

COMMISSION IMPLEMENTING DECISION (EU) 2022/2414**of 6 December 2022****amending Implementing Decision (EU) 2020/668 as regards harmonised standards on requirements, testing and marking of particle filters for respiratory protective devices, general requirements for protective clothing, requirements for eye protectors for squash and eye protectors for racquetball and squash 57 and requirements and test methods for footwear protecting against risks in foundries and during welding and allied processes**

(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 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 drafted the following new harmonised standards: EN ISO 18527-2:2021 on requirements for eye protectors for squash and eye protectors for racquetball and squash 57, EN ISO 20349-1:2017/A1:2020 amending EN ISO 20349-1:2017 on requirements and test methods for footwear protecting against risks in foundries and EN ISO 20349-2:2017/A1:2020 amending EN ISO 20349-2:2017 on requirements and test methods for footwear protecting against risks during welding and allied processes.
- (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 143:2000 on requirements, testing and marking of particle filters for respiratory protective devices, as corrected by EN 143:2000/AC:2005 and amended by EN 143:2000/A1:2006, and EN ISO 13688:2013 on general requirements for protective clothing, the references of which are published by Commission communication (2018/C 209/03) ⁽⁵⁾. That revision resulted in the adoption of harmonised standard EN 143:2021 and the amendment EN ISO 13688:2013/A1:2021 to the harmonised standard EN ISO 13688:2013.
- (8) The Commission together with CEN has assessed whether the harmonised standards drafted and revised by CEN comply with the standardisation request set out in Implementing Decision C(2020)7924.
- (9) The harmonised standards EN 143:2021, EN ISO 13688:2013 as amended by EN ISO 13688:2013/A1:2021, EN ISO 18527-2:2021, EN ISO 20349-1:2017 as amended by EN ISO 20349-1:2017/A1:2020 and EN ISO 20349-2:2017 as amended by EN ISO 20349-2:2017/A1:2020 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 harmonised standards in the *Official Journal of the European Union*.
- (10) Annex I to Commission Implementing Decision (EU) 2020/668 ⁽⁶⁾ lists the references of harmonised standards conferring a presumption of conformity with Regulation (EU) 2016/425. In order to ensure that the references of harmonised standards drafted in support of Regulation (EU) 2016/425 are listed in one act, the references of the harmonised standards EN 143:2021, EN ISO 13688:2013 and of its amendment EN ISO 13688:2013/A1:2021, EN ISO 18527-2:2021, EN ISO 20349-1:2017 and of its amendment EN ISO 20349-1:2017/A1:2020 and EN ISO 20349-2:2017 and of its amendment EN ISO 20349-2:2017/A1:2020 should be included in that Annex.
- (11) It is therefore necessary to withdraw the references of harmonised standard EN 143:2000, and of its correction EN 143:2000/AC:2005 and amendment EN 143:2000/A1:2006, and of harmonised standard EN ISO 13688:2013 from the C series of the *Official Journal of the European Union*.
- (12) 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 C series of the *Official Journal of the European Union*. It is therefore appropriate to include the references of harmonised standard EN 143:2000, and of its correction EN 143:2000/AC:2005 and amendment EN 143:2000/A1:2006, and of harmonised standard EN ISO 13688:2013 in that Annex.
- (13) Harmonised standards EN 352-1:2002, EN 352-2:2002, EN 352-3:2002, EN 352-4:2001, as amended by EN 352-4:2001/A1:2005, EN 352-5:2002, as amended by EN 352-5:2002/A1:2005, EN 352-6:2002, EN 352-7:2002 and EN 352-8:2008 on hearing protectors have been revised by CEN and their references have been included in Annex II to Implementing Decision (EU) 2020/668 with 21 January 2023 indicated as the date of withdrawal. The new versions of the superseded standards introduced new technical requirements regarding the calculation of the

⁽⁵⁾ Commission communication in the framework of the implementation of Regulation (EU) 2016/425 of the European Parliament and of the Council on personal protective equipment and repealing Council Directive 89/686/EEC (Publication of titles and references of harmonised standards under Union harmonisation legislation) (OJ C 209, 15.6.2018, p. 17).

