DECISIONS

COMMISSION IMPLEMENTING DECISION (EU) 2022/498

of 22 March 2022

amending Implementing Decision (EU) 2020/167 as regards harmonised standards for avalanche beacons, satellite earth stations and systems, land mobile earth stations, maritime mobile earth stations, IMT cellular networks equipment, fixed radio systems, digital terrestrial TV transmitters, mobile communication on board aircraft systems, multi Gbps radio equipment, broadcast sound receivers, audio frequency induction loop drivers, primary surveillance radars and TETRA radio equipment

(Text with EEA relevance)

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 standards or parts thereof.

(2) By Implementing Decision C(2015) 5376 [3], 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 the following new harmonised standards: EN 300 718-1 V2.2.1 for avalanche beacons, EN 303 345-3 V1.1.1 and EN 303 345-4 V1.1.1 for broadcast sound receivers, EN 303 348 V1.2.1 for audio frequency induction loop drivers, EN 303 364-2 V1.1.1 for primary surveillance radars, EN 303 372-1 V1.2.1, EN 303 372-2 V1.2.1, EN 303 413 V1.2.1, EN 303 980 V1.2.1 and EN 303 981 V1.2.1 for satellite stations and systems and EN 303 758 V1.1.1 for TETRA radio equipment.

[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 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.

(4) On the basis of the request, ETSI revised the following harmonised standards: EN 301 444 V2.1.2, EN 301 908-15 V11.1.2, EN 302 296-2 V1.2.1, EN 302 480 V2.1.2 and EN 302 567 V1.2.1, the references of which have been published in the C series of the *Official Journal of the European Union* by Commission communication 2018/C 326/04 ([4]). This resulted in the adoption of the following revised harmonised standards: EN 301 444 V2.2.1 for satellite stations and systems, EN 301 908-15 V15.1.1 for IMT cellular networks, EN 302 296 V2.2.1 for digital terrestrial TV transmitters, EN 302 480 V2.2.1 for mobile communication on board aircraft systems and EN 302 567 V2.2.1 for multi Gbps radio equipment.

(5) On the basis of the request, ETSI also revised the following harmonised standards for IMT cellular networks: EN 301 908-1 V13.1.1, EN 301 908-14 V13.1.1 and EN 301 908-18 V13.1.1, the references of which have been added in Annex I to Commission Implementing Decision (EU) 2020/167 ([5]). This resulted in the adoption of the following revised harmonised standards: EN 301 908-1 V15.1.1, EN 301 908-14 V15.1.1 and EN 301 908-18 V15.1.1. In addition, ETSI revised the harmonised standard EN 302 217-2 V3.2.2 for fixed radio systems, the reference of which has been added in Annex II to Implementing Decision (EU) 2020/167. This resulted in the adoption of the revised harmonised standard EN 302 217-2 V3.3.1.

(6) The Commission, together with ETSI, has assessed whether those new and revised harmonised standards comply with the request.

(7) Harmonised standards EN 301 908-14 V15.1.1, EN 301 908-15 V15.1.1, EN 301 908-18 V15.1.1, EN 302 217-2 V3.3.1, EN 302 480 V2.2.1, EN 302 567 V2.2.1, EN 303 345-3 V1.1.1, EN 303 345-4 V1.1.1, EN 303 348 V1.2.1, EN 303 372-2 V1.2.1, EN 303 413 V1.2.1 and EN 303 758 V1.1.1 satisfy the essential requirements which they aim to cover and which are set out in Article 3 of Directive 2014/53/EU. It is therefore appropriate to publish the references of those standards in the *Official Journal of the European Union*.

(8) Harmonised standard EN 300 718-1 V2.2.1, in the last sentence of clause 5.1.3.1, does not specify all the conditions for verification mechanisms, allowing for a subjective interpretation of the specifications laid down therein. In addition, it does not lay down any requirements relating to the spurious response rejection, which is a receiver parameter that may be related to the production of harmful interferences. The reference of that harmonised standard should therefore be published in the *Official Journal of the European Union* with restriction.

(9) Harmonised standard EN 301 444 V2.2.1, in second paragraph of clause 5.2.1, does not provide for any verification criteria for fulfilment of the specifications laid down therein, allowing uncertainty in terms of results. In addition, it provides, in clause 5.2.2.3.1, specifications as regards the installation of the equipment, which is not the objective of a harmonised standard. Finally, in the first paragraph of clause 5.2.3, the first paragraph of clause 5.2.4 and the first paragraph of clause 5.2.5, it allows the manufacturer to modify the equipment with the purpose of testing, which may lead to imprecise results and create a high degree of uncertainty. The reference of that harmonised standard should therefore be published in the *Official Journal of the European Union* with restriction.

