Commission Implementing Decision (EU) 2020/1562 of 26 October 2020 amending Implementing Decision (EU) 2020/167 as regards harmonised standards for certain radio equipment concerning advanced surface movement guidance and control systems, primary surveillance radars, broadcast sound receivers, international mobile telecommunications equipment and fixed radio systems

COMMISSION IMPLEMENTING DECISION (EU) 2020/1562

of 26 October 2020

amending Implementing Decision (EU) 2020/167 as regards harmonised standards for certain radio equipment concerning advanced surface movement guidance and control systems, primary surveillance radars, broadcast sound receivers, international mobile telecommunications equipment and fixed radio systems

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.

(3) On the basis of the request set out in Implementing Decision C(2015) 5376, ETSI drafted harmonised standards EN 303 213-5-1 V1.1.1, for receivers and interrogators of advanced surface movement guidance and control systems, EN 303 345-2 V1.1.1 and EN 303 345-5 V1.1.1, for broadcast sound receivers, and EN 303 364-3 V1.1.1, for primary surveillance radars.

(4) On the basis of the request set out in Implementing Decision C(2015) 5376, ETSI revised harmonised standards EN 301 908-2 V11.1.2, EN 301 908-13 V11.1.2, EN 302 217-2 V3.1.1 and EN 303 213-6-1 V2.1.1, the references of which are published in the C series of the *Official Journal of the European Union*[(4)]. This resulted in adoption

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2020/1562. (See end of Document for details)*

of, respectively, harmonised standards EN 301 908-2 V13.1.1 for user equipment for international mobile telecommunications, EN 301 908-13 V13.1.1 for user equipment for evolved universal terrestrial radio access, EN 302 217-2 V3.2.2 for fixed radio systems and EN 303 213-6-1 V3.1.1 for advanced surface movement guidance and control systems.

(5) The Commission, together with ETSI, has assessed whether those harmonised standards comply with the request set out in Implementing Decision C(2015) 5376.

(6) Harmonised standards EN 303 213-5-1 V1.1.1 and EN 301 908-2 V13.1.1 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*.

(7) Implementing Decision C(2015) 5376 provides, in Annex II 3(3), that "*receiver performance is also of particular importance for mobile terminals, in particular antenna performance, and for communication equipment used in safety of life applications*". Harmonised standard EN 301 908-13 V13.1.1 does not include specifications with respect to antenna performance. The reference of that harmonised standard should therefore be published in the *Official Journal of the European Union* with restriction.

(8) Note 2 of clause 4.3.2 of harmonised standard EN 302 217-2 V3.2.2 could allow manufacturers to deviate from other specifications in the harmonised standard concerning the Bit Error Rate (BER) and clauses H.3.4, I.3.4 and J.3.4 of that harmonised standard do not require an explicit test method to demonstrate compliance. The reference of that harmonised standard should therefore be published in the *Official Journal of the European Union* with restrictions.

(9) Recommendation ITU-R SM.329-12 (09/2012) on unwanted emissions in the spurious domain states that "for the most economical and efficient use of the frequency spectrum, it is necessary to establish general maximum limits of spurious domain emissions". The ERC Recommendation 74-01 (2019) states that "for the purposes of specific sharing or compatibility studies, lower levels for the unwanted emissions in the spurious domain could be used to enhance spectrum efficiency". Spurious emissions are consequently recognized as relevant for the efficient use of the spectrum, which is addressed under Article 3(2) of Directive 2014/53/EU. Annex C.3 of EN 303 345-2 V1.1.1 and Annex B.3 of EN 303 345-5 V1.1.1 recognise that receiver unwanted emissions in the spurious domain are relevant for Article 3(2) of Directive 2014/53/EU. However, clause C.3.5 of EN 303 345-2 V1.1.1 and clause B.3.5 of EN 303 345-5 V1.1.1 provide that the receiver unwanted emissions in the spurious domain are covered by other standards. The references of harmonised standards EN 303 345-2 V1.1.1 and EN 303 345-5 V1.1.1 should therefore be published in the Official Journal of the European Union with restriction.

