COMMISSION IMPLEMENTING DECISION

of XXX

on a standardisation request to the European Committee for Standardisation, the European Committee for Electrotechnical Standardisation, the European Telecommunications Standards Institute as regards hand-held mobile phones (smartphones) in support of Article 3 (3) (g) of Directive 2014/53/EU, as supplemented by Commission Delegated Regulation (EU) 2019/320

(Text with EEA relevance)

**Version of 28 of August 2019**

This draft has not been adopted or endorsed by the European Commission. Any views expressed are the preliminary views of the Commission services and may not in any circumstances be regarded as stating an official position of the Commission. The information transmitted is intended only for the Member State or entity to which it is addressed for discussions and may contain confidential and/or privileged material.

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]](#footnote-1) and in particular Article 10(1) thereof,

Whereas:

1. Directive 2014/53/EU of the European Parliament and of the Council[[2]](#footnote-2), in particular Article 3 (3) (g), as supplemented by Commission Delegated Regulation (EU) 2019/320[[3]](#footnote-3), lays down rules on the placing on the market of hand-held mobile phones (smartphones) in order to ensure caller location in emergency communications.
2. In accordance with Article 16 of Directive 2014/53/EU, 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 of that Directive covered by those standards or parts thereof.
3. Voluntary harmonised standards, for the purposes of Article 3 (3) (g) of Directive 2014/53/EU, should help ensure high level of access to emergency services of radio equipment covered by Regulation (EU) 2019/320 (i.e. smartphones) throughout the Union and thus contribute free movement of that equipment in the Union. Given that such standards are technology-neutral and performance-based, they also contribute to ensuring equal conditions of competition among relevant economic operators dealing with the manufacturing of radio equipment, in particular small and medium-sized enterprises.
4. The system established under the Galileo programme on the basis of Regulation (EU) No 1285/2013 of the European Parliament and of the Council[[4]](#footnote-4) is a global navigation satellite system ('GNSS') fully owned and controlled by the Union which provides a highly accurate positioning service under civilian control. The Galileo system can be used in combination with other GNSS.
5. The intention to request drafting of harmonised standards in support of Communication from the Commission to the European Parliament, the Council, The European Social and Economic Committee and The Committee of the Regions[[5]](#footnote-5) is stated in point 2.6 of the annual Union work programme for European standardisation.
6. CEN, Cenelec, ETSI have indicated that the work covered by the request falls within their area of competence.
7. In accordance with Directive 2014/53/EU the essential requirements set out in Article 3 (3) (g) are to be interpreted and applied in such a way as to take into account [the state of the art and current practice at the time of design and manufacture, as well as technical and economic considerations which are consistent with a high degree of access to emergency services.
8. It is therefore appropriate to request CEN, Cenelec, ETSI to draft new harmonised standards in support of Article 3 (3) (g) of Directive 2014/53/EU, as supplemented by Regulation (EU) 2019/320. Those standards should be adopted by CEN, Cenelec, ETSI by the deadlines set in this Decision. Given that the execution of the request may require more time than initially foreseen, it may be necessary to extend those deadlines taking into account the progress made in the implementation of the work programme prepared by CEN and Cenelec and ETSI for the execution of the request. It may therefore be necessary to review the respective deadlines accordingly.
9. Recalling that all relevant interested parties, including the Member States and the European stakeholder organisations receiving Union financing in accordance with Regulation (EU) No 1025/2012, may identify needs to develop additional standards, it may be necessary to consider adding new items to the list of standards set out in Annex I to this Decision. It may therefore be necessary to adjust the scope of this request accordingly.
10. Harmonised standards should include detailed technical specifications of the essential requirements set out Article 3 (3) (g) of Directive 2014/53/EU supplemented by Regulation (EU) 2019/320, especially with respect to the design, and manufacture of smartphones. They should also indicate clearly correspondence between technical specifications and the essential requirements set out in Article 3 (3) (g) of Directive 2014/53/EU they aim to cover. They should also be based on risk assessment and risk reduction methodologies and reflect the generally acknowledged state of the art.
11. The European standardisation organisations (ESO) have agreed to follow the Guidelines for the execution of standardisation requests[[6]](#footnote-6).
12. In order to ensure transparency and facilitate the execution of the requested standardisation activities CEN/Cenelec/ETSI should prepare a work programme and submit it to the Commission.
13. In order to enable the Commission to better monitor the requested standardisation work, CEN/Cenelec/ETSI should provide the Commission with access to an overall project plan containing detailed information on the execution of the standardisation request. CEN/Cenelec/ETSI should promptly inform the Commission if they consider that additional standards would need to be developed or if they consider that more time is necessary for the execution of this request.
14. Information as to which essential requirements set out in Article 3 (3) (g) of Directive 2014/53/EU are covered by a harmonised standard is necessary when assessing, in accordance with Article 10(5) of Regulation (EU) 1025/2012, the compliance of the documents drafted by ESOs. Such information is also necessary before publication of references of harmonised standards in the *Official Journal of the European Union* in accordance with Article 10(6) of Regulation (EU) 1025/2012. In each harmonised standard CEN/Cenelec/ETSI should therefore describe the extent to which it aims to cover one or several essential requirements set out in Article 3 (3) (g) of Directive 2014/53/EU.
15. In accordance with Article 10(3) of Regulation (EU) No 1025/2012 each standardisation request is subject to acceptance by the relevant European standardisation organisation. It is therefore necessary to provide for the rules on validity of this request if it is not accepted by CEN or Cenelec or ETSI.
16. In order to ensure legal certainty as to the validity of the request after its execution, it is appropriate to provide for a date of expiry of this Decision. Given that the execution of the request may require more time than initially foreseen, it may be necessary to extend the date of expiry taking into account the progress made in the implementation of the work programme prepared by CEN and Cenelec and ETSI for the execution of the request.
17. The European standardisation organisations, the European stakeholders' organisations receiving Union financing and the Telecommunication Conformity