing Decision C(2015) 5376 [3], the Commission made a request to the European Committee for Electrotechnical Standardisation and the European Telecommunications Standards Institute (ETSI) for the drafting and revision of harmonised standards for radio equipment in support of Directive 2014/53/EU.

(3) On the basis of the request set out in Implementing Decision C(2015) 5376, ETSI drafted harmonised standards EN 300 328 V2.2.2 for data transmission equipment operating in the 2,4 GHz band, EN 300 698 V2.3.1 for radio telephone transmitters and receivers for the maritime mobile service, EN 303 098 V2.2.1 for maritime low power personal locating devices, EN 303 520 V1.2.1 for Ultra Low Power (ULP) wireless medical capsule endoscopy devices and EN 300 674-2-2 V 2.2.1 for Transport and Traffic Telematics (TTT) systems.

(4) The Commission, together with ETSI, has assessed whether those harmonised standards comply with the request set out in Implementing Decision C(2015) 5376.

(5) Harmonised standards EN 300 328 V2.2.2, EN 303 098 V2.2.1 and EN 300 674-2-2 V 2.2.1 satisfy the essential requirements which they aim to cover and which are set out in Directive 2014/53/EU. It is therefore appropriate to publish the references of those standards in the *Official Journal of the European Union*.

(6) Clause 8.2.3 of the harmonised standard EN 300 698 V2.3.1 allows manufacturers to deviate from the maximum radio-frequency power declared under Article 10(8) of Directive 2014/53/EU and demonstrated in the technical documentation drawn up in accordance with Article 21 of that Directive. The reference of that harmonised standard should therefore be published in the *Official Journal of the European Union* with restriction.

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[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] Commission Implementing Decision C(2015) 5376 final of 4 August 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.

(7) The harmonised standard EN 303 520 V1.2.1 allows manufacturers to negotiate certain test methods with testing laboratories. Moreover, it allows manufacturers to test equipment at temperatures that may not correspond to the intended use. The level of allowed negotiation and interpretation in that harmonised standard can have an impact on the demonstration of the conformity of the radio equipment with the essential requirements set out in Article 3 (2) of Directive 2014/53/EU. The reference of that harmonised standard should therefore be published in the *Official Journal of the European Union* with restriction.

(8) On the basis of Implementing Decision C(2015) 5376, ETSI replaced the following harmonised standards the references to which are published in the *Official Journal of the European Union* ([4]): EN 300 328 V2.1.1 replaced by EN 300 328 V2.2.2; EN 303 098 V2.1.1 replaced by EN 303 098 V2.2.1; EN 303 520 V1.1.1 replaced by EN 303 520 V1.2.1; EN 300 698 V2.2.1 replaced by EN 300 698 V2.3.1; and EN 300 674-2-2 V2.1.1 replaced by EN 300 674-2-2 V2.2.1.

(9) Harmonised standard EN 302 065-3 V2.1.1 the reference to which is published in the *Official Journal of the European Union* ([5]) does not describe trigger-before-transmit mitigation techniques. Commission Implementing Decision (EU) 2019/785 ([6]), however, imposes, as of 16 November 2019, technical requirements to be used within the bands 3,8-4,2 GHz and 6-8,5 GHz for vehicular access systems using trigger-before-transmit. Implementing Decision (EU) 2019/785 provides that trigger-before-transmit mitigation techniques that provide an appropriate level of performance in order to comply with the essential requirements of Directive 2014/53/EU are to be used for vehicular access systems. As harmonised standard EN 302 065-3 V2.1.1 does not address trigger-before-transmit mitigation techniques, it is necessary to indicate that compliance with that harmonised standard does not ensure compliance with the requirements of Implementing Decision (EU) 2019/785 which relate to those techniques and accordingly does not confer a presumption of conformity with those essential requirements set out in Article 3(2) of Directive 2014/53/EU which relate to those techniques. The reference of that harmonised standard should therefore be published in the *Official Journal of the European Union* with restriction.

