

COMMISSION IMPLEMENTING DECISION (EU) 2021/395**of 4 March 2021****amending Implementing Decision (EU) 2020/668 as regards harmonised standards on electrostatic properties of protective clothing, protective clothing for firefighters and motorcycle riders, protective clothing for use in snowboarding and worn by operators applying pesticides and for re-entry workers, enhanced visibility equipment for medium risk situations, mountaineering equipment and protective clothing against the thermal hazards of an electric arc**

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 14 of Regulation (EU) 2016/425 of the European Parliament and of the Council ⁽²⁾, personal protective equipment that 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 health and safety requirements set out in Annex II to that Regulation covered by those standards or parts thereof.
- (2) By letter M/031, entitled 'Standardisation mandate to CEN/CENELEC concerning standards for personal protective equipment', the Commission made a request to the European Committee for Standardization (CEN) and the European Committee for Electrotechnical Standardization (CENELEC) to develop and draw up harmonised standards in support of Council Directive 89/686/EEC ⁽³⁾.
- (3) On the basis of the standardisation request M/031, CEN drafted several new standards and revised a number of existing harmonised standards.
- (4) On 19 November 2020 the standardisation request M/031 expired and was replaced by a new standardisation request as set out in Commission Implementing Decision C(2020)7924 ⁽⁴⁾.
- (5) As Regulation (EU) 2016/425 took over the essential health and safety requirements applicable to personal protective equipment laid down by Directive 89/686/EEC, draft harmonised standards developed under standardisation request M/031 are covered by the standardisation request set out in Implementing Decision C(2020)7924. Their references should therefore be published in the *Official Journal of the European Union*. It can therefore exceptionally be accepted that such standards developed and published by CEN and CENELEC during the period of transition between the standardisation request M/031 and the standardisation request set out in Implementing Decision C(2020)7924 do not contain an explicit reference to the standardisation request set out in Implementing Decision C(2020)7924.

⁽¹⁾ OJ L 316, 14.11.2012, p. 12.

⁽²⁾ Regulation (EU) 2016/425 of the European Parliament and of the Council of 9 March 2016 on personal protective equipment and repealing Council Directive 89/686/EEC (OJ L 81, 31.3.2016, p. 51).

⁽³⁾ Council Directive 89/686/EEC of 21 December 1989 on the approximation of the laws of the Member States relating to personal protective equipment (OJ L 399, 30.12.1989, p. 18).

⁽⁴⁾ Commission Implementing Decision C(2020) 7924 of 19.11.2020 on a standardisation request to the European Committee for Standardization and the European Committee for Electrotechnical Standardization as regards personal protective equipment in support of Regulation (EU) 2016/425 of the European Parliament and of the Council.

- (6) On the basis of the standardisation request M/031 and the standardisation request set out in Implementing Decision C(2020)7924, CEN and CENELEC drafted the following harmonised standards: EN 17109:2020 on individual safety systems for rope courses, EN ISO 20320:2020 on wrist protectors for use in snowboarding, an amendment EN ISO 27065:2017/A1:2019 to harmonised standard EN ISO 27065:2017 on performance requirements for protective clothing worn by operators applying pesticides and for re-entry workers and EN 61482-2:2020 on protective clothing against the thermal hazards of an electric arc in support of Regulation (EU) 2016/425.
- (7) On the basis of the standardisation request M/031 and the standardisation request set out in Implementing Decision C(2020)7924, CEN revised the harmonised standards EN 469:2005, as amended by EN 469:2005/A1:2006 and corrected by EN 469:2005/AC:2006 and EN 1149-5:2008, the references of which are published in the C series of the *Official Journal of the European Union* ⁽⁵⁾. That revision resulted in the adoption of harmonised standards EN 469:2020 on performance requirements for protective clothing for firefighting activities and, respectively, EN 1149-5:2018 on electrostatic properties of protective clothing.
- (8) On the basis of the standardisation request M/031 and the standardisation request set out in Implementing Decision C(2020)7924, CEN revised the harmonised standards EN 13595-1:2002 and EN 13595-3:2002, the references of which are published in the C series of the *Official Journal of the European Union* ⁽⁶⁾. That revision resulted in the adoption of harmonised standards EN 17092-2:2020 on class AAA protective garments for motorcycle riders, EN 17092-3:2020 on class AA protective garments for motorcycle riders, EN 17092-4:2020 on class A protective garments for motorcycle riders, EN 17092-5:2020 on class B protective garments for motorcycle riders and EN 17092-6:2020 on class C protective garments for motorcycle riders.
- (9) On the basis of the standardisation request M/031 and the standardisation request set out in Implementing Decision C(2020)7924, CEN revised the harmonised standards EN 1150:1999 and EN 13356:2001, the references of which are published in the C series of the *Official Journal of the European Union* ⁽⁷⁾. This resulted in the adoption of harmonised standard EN 17353:2020 on enhanced visibility equipment for medium risk situations.
- (10) The Commission together with CEN and CENELEC has assessed whether the standards drafted and revised by CEN and CENELEC comply with the standardisation request set out in Implementing Decision C(2020)7924.
- (11) The harmonised standards EN 17109:2020, EN ISO 20320:2020, EN ISO 27065:2017/A1:2019, EN 469:2020, EN 1149-5:2018, EN 17092-2:2020, EN 17092-3:2020, EN 17092-4:2020, EN 17092-5:2020, EN 17092-6:2020, EN 17353:2020 and EN 61482-2:2020 and the amendment EN ISO 27065:2017/A1:2019 to EN ISO 27065:2017 satisfy the requirements which they aim to cover and which are set out in Regulation (EU) 2016/425. It is therefore appropriate to publish the references of those standards in the *Official Journal of the European Union*.
- (12) It is therefore necessary to withdraw the references of harmonised standard EN 469:2005 as amended by EN 469:2005/A1:2006 and corrected by EN 469:2005/AC:2006, EN 1149-5:2008, EN 13595-1:2002, EN 13595-3:2002, EN 1150:1999, EN 13356:2001 and EN ISO 27065:2017 from the C series of the *Official Journal of the European Union*, given that those standards have been revised.
- (13) Annex I to Commission Implementing Decision (EU) 2020/668 ⁽⁸⁾ lists the references of harmonised standards drafted in support of Regulation (EU) 2016/425, while Annex II to Implementing Decision (EU) 2020/668 lists the references of harmonised standards drafted in support of Regulation (EU) 2016/425 that are withdrawn from the *Official Journal of the European Union* as from the dates set out in that Annex.
- (14) Implementing Decision (EU) 2020/668 should therefore be amended accordingly.