(10) Harmonised standard EN 301 908-1 V15.1.1, in note 3 to clause 5.3.2.1, allows the manufacturer to select an alternative testing methodology to the one laid down in that standard. This may lead to different testing results and creates legal uncertainty. The reference of that harmonised standard should therefore be published in the *Official Journal of the European Union* with restriction.

([4]) Commission communication in the framework of the implementation of Directive 1999/5/EC of the European Parliament and of the Council on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity and Directive 2014/53/EU of the European Parliament and of the Council 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 (Publication of titles and references of harmonised standards under Union harmonisation legislation) (OJ C 326, 14.9.2018, p. 114).

([5]) 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).

(11) Harmonised standard EN 302 296 V2.2.1, in clause 5.4.2.5, describes an imprecise testing set-up by means of a coupling device, which creates a high degree of uncertainty in the interpretation of the results. The reference of that harmonised standard should therefore be published in the *Official Journal of the European Union* with restriction.

(12) Harmonised standard EN 303 364-2 V1.1.1, in clauses 4.2.1.4 and 5.3.1.5, describes a particular scenario of power transfer between the transmitter and the antenna by means of WR284/WG10/R32 waveguides, which means that it covers only part of the scope of the essential requirements that it is intended to cover. The reference of that harmonised standard should therefore be published in the *Official Journal of the European Union* with restriction.

(13) Harmonised standard EN 303 372-1 V1.2.1, in clause 4.3.5, provides that it is not applicable under certain technical conditions for which no mitigation measures are provided as regards the avoidance of harmful interferences. This may lead to harmful interference with satellite networks and other services. The reference of that harmonised standard should therefore be published in the *Official Journal of the European Union* with restriction.

(14) Harmonised standard EN 303 980 V1.2.1, in the second sentence of clause 6.1.1, allows the manufacturer to select an alternative testing methodology to the one laid down in that standard. This may lead to different testing results and may create legal uncertainty. The reference of that harmonised standard should therefore be published in the *Official Journal of the European Union* with restriction.

(15) Harmonised standard EN 303 981 V1.2.1, in the second sentence of clause 6.1.1, allows the manufacturer to select an alternative testing methodology to the one laid down in that standard. This may lead to different testing results and may create legal uncertainty. The reference of that harmonised standard should therefore be published in the *Official Journal of the European Union* with restriction.

(16) Annex I to Implementing Decision (EU) 2020/167 lists the references of harmonised standards for radio equipment drafted in support of Directive 2014/53/EU that are published in the *Official Journal of the European Union*, while Annex II to that Implementing Decision lists the references of such harmonised standards that are published in the *Official Journal of the European Union* with restriction.

(17) 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 harmonised standards EN 301 908-14 V15.1.1, EN 301 908-15 V15.1.1, EN 301 908-18 V15.1.1, EN 302 217-2 V3.3.1, EN 302 480 V2.2.1, EN 302 567 V2.2.1, EN 303 345-3 V1.1.1, EN 303 345-4 V1.1.1, EN 303 348 V1.2.1, EN 303 372-2 V1.2.1, EN 303 413 V1.2.1 and EN 303 758 V1.1.1 should be included in Annex I to Implementing Decision (EU) 2020/167 and the references of harmonised standards EN 300 718-1 V2.2.1, EN 301 444 V2.2.1, EN 301 908-1 V15.1.1, EN 302 296 V2.2.1, EN 303 364-2 V1.1.1, EN 303 372-1 V1.2.1, EN 303 980 V1.2.1 and EN 303 981 V1.2.1 should be included in Annex II to that Implementing Decision.

(18) Harmonised standards EN 301 444 V2.2.1, EN 301 908-1 V15.1.1, EN 301 908-14 V15.1.1, EN 301 908-15 V15.1.1, EN 301 908-18 V15.1.1, EN 302 217-2 V3.3.1, EN 302 296 V2.2.1, EN 302 480 V2.2.1 and EN 302 567 V2.2.1 replace harmonised standards EN 301 444 V2.1.2, EN 301 908-1 V13.1.1, EN 301 908-14 V13.1.1, EN 301 908-15 V11.1.2, EN 301 908-18 V13.1.1, EN 302 217-2 V3.2.2, EN 302 296-2 V1.2.1, EN 302 480 V2.1.2 and EN 302 567 V1.2 respectively.

(19) It is therefore necessary to withdraw the references of harmonised standards EN 301 444 V2.1.2, EN 301 908-15 V11.1.2, EN 302 296-2 V1.2.1, EN 302 480 V2.1.2 and EN 302 567 V1.2.1, from the C series of the *Official Journal of the European Union* ([6]). Annex III to Implementing Decision (EU) 2020/167 lists the references of harmonised standards for radio equipment 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.