(10) Harmonised standard EN 302 752 V1.1.1, the reference to which is published in the *Official Journal of the European Union* ([7]) with restriction, was adopted by ETSI in 2009 under Directive 1999/5/EC of the European Parliament and of the Council ([8]). When bringing this harmonised standard in line with Directive 2014/53/EU, ETSI stopped the related work, considering that 'no stakeholder interest has been identified', that 'no consequences are foreseen if no harmonised standard is available for active radar target enhancers since no industry interest has been identified' and that 'the harmonised standard can be considered obsolete and should be withdrawn'.

(11) It is therefore necessary to withdraw the references of the replaced standards, the reference to harmonised standard EN 302 065-3 V2.1.1 which should be published with restriction and the reference to harmonised standard EN 302 752 V1.1.1 which is considered obsolete, from the *Official Journal of the European Union* ([9]). In order to give manufacturers sufficient time to prepare for application of the replacing harmonised standards, it is necessary to defer the withdrawal of the references of the standards that are replaced. In order also to give manufacturers time to prepare for the withdrawal of the reference to harmonised standard EN 302 752 V1.1.1, it is necessary to defer the withdrawal of the reference to that standard.

(12) Compliance with a harmonised standard confers a presumption of conformity with the corresponding essential requirements set out in Union harmonisation legislation from the date of publication of the reference of such standard in the *Official Journal of the European Union*. This Decision should therefore enter into force on the day of its publication,

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([4]) OJ C 326, 14.9.2018, p. 114.
([5]) OJ C 326, 14.9.2018, p. 114.
([6]) Commission Implementing Decision (EU) 2019/785 of 14 May 2019 on the harmonisation of radio spectrum for equipment using ultra-wideband technology in the Union and repealing Decision 2007/131/EC (OJ L 127, 16.5.2019, p. 23).
([7]) OJ C 326, 14.9.2018, p. 114.
([8]) 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).
([9]) OJ C 326, 14.9.2018, p. 114.

HAS ADOPTED THIS DECISION:

Article 1

The references to harmonised standards for radio equipment drafted in support of Directive 2014/53/EUlisted in Annex I to this Decision, are hereby published in the *Official Journal of the European Union*.

The references to harmonised standards for radio equipment drafted in support of Directive 2014/53/EUlisted in Annex II to this Decision, are hereby published in the *Official Journal of the European Union* with restriction.

Article 2

The references to harmonised standards for radio equipment drafted in support of Directive 2014/53/EUlisted in Annex III to this Decision, are hereby withdrawn from the *Official Journal of the European Union* as from the dates set out in that Annex.

Article 3

This Decision shall enter into force on the day of its publication in the *Official Journal of the European Union*.

Done at Brussels, 5 February 2020.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX I

No	Reference of the standard
1.	EN 300 328 V2.2.2 Wideband transmission systems; Data transmission equipment operating in the 2,4 GHz band; Harmonised Standard for access to radio spectrum
2.	EN 300 674-2-2 V2.2.1 Transport and Traffic Telematics (TTT); Dedicated Short Range Communication (DSRC) transmission equipment (500 kbit/s/250 kbit/s) operating in the 5 795 MHz to 5 815 MHz frequency band; Part 2: Harmonised Standard for access to radio spectrum; Sub-part 2: On-Board Units (OBU)
3.	EN 303 098 V2.2.1 Maritime low power personal locating devices employing AIS; Harmonised Standard for access to radio spectrum