⁽⁵⁾ OJ C 113, 27.3.2018, p. 41.

⁽⁶⁾ OJ C 113, 27.3.2018, p. 41.

⁽⁷⁾ OJ C 113, 27.3.2018, p. 41.

⁽⁸⁾ Commission Implementing Decision (EU) 2020/668 of 18 May 2020 on the harmonised standards for personal protective equipment drafted in support of Regulation (EU) 2016/425 of the European Parliament and of the Council (OJ L 156, 19.5.2020, p. 13).

- (15) In order to give manufacturers sufficient time to prepare for the application of the revised and amended standards, it is necessary to defer the respective withdrawal of the references to the standards listed in Annex II.
- (16) 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 enter into force on the day of its publication,

HAS ADOPTED THIS DECISION:

Article 1

Annex I to Implementing Decision (EU) 2020/668 is amended in accordance with Annex I to this Decision.

Article 2

Annex II to Implementing Decision (EU) 2020/668 is amended in accordance with Annex II to this Decision.

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, 4 March 2021.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX I

In Annex I to Implementing Decision (EU) 2020/668, the following entries are added:

| No | Reference of standard |
|-----|---|
| 20. | EN 1149-5:2018 Protective clothing - Electrostatic properties - Part 5: Material performance and design requirements |
| 21. | EN 17092-2:2020 Protective garments for motorcycle riders - Part 2: Class AAA garments - Requirements |
| 22. | EN 17092-3:2020 Protective garments for motorcycle riders - Part 3: Class AA garments - Requirements |
| 23. | EN 17092-4:2020 Protective garments for motorcycle riders - Part 4: Class A garments - Requirements |
| 24. | EN 17092-5:2020 Protective garments for motorcycle riders - Part 5: Class B garments - Requirements |
| 25. | EN 17092-6:2020 Protective garments for motorcycle riders - Part 6: Class C garments - Requirements |
| 26. | EN 17109:2020 Mountaineering equipment - Individual safety systems for rope courses - Safety requirements and test methods |
| 27. | EN 61482-2:2020 Live working - Protective clothing against the thermal hazards of an electric arc - Part 2: Requirements |
| 28. | EN ISO 20320:2020 Protective clothing for use in Snowboarding - Wrist Protectors - Requirements and test methods (ISO 20320:2020) |
| 29. | EN 17353:2020 Protective clothing - Enhanced visibility equipment for medium risk situations - Test methods and requirements |
| 30. | EN 469:2020 Protective clothing for firefighters - Performance requirements for protective clothing for firefighting activities |
| 31. | EN ISO 27065:2017 Protective clothing - Performance requirements for protective clothing worn by operators applying pesticides and for re-entry workers (ISO 27065:2017). EN ISO 27065:2017/A1:2019 |

ANNEX II

In Annex II to Implementing Decision (EU) 2020/668, the following entries are added:

| No | Reference of standard | Date of withdrawal |
|-----|--|--------------------|
| 15. | EN 469:2005 Protective clothing for firefighters - Performance requirements for protective clothing for firefighting activities EN 469:2005/A1:2006 EN 469:2005/AC:2006 | 5 September 2022 |
| 16. | EN 1149-5:2008 Protective clothing - Electrostatic properties - Part 5: Material performance and design requirements | 5 September 2022 |
| 17. | EN 13595-1:2002 Protective clothing for professional motorcycle riders — Jackets, trousers and one piece or divided suits — Part 1: General requirements | 5 September 2022 |
| 18. | EN 13595-3:2002 Protective clothing for professional motorcycle riders — Jackets, trousers and one-piece or divided suits — Part 3: Test method for determination of burst strength | 5 September 2022 |
| 19. | EN 1150:1999 Protective clothing — Visibility clothing for non-professional use — Test methods and requirements | 5 September 2022 |
| 20. | EN 13356:2001 Visibility accessories for non-professional use — Test methods and requirements | 5 September 2022 |
| 21. | EN ISO 27065:2017 Protective clothing - Performance requirements for protective clothing worn by operators applying pesticides and for re-entry workers (ISO 27065:2017) | 5 September 2022 |