⁽⁶⁾ 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).

attenuation and new head sizes, which implies additional testing of hearing protectors together with head protection and/or face protection devices in more varied combinations. Consequentially, manufacturers need more time to adapt their production for it to comply with the new standards. Moreover, notified bodies and testing laboratories are required to adapt the test methods and revise their accreditation in accordance with the new requirements. It is therefore appropriate to postpone the date of withdrawal of harmonised standards EN 352-1:2002, EN 352-2:2002, EN 352-3:2002, EN 352-4:2001, and of its amendment EN 352-4:2001/A1:2005, EN 352-5:2002, and of its amendment EN 352-5:2002/A1:2005, EN 352-6:2002, EN 352-7:2002 and EN 352-8:2008 for additional 18 months. This postponement is not expected to have a detrimental effect on the safety levels of the concerned products as the revised standards mainly improve the clarity of the test procedures and do not bring significant changes to the applicable substantive requirements. The entries in Annex II to Implementing Decision (EU) 2020/668 concerning the harmonised standards EN 352-1:2002, EN 352-2:2002, EN 352-3:2002, EN 352-4:2001, and its amendment EN 352-4:2001/A1:2005, EN 352-5:2002 and its amendment EN 352-5:2002/A1:2005, EN 352-6:2002, EN 352-7:2002 and EN 352-8:2008 should therefore be replaced.

- (14) Implementing Decision (EU) 2020/668 should therefore be amended accordingly.
- (15) In order to give manufacturers sufficient time to prepare for the application of harmonised standards EN 143:2021 and EN ISO 13688:2013, as amended by EN ISO 13688:2013/A1:2021, it is necessary to defer the withdrawal of the references of harmonised standard EN 143:2000, as corrected by EN 143:2000/AC:2005 and amended by EN 143:2000/A1:2006, and of harmonised standard EN ISO 13688:2013.
- (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

Implementing Decision (EU) 2020/668 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.

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, 6 December 2022.

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
39.	EN 143:2021 Respiratory protective devices – Particle filters – Requirements, testing, marking
40.	EN ISO 13688:2013 Protective clothing – General requirements (ISO 13688:2013) EN ISO 13688:2013/A1:2021
41.	EN ISO 18527-2:2021 Eye and face protection for sports use – Part 2: Requirements for eye protectors for squash and eye protectors for racquetball and squash 57 (ISO 18527-2:2021)
42.	EN ISO 20349-1:2017 Personal protective equipment – Footwear protecting against risks in foundries and welding – Part 1: Requirements and test methods for protection against risks in foundries (ISO 20349-1:2017) EN ISO 20349-1:2017/A1:2020
43.	EN ISO 20349-2:2017 Personal protective equipment – Footwear protecting against risks in foundries and welding – Part 2: Requirements and test methods for protection against risks in welding and allied processes (ISO 20349-2:2017) EN ISO 20349-2:2017/A1:2020

ANNEX II

Annex II to Implementing Decision (EU) 2020/668 is amended as follows:

(1) entries No 22 to 29 are replaced by the following entries:

No	Reference of standard	Date of withdrawal
'22.	EN 352-1:2002 Hearing protectors – General requirements – Part 1: Ear-Muffs	21 July 2024
23.	EN 352-2:2002 Hearing protectors – General requirements – Part 2: Ear-plugs	21 July 2024
24.	EN 352-3:2002 Hearing protectors – General requirements – Part 3: Ear-muffs attached to an industrial safety helmet	21 July 2024
25.	EN 352-4:2001 Hearing protectors – Safety requirements and testing – Part 4: Level-dependent ear-muffs EN 352-4:2001/A1:2005	21 July 2024
26.	EN 352-5:2002 Hearing protectors – Safety requirements and testing – Part 5: Active noise reduction ear-muffs EN 352-5:2002/A1:2005	21 July 2024
27.	EN 352-6:2002 Hearing protectors – Safety requirements and testing – Part 6: Ear-muffs with electrical audio input	21 July 2024
28.	EN 352-7:2002 Hearing protectors – Safety requirements and testing – Part 7: Level-dependent ear-plugs	21 July 2024
29.	EN 352-8:2008 Hearing protectors – Safety requirements and testing – Part 8: Entertainment audio ear-muffs	21 July 2024'

(2) the following entries are added:

No	Reference of standard	Date of withdrawal
'30.	EN 143:2000 Respiratory protective devices – Particle filters – Requirements, testing, marking EN 143:2000/AC:2005 EN 143:2000/A1:2006	9 June 2024
31.	EN ISO 13688:2013 Protective clothing – General requirements (ISO 13688:2013)	9 June 2024'