ANNEX II

No	Reference of the standard
1.	EN 300 698 V2.3.1 Radio telephone transmitters and receivers for the maritime mobile service operating in the VHF bands used on inland waterways; Harmonised Standard for access to radio spectrum and for features for emergency services *Notice:* Compliance with this harmonised standard does not confer a presumption of conformity to the essential requirement set out in Article 3(2) of Directive 2014/53/EU if, in clause 8.2.3 of this harmonised standard, the sentence '*With the output power switch set at maximum, the carrier power shall be within ±1,5 dB of the rated output power under normal test conditions*' is applied.
2.	EN 302 065-3 V2.1.1 Short Range Devices (SRD) using Ultra Wide Band technology (UWB); Harmonised Standard covering the essential requirements of Article 3.2 of the Directive 2014/53/EU; Part 3: Requirements for UWB devices for ground based vehicular applications *Notice:* This harmonised standard does not set out technical specifications for 'trigger-before-transmit techniques'. Implementing Decision (EU) 2019/785, however, imposes, as of 16 November 2019, technical requirements to be used within the bands 3,8-4,2 GHz and 6-8,5 GHz for vehicular access systems using trigger-before-transmit. Therefore compliance with this harmonised standard does not ensure compliance with Implementing Decision (EU) 2019/785 and accordingly does not confer a presumption of conformity with those essential requirements set out in Article 3(2) of Directive 2014/53/EU which relate to 'trigger-before-transmit techniques'.
3.	EN 303 520 V1.2.1 Short Range Devices (SRD); Ultra Low Power (ULP) wireless medical capsule endoscopy devices operating in the band 430 MHz to 440 MHz; Harmonised Standard for access to radio spectrum *Notice:* Compliance with this harmonised standard does not confer a presumption of conformity with the essential requirement set out in Article 3(2) of Directive 2014/53/EU if any of the following are applied: — with respect to clause B.1 of Annex B: 'The manufacturer and test laboratory may agree on alternative suitable implementation of human torso simulator, which shall be then fully described in the test report'; — with respect to clause C.1 of Annex C: 'Alternatively, the manufacturer and test laboratory may agree to use a Semi-Anechoic Room, the setup of which shall be then fully described in the test report'. *Notice:* The temperature referred to in clause B.2 of Annex B shall reflect the intended use.

ANNEX III

No	Reference of the standard	Date of withdrawal
1.	EN 300 328 V2.1.1 Wideband transmission systems; Data transmission equipment operating in the 2,4 GHz ISM band and using wide band modulation techniques; Harmonised Standard covering the essential requirements of Article 3.2 of Directive 2014/53/EU	6 August 2021
2.	EN 300 698 V2.2.1 Radio telephone transmitters and receivers for the maritime mobile service operating in the VHF bands used on inland waterways; Harmonised Standard covering the essential requirements of Articles 3.2 and 3.3(g) of Directive 2014/53/EU	6 August 2021
3.	EN 300 674-2-2 V2.1.1 Transport and Traffic Telematics (TTT); Dedicated Short Range Communication (DSRC) transmission equipment (500 kbit/s/250 kbit/s) operating in the 5 795 MHz to 5 815 MHz frequency band; Part 2: Harmonised Standard covering the essential requirements of Article 3.2 of Directive 2014/53/EU; Sub-part 2: On-Board Units (OBU)	6 August 2021
4.	EN 302 065-3 V2.1.1 Short Range Devices (SRD) using Ultra Wide Band technology (UWB); Harmonised Standard covering the essential requirements of Article 3.2 of the Directive 2014/53/EU; Part 3: Requirements for UWB devices for ground based vehicular applications	6 February 2020
5.	EN 302 752 V1.1.1 Electromagnetic compatibility and Radio spectrum Matters (ERM); Active radar target enhancers; Harmonised EN covering the essential requirements of Article 3.2 of the R&TTE Directive	6 February 2021
6.	EN 303 098 V2.1.1 Maritime low power personal locating devices employing AIS; Harmonised Standard covering the essential requirements of Article 3.2 of the Directive 2014/53/EU	6 February 2021
7.	EN 303 520 V1.1.1 Short Range Devices (SRD); Ultra Low Power (ULP) wireless medical capsule endoscopy devices operating in the band 430 MHz to 440 MHz; Harmonised Standard for access to radio spectrum	6 August 2021