



2023/2392

4.10.2023

COMMISSION IMPLEMENTING DECISION (EU) 2023/2392

of 3 October 2023

amending Implementing Decision (EU) 2022/2191 as regards harmonised standards for international mobile telecommunications cellular network equipment, transmitting equipment for digital audio broadcasting and digital radio mondiale services, very high frequency maritime survivor locating devices, and satellite earth stations and systems

(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 the revision of harmonised standards for radio equipment in support of Directive 2014/53/EU ('the request').
- (3) On the basis of the request, ETSI revised harmonised standards EN 301 908-1 V15.1.1 for International Mobile Telecommunications (IMT) cellular network equipment, EN 302 077-2 V1.1.1 for transmitting equipment for the Digital Audio Broadcasting service, EN 302 245-2 V1.1.1 for transmitting equipment for the Digital Radio Mondiale service, EN 303 132 V1.1.1 for very high frequency (VHF) maritime survivor locating devices employing digital selective calling, and EN 303 980 V1.2.1 and EN 303 981 V1.2.1, for satellite earth stations and systems, 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 harmonised standards EN 301 908-1 V15.2.1, EN 302 077 V2.3.1, EN 302 245 V2.2.1 EN 303 132 V2.1.1, EN 303 980 V1.3.1 and EN 303 981 V1.3.1.
- (4) The Commission, together with ETSI, has assessed whether those harmonised standards comply with the request.
- (5) Harmonised standards EN 301 908-1 V15.2.1, EN 302 077 V2.3.1, EN 302 245 V2.2.1, EN 303 132 V2.1.1, EN 303 980 V1.3.1 and EN 303 981 V1.3.1 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*.

⁽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 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).

- (6) Implementing Decision (EU) 2022/2191 provides in Annex I thereto 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 301 908-1 V15.2.1, EN 302 077 V2.3.1, EN 302 245 V2.2.1, EN 303 132 V2.1.1, EN 303 980 V1.3.1 and EN 303 981 V1.3.1 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 301 908-1 V15.1.1, EN 302 077-2 V1.1.1, EN 302 245-2 V1.1.1, EN 303 132 V1.1.1, EN 303 980 V1.2.1 and EN 303 981 V1.2.1, given that they have been revised. 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 standards EN 301 908-1 V15.1.1, EN 302 077-2 V1.1.1, EN 302 245-2 V1.1.1, EN 303 132 V1.1.1, EN 303 980 V1.2.1 and EN 303 981 V1.2.1, 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 4 April 2025.

Done at Brussels, 3 October 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 66, 90, 96, 129, 161 and 162 are deleted;
- (2) the following rows are inserted in sequential order:

No	Reference of the standard
'66a	EN 301 908-1 V15.2.1 IMT cellular networks; Harmonised Standard for access to radio spectrum; Part 1: Introduction and common requirements; Release 15';
'90a.	EN 302 077 V2.3.1 Transmitting equipment for the Digital Audio Broadcasting (DAB) service; Harmonised Standard for access to radio spectrum';
'96a.	EN 302 245 V2.2.1 Transmitting equipment for the Digital Radio Mondiale (DRM) service; Harmonised Standard for access to radio spectrum';
'129a.	EN 303 132 V2.1.1 Maritime VHF survivor locating devices employing Digital Selective Calling (DSC Class M); Harmonised Standard for access to radio spectrum and for features for emergency services';
'161a.	EN 303 980 V1.3.1 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; Harmonised Standard for access to radio spectrum';
'162a.	EN 303 981 V1.3.1 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; Harmonised Standard for access to radio spectrum'.