(10) Recital 2 of Implementing Decision C(2015) 5376 calls for good cooperation with the European Conference of Postal and Telecommunications Administrations (CEPT), which has been consulted on the adherence of these harmonised standards with the ERC Recommendation 74-01 (2019) concerning unwanted emissions in the spurious

domain. CEPT, in reply, expressed the view that the relaxation of the applicability of ERC Recommendation 74-01 (2019) can occur only under specific technical conditions.Clause 4.2.1.5 of EN 303 213-6-1 V3.1.1 and Clause of 4.2.1.4 of EN 303 364-3 V1.1.1 can therefore provide presumption of conformity only to specific radio equipment. The references of those harmonised standards should therefore be published in the *Official Journal of the European Union* with restriction.

(11) Annex I to Commission Implementing Decision (EU) 2020/167[(5)] lists the references of harmonised standards conferring a presumption of conformity with Directive 2014/53/EU and 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 reference of standards EN 303 213-5-1 V1.1.1 and EN 301 908-2 V13.1.1 should be included in Annex I to that Implementing Decision and the references of standards EN 301 908-13 V 13.1.1, EN 302 217-2 V3.2.2, EN 303 213-6-1 V3.1.1, EN 303 345-2 V1.1.1, EN 303 345-5 V1.1.1 and EN 303 364-3 V1.1.1 should be included in Annex II to that Implementing Decision.

(12) According to ETSI, harmonised standard EN 303 339 V1.1.1, the reference of which is published in the C series of the *Official Journal of the European Union*[(6)]*,* should be considered obsolete, as it does not represent anymore the state-of-the-art.

(13) It is therefore necessary to withdraw the references of harmonised standards EN 301 908-2 V11.1.2, EN 301 908-13 V11.1.2, EN 302 217-2 V3.1.1 and EN 303 213-6-1 V2.1.1, given that they have been revised, and of harmonised standard EN 303 339 V1.1.1, given that it is considered obsolete, from the C series of the *Official Journal of the European Union*[(7)]. 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 *Official Journal of the European Union.* It is therefore appropriate to include those references in that Annex. In order to give manufacturers sufficient time to prepare for applying harmonised standards EN 301 908-2 V13.1.1, EN 301 908-13 V13.1.1, EN 302 217-2 V3.2.2 and EN 303 213-6-1 V3.1.1, it is necessary to defer the withdrawal of the references of harmonised standards EN 301 908-2 V11.1.2, EN 301 908-13 V11.1.2, EN 302 217-2 V3.1.1 and EN 303 213-6-1 V2.1.1. In order also to give manufacturers time to prepare for the withdrawal of the reference of harmonised standard EN 303 339 V1.1.1, it is necessary to defer the withdrawal of the reference of that standard.

(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 on the day of its publication,

HAS ADOPTED THIS DECISION:

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2020/1562. (See end of Document for details)*

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, 26 October 2020.

For the Commission

The President

Ursula VON DER LEYEN

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2020/1562. (See end of Document for details)*

ANNEX I

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

No	Reference of the standard
‘8.	EN 301 908-2 V13.1.1 IMT cellular networks; Harmonised Standard for access to radio spectrum; Part 2: CDMA Direct Spread (UTRA FDD) User Equipment (UE)
9.	ETSI EN 303 213-5-1 V1.1.1 Advanced Surface Movement Guidance and Control System (A-SMGCS); Part 5: Harmonised Standard for access to radio spectrum for Multilateration (MLAT) equipment; Sub-part 1: Receivers and Interrogators’.

ANNEX II

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

No	Reference of the standard
‘4.	EN 301 908-13 V13.1.1 IMT cellular networks; Harmonised Standard for access to radio spectrum; Part 13: Evolved Universal Terrestrial Radio Access (E-UTRA) User Equipment (UE) *Notice*: This harmonised standard does not contain antenna performance parameters and compliance with this harmonised standard does not confer a presumption of conformity with the essential requirement set out in Article 3(2) of Directive 2014/53/EU as regards those parameters.
5.	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 *Notice*: Compliance with this harmonised standard does not confer a presumption of conformity with the essential requirement set out in Article 3(2) of Directive 2014/53/EU if note 2 of clause 4.3.2 of this harmonised standard is applied;