

**COMMISSION IMPLEMENTING DECISION (EU) 2021/1196****of 19 July 2021****amending Implementing Decision (EU) 2020/167 as regards harmonised standards for certain radio equipment concerning ground- and wall-probing radio determination devices, radio frequency identification equipment, radio equipment for Euroloop railway systems, networked short range devices, wireless industrial applications and broadband communication radiolink for ships and off-shore installations**

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 <sup>(1)</sup>, 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, <sup>(2)</sup> 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 standards or parts thereof.
- (2) By Implementing Decision C(2015) 5376 <sup>(3)</sup>, the Commission made a request to the European Committee for Electrotechnical Standardisation (CENELEC) 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 (“the Request”).
- (3) On the basis of the Request, ETSI drafted harmonised standard EN 303 258 V1.1.1 for wireless industrial applications.
- (4) On the basis of the Request, ETSI revised harmonised standards EN 302 208 V3.1.1, EN 302 609 V2.1.1, EN 303 204 V2.1.2 and EN 303 276 V1.1.1, the references of which are published in the C series of the *Official Journal of the European Union* <sup>(4)</sup>. This resulted in adoption of, respectively, harmonised standards EN 302 066 V2.2.1 for ground- and wall-probing radio determination devices, EN 302 208 V3.3.1 for radio frequency identification equipment, EN 302 609 V2.2.1 for radio equipment for Euroloop railway systems, EN 303 204 V3.1.1 for networked short range devices and EN 303 276 V1.2.1 for broadband communication radiolink for ships and off-shore installations.
- (5) The Commission, together with ETSI, has assessed whether those harmonised standards comply with the Request.
- (6) Harmonised standards EN 303 204 V3.1.1 and EN 303 276 V1.2.1 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*.

<sup>(1)</sup> OJ L 316, 14.11.2012, p. 12.

<sup>(2)</sup> 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).

<sup>(3)</sup> 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.

<sup>(4)</sup> OJ C 326, 14.9.2018, p. 114.

- (7) Harmonised standard EN 302 066 V2.2.1, in the final sentence of the ninth paragraph of its clause 6.2.5 and the tenth and eleventh paragraph of its clause 6.2.5, allows for a subjective interpretation and definition of the specifications laid down in that harmonised standard. The reference of that harmonised standard should therefore be published in the *Official Journal of the European Union* with restrictions.
- (8) European Conference of Postal and Telecommunications Administrations Recommendation 74-01 on unwanted emissions in the spurious domain (ERC Recommendation 74-01 (2019)) lays down requirements for the efficient use of radio spectrum. Table 6 of ERC Recommendation 74-01 (2019) provides that protection should be up to the limit of 694 MHz frequency range. Table 2 of harmonised standard EN 302 208 V3.3.1 is not aligned with ERC Recommendation 74-01 as the limit indicated in that Table is different to the limit indicated in ERC Recommendation 74-01(2019). The reference of that harmonised standard should therefore be published in the *Official Journal of the European Union* with restriction.
- (9) Harmonised standard EN 302 609 V2.2.1 contains, in Table 3, inconsistencies as regards the frequency ranges for the measuring receiver. The reference of that harmonised standard should therefore be published in the *Official Journal of the European Union* with restriction.
- (10) Clauses 4.2.8.2, 4.2.9.3 and 4.2.10.3 of harmonised standard EN 303 258 V1.1.1 do not provide test methods for demonstrating compliance with the specifications set out in those clauses. The reference of that harmonised standard should therefore be published in the *Official Journal of the European Union* with restrictions.
- (11) Annex I to Commission Implementing Decision (EU) 2020/167 <sup>(?)</sup> lists the references of harmonised standards conferring a presumption of conformity with Directive 2014/53/EU, while Annex II to that Implementing Decision lists the references of harmonised standards conferring a presumption of conformity with Directive 2014/53/EU with restriction. In order to ensure that the references of harmonised standards drafted in support of Directive 2014/53/EU are listed in one act, the references of standards EN 303 204 V3.1.1 and EN 303 276 V1.2.1 should be included in Annex I to Implementing Decision (EU) 2020/167 and the references of standards EN 302 066 V2.2.1, EN 302 208 V3.3.1, EN 302 609 V2.2.1 and EN 303 258 V1.1.1 should be included in Annex II to that Implementing Decision.
- (12) It is therefore necessary to withdraw the references of harmonised standards EN 302 066-2 V1.2.1, EN 302 208 V3.1.1, EN 302 609 V2.1.1, EN 303 204 V2.1.2 and EN 303 276 V1.1.1, from the C series of the *Official Journal of the European Union* <sup>(°)</sup>, given that they have been revised. Annex III to Implementing Decision (EU) 2020/167 lists the references of harmonised standards drafted in support of Directive 2014/53/EU that are withdrawn from the C series of the *Official Journal of the European Union*. It is therefore appropriate to include those references in that Annex.
- (13) In order to give manufacturers sufficient time to prepare for applying harmonised standards EN 302 066 V2.2.1, EN 302 208 V3.3.1, EN 302 609 V2.2.1, EN 303 204 V3.1.1 and EN 303 276 V1.2.1, it is necessary to defer the withdrawal of the references of harmonised standards EN 302 066-2 V1.2.1, EN 302 208 V3.1.1, EN 302 609 V2.1.1, EN 303 204 V2.1.2 and EN 303 276 V1.1.1.
- (14) 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 as a matter of urgency,

HAS ADOPTED THIS DECISION:

#### Article 1

Implementing Decision (EU) 2020/167 is amended as follows:

- (1) Annex I is amended in accordance with Annex I to this Decision;
- (2) Annex II is amended in accordance with Annex II to this Decision;

<sup>(?)</sup> 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 (OJ L 34, 6.2.2020, p. 46).

