



2023/2669

1.12.2023

COMMISSION IMPLEMENTING DECISION (EU) 2023/2669

of 27 November 2023

amending Implementing Decision (EU) 2022/2191 as regards harmonised standards for wireless communication devices used next to the ear or in close proximity to the human body

(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 where they are covered by those 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 (Cenelec) and the European Telecommunications Standards Institute (ETSI) for the drafting and the revision of harmonised standards for radio equipment in support of Directive 2014/53/EU ('the request').
- (3) On the basis of the request, Cenelec amended harmonised standards EN 50360:2017 for wireless communication devices used next to the ear, and EN 50566:2017 for wireless communication devices used in close proximity to the human body, the references of which are published in the *Official Journal of the European Union* by Commission Implementing Decision (EU) 2022/2191 ⁽⁴⁾. This resulted in the adoption of amending harmonised standards EN 50360:2017/A1:2023 and EN 50566:2017/A1:2023.
- (4) The Commission, together with Cenelec, has assessed whether those harmonised standards comply with the request.
- (5) Harmonised standards EN 50360:2017, as amended by EN 50360:2017/A1:2023, and EN 50566:2017, as amended by EN 50566:2017/A1:2023, 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*.

⁽¹⁾ OJ L 316, 14.11.2012, p. 12, ELI: <http://data.europa.eu/eli/reg/2012/1025/oj>.

⁽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, ELI: <http://data.europa.eu/eli/dir/2014/53/oj>).

⁽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.

⁽⁴⁾ Commission Implementing Decision (EU) 2022/2191 of 8 November 2022 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 289, 10.11.2022, p. 7, ELI: http://data.europa.eu/eli/dec_impl/2022/2191/oj).

- (6) Annex I to Implementing Decision (EU) 2022/2191 provides the references of harmonised standards conferring a presumption of conformity with Directive 2014/53/EU. 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 50360:2017, as amended by EN 50360:2017/A1:2023, and EN 50566:2017, as amended by EN 50566:2017/A1:2023, should be included in that Annex.
- (7) It is necessary to withdraw from the *Official Journal of the European Union* the references of harmonised standards EN 50360:2017 and EN 50566:2017, given that they have been amended. It is therefore appropriate to delete those references from Annex I to Implementing Decision (EU) 2022/2191.
- (8) Implementing Decision (EU) 2022/2191 should therefore be amended accordingly.
- (9) In order to allow manufacturers sufficient time to adapt their radio equipment that is covered by harmonised standard EN 50360:2017 or EN 50566:2017, it is necessary to defer the withdrawal of the references of those harmonised standards.
- (10) 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,

HAS ADOPTED THIS DECISION:

Article 1

Annex I to Implementing Decision (EU) 2022/2191 is amended in accordance with the Annex 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*.

Point (1) of the Annex shall apply from 1 June 2025.

Done at Brussels, 27 November 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Annex I to Implementing Decision (EU) 2022/2191 is amended as follows:

- (1) rows 1 and 4 are deleted;
- (2) the following rows are inserted in sequential order:

'1a	EN 50360:2017 Product standard to demonstrate the compliance of wireless communication devices, with the basic restrictions and exposure limit values related to human exposure to electromagnetic fields in the frequency range from 300 MHz to 6 GHz: devices used next to the ear EN 50360:2017/A1:2023';
'4a.	EN 50566:2017 Product standard to demonstrate the compliance of wireless communication devices with the basic restrictions and exposure limit values related to human exposure to electromagnetic fields in the frequency range from 30 MHz to 6 GHz: hand-held and body mounted devices in close proximity to the human body EN 50566:2017/A1:2023'.