([6]) OJ C 326, 14.9.2018, p. 114.

(20) It is also necessary to withdraw the references of harmonised standards EN 301 908-1 V13.1.1, EN 301 908-14 V13.1.1, EN 301 908-18 V13.1.1 and EN 302 217-2 V3.2.2 from the L series of the *Official Journal of the European Union*. It is therefore appropriate to delete those references from Annexes I and II to Implementing Decision (EU) 2020/167.

(21) In order to give manufacturers sufficient time to prepare for the application of harmonised standards EN 301 444 V2.2.1, EN 301 908-1 V15.1.1, EN 301 908-14 V15.1.1, EN 301 908-15 V15.1.1, EN 301 908-18 V15.1.1, EN 302 217-2 V3.3.1, EN 302 296 V2.2.1, EN 302 480 V2.2.1 and EN 302 567 V2.2.1, it is necessary to defer the withdrawal of the references of harmonised standards EN 301 444 V2.1.2, EN 301 908-1 V13.1.1, EN 301 908-14 V13.1.1, EN 301 908-15 V11.1.2, EN 301 908-18 V13.1.1, EN 302 217-2 V3.2.2, EN 302 296-2 V1.2.1, EN 302 480 V2.1.2 and EN 302 567 V1.2.1.

(22) Implementing Decision (EU) 2020/167 should therefore be amended accordingly.

(23) 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;

(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, 22 March 2022.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX I

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

(1) entry 4 is deleted;

(2) the following entry 4a is inserted:

'4a.	EN 301 908-15 V15.1.1 IMT cellular networks; Harmonised Standard for access to radio spectrum; Part 15: Evolved Universal Terrestrial Radio Access (E-UTRA FDD) Repeaters'

(3) entry 6 is deleted;

(4) the following entry 6a is inserted:

'6a.	EN 301 908-14 V15.1.1 IMT cellular networks; Harmonised Standard for access to radio spectrum; Part 14: Evolved Universal Terrestrial Radio Access (E-UTRA) Base Stations (BS)'

(5) entry 7 is deleted;

(6) the following entry 7a is inserted:

'7a.	EN 301 908-18 V15.1.1 IMT cellular networks; Harmonised Standard for access to radio spectrum; Part 18: E-UTRA, UTRA and GSM/EDGE Multi-Standard Radio (MSR) Base Station (BS); Release 15'

(7) the following entries are added:

No	**Reference of the standard**
'12.	EN 302 217-2 V3.3.1 Fixed Radio Systems; Characteristics and requirements for point-to-point equipment and antennas; Part 2: Digital systems operating in frequency bands from 1 GHz to 86 GHz; Harmonised Standard for access to radio spectrum
13.	EN 302 480 V2.2.1 Mobile Communication On Board Aircraft (MCOBA) systems; Harmonised Standard for access to radio spectrum
14.	EN 302 567 V2.2.1 Multiple-Gigabit/s radio equipment operating in the 60 GHz band
15.	EN 303 345-3 V1.1.1 Broadcast Sound Receivers; Part 3: FM broadcast sound service
16.	EN 303 345-4 V1.1.1 Broadcast Sound Receivers; Part 4: DAB broadcast sound service
17.	EN 303 348 V1.2.1 Audio frequency induction loop drivers up to 45 amperes in the frequency range 10 Hz to 9 kHz
18.	EN 303 372-2 V1.2.1 Satellite Earth Stations and Systems (SES); Satellite broadcast reception equipment; Part 2: Indoor unit

19.	EN 303 413 V1.2.1 Satellite Earth Stations and Systems (SES); Global Navigation Satellite System (GNSS) receivers; Radio equipment operating in the 1 164 MHz to 1 300 MHz and 1 559 MHz to 1 610 MHz frequency bands
20.	EN 303 758 V1.1.1 TETRA radio equipment using non-constant envelope modulation operating in a channel bandwidth of 25 kHz, 50 kHz, 100 kHz or 150 kHz.’

ANNEX II

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

(1) entry 5 is deleted;

(2) the following entries are added:

No	Reference of the standard
'14.	EN 300 718-1 V2.2.1 Avalanche Beacons operating at 457 kHz; Transmitter-receiver systems; Part 1: Harmonised Standard for access to radio spectrum *Notice1*: 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 the last sentence of clause 5.1.3.1 of this standard is applied. *Notice 2*: This harmonised standard does not confer a presumption of conformity as regards spurious response rejection.
15.	EN 301 444 V2.2.1 Satellite Earth Stations and Systems (SES); Land Mobile Earth Stations (LMES) and Maritime Mobile Earth Stations (MMES) providing voice and/or data communications, operating in the 1,5 GHz and 1,6 GHz frequency bands *Notice*: 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: (a) the second paragraph of clause 5.2.1 of this standard; (b) clause 5.2.2.3.1 of that standard; (c) the first paragraph of clause 5.2.3 of this standard; (d) the first paragraph of clause 5.2.4 of this standard; (e) the first paragraph of clause 5.2.5 of this standard.
16.	EN 301 908-1 V15.1.1 IMT cellular networks; Harmonised Standard for access to radio spectrum; Part 1: Introduction and common requirements *Notice*: 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 note 3 of clause 5.3.2.1 of this standard is applied.
17.	EN 302 296 V2.2.1 Digital Terrestrial TV Transmitters *Notice*: 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 a coupling device is used within the test arrangement laid down in clause 5.4.2.5 of this standard.
18.	EN 303 364-2 V1.1.1 Primary Surveillance Radar (PSR); Harmonised Standard for access to radio spectrum; Part 2: Air Traffic Control (ATC) PSR sensors operating in the frequency band 2 700 MHz to 3 100 MHz (S band) *Notice*: As regards clauses 4.2.1.4 and 5.3.1.5 of this harmonised standard, 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 to equipment not using WR284/WG10/R32 waveguides to transfer power between the transmitter and the antenna.

19.	EN 303 372-1 V1.2.1 Satellite Earth Stations and Systems (SES); Satellite broadcast reception equipment; Part 1: Outdoor unit receiving in the 10,7 GHz to 12,75 GHz frequency band *Notice*: 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 the following sentence in clause 4.3.5 of this standard is applied: "This requirement does not apply in case the ODU is designed for a specific satellite network that makes use of both polarizations".
20.	EN 303 980 V1.2.1 Satellite Earth Stations and Systems (SES); Fixed and in-motion Earth Stations communicating with non-geostationary satellite systems (NEST) in the 11 GHz to 14 GHz frequency bands *Notice*: 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 the second sentence in clause 6.1.1 of this standard is applied.
21.	EN 303 981 V1.2.1 Satellite Earth Stations and Systems (SES); Fixed and in-motion Wide Band Earth Stations communicating with non-geostationary satellite systems (WBES) in the 11 GHz to 14 GHz frequency bands *Notice*: 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 the second sentence in clause 6.1.1 of this standard is applied.'

ANNEX III

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

No	Reference of the standard	Date of withdrawal
'22.	EN 301 444 V2.1.2 Satellite Earth Stations and Systems (SES); Harmonised Standard for Land Mobile Earth Stations (LMES) providing voice and/or data communications, operating in the 1,5 GHz and 1,6 GHz frequency bands covering the essential requirements of article 3.2 of the Directive 2014/53/EU	29 September 2023
23.	EN 301 908-1 V13.1.1 IMT cellular networks; Harmonised Standard for access to radio spectrum; Part 1: Introduction and common requirements	29 September 2023
24.	EN 301 908-14 V13.1.1 IMT cellular networks; Harmonised Standard for access to radio spectrum; Part 14: Evolved Universal Terrestrial Radio Access (E-UTRA) Base Stations (BS)	29 September 2023
25.	EN 301 908-15 V11.1.2 IMT cellular networks; Harmonised Standard covering the essential requirements of article 3.2 of Directive 2014/53/EU; Part 15: Evolved Universal Terrestrial Radio Access (E-UTRA FDD) Repeaters	29 September 2023
26.	EN 301 908-18 V13.1.1 IMT cellular networks; Harmonised Standard for access to radio spectrum; Part 18: E-UTRA, UTRA and GSM/EDGE Multi-Standard Radio (MSR) Base Station (BS)	29 September 2023
27.	EN 302 217-2 V3.2.2 Fixed Radio Systems; Characteristics and requirements for point-to-point equipment and antennas; Part 2: Digital systems operating in frequency bands from 1 GHz to 86 GHz; Harmonised Standard for access to radio spectrum	29 September 2023
28.	EN 302 296-2 V1.2.1 Electromagnetic compatibility and Radio spectrum Matters (ERM); Transmitting equipment for the digital television broadcast service, Terrestrial (DVB-T); Part 2: Harmonized EN covering the essential requirements of article 3.2 of the R&TTE Directive	29 September 2023
29.	EN 302 480 V2.1.2 Mobile Communication On Board Aircraft (MCOBA) systems; Harmonised Standard covering the essential requirements of article 3.2 of Directive 2014/53/EU	29 September 2023
30.	EN 302 567 V1.2.1 Broadband Radio Access Networks (BRAN); 60 GHz Multiple-Gigabit WAS/RLAN Systems; Harmonized EN covering the essential requirements of article 3.2 of the R&TTE Directive	29 September 2023'