<sup>(°)</sup> OJ C 326, 14.9.2018, p. 114.

(3) Annex III is amended in accordance with Annex III to this Decision.

*Article 2*

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

Done at Brussels, 19 July 2021.

*For the Commission*  
*The President*  
Ursula VON DER LEYEN

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## ANNEX I

In Annex I to Implementing Decision (EU) 2020/167, the following rows are added:

No	Reference of the standard
'10.	EN 303 204 V3.1.1 Fixed Short Range Devices (SRD) in data networks; Radio equipment to be used in the 870 MHz to 876 MHz frequency range with power levels ranging up to 500 mW e.r.p.; Harmonised Standard for access to the radio spectrum
11.	EN 303 276 V1.2.1 Maritime Broadband Radiolink operating within the bands 5 852 MHz to 5 872 MHz and/or 5 880 MHz to 5 900 MHz for ships and off-shore installations engaged in coordinated activities; Harmonised Standard for access to radio spectrum'

## ANNEX II

In Annex II to Implementing Decision (EU) 2020/167, the following rows are added:

No	Reference of the standard
‘10.	EN 302 066 V2.2.1 Short Range Devices (SRD); Ground- and Wall- Probing Radio determination (GPR/WPR) devices; Harmonised Standard for access to radio spectrum <i>Notice:</i> Compliance with this harmonised standard shall 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 is applied: <ul style="list-style-type: none"> <li>— in the ninth paragraph of clause 6.2.5 of that standard, the sentence ‘For the emission measurements, a combination of bicones and log periodic dipole array antennas (commonly termed “log periodics”) could also be used to cover the entire 30 MHz to 1 000 MHz band’;</li> <li>— the tenth paragraph of clause 6.2.5 of that standard;</li> <li>— the eleventh paragraph of clause 6.2.5 of that standard.</li> </ul>
11.	EN 302 208 V3.3.1 Radio Frequency Identification Equipment operating in the band 865 MHz to 868 MHz with power levels up to 2 W and in the band 915 MHz to 921 MHz with power levels up to 4 W; Harmonised Standard for access to radio spectrum <i>Notice:</i> For the purposes of presumption of conformity with the essential requirement set out in Article 3(2) of Directive 2014/53/EU, in Table 2 of this harmonised standard, the limit ‘692 MHz’ is replaced by the following: ‘694 MHz.’.
12.	EN 302 609 V2.2.1 Short Range Devices (SRD); Radio equipment for Euroloop communication systems; Harmonised Standard for access to radio spectrum <i>Notice:</i> For the purposes of presumption of conformity with the essential requirement set out in Article 3(2) of Directive 2014/53/EU: <ul style="list-style-type: none"> <li>— in the second row of Table 3 of this harmonised standard, the limit ‘29 090 MHz’ shall be read as ‘27 090 MHz’;</li> <li>— in the third row of Table 3 of this harmonised standard, the limit ‘29 100 MHz’, shall be read as ‘27 100 MHz.’.</li> </ul>
13.	EN 303 258 V1.1.1 Wireless Industrial Applications (WIA); Equipment operating in the 5 725 MHz to 5 875 MHz frequency range with power levels ranging up to 400 mW; Harmonised Standard for access to radio spectrum <i>Notice:</i> Compliance with this harmonised standard shall not confer a presumption of conformity with the essential requirement set out in Article 3(2) of Directive 2014/53/EU, in case that the appropriate test methods are not carried out in order to demonstrate compliance with clauses 4.2.8.2, 4.2.9.3 and 4.2.10.3 of this harmonised standard.’.

## ANNEX III

In Annex III to Implementing Decision (EU) 2020/167, the following rows are added:

No	Reference of the standard	Date of withdrawal
'17.	EN 302 066-2 V1.2.1 Electromagnetic compatibility and Radio spectrum Matters (ERM); Ground- and Wall- Probing Radar applications (GPR/WPR) imaging systems; Part 2: Harmonized EN covering essential requirements of article 3.2 of the R&TTE Directive	20 January 2023
18.	EN 302 208 V3.1.1 Radio Frequency Identification Equipment operating in the band 865 MHz to 868 MHz with power levels up to 2 W and in the band 915 MHz to 921 MHz with power levels up to 4 W; Harmonised Standard covering the essential requirements of article 3.2 of the Directive 2014/53/EU	20 January 2023
19.	EN 302 609 V2.1.1 Short Range Devices (SRD); Radio equipment for Euroloop railway systems; Harmonised Standard covering the essential requirements of article 3.2 of the Directive 2014/53/EU	20 January 2023
20.	EN 303 204 V2.1.2 Network Based Short Range Devices (SRD); Radio equipment to be used in the 870 MHz to 876 MHz frequency range with power levels ranging up to 500 mW; Harmonised Standard covering the essential requirements of article 3.2 of the Directive 2014/53/EU	20 January 2023
21.	EN 303 276 V1.1.1 Maritime Broadband Radiolink operating within the bands 5 852 MHz to 5 872 MHz and/or 5 880 MHz to 5 900 MHz for ships and off-shore installations engaged in coordinated activities; Harmonised Standard covering the essential requirements of article 3.2 of Directive 2014/53/EU	20 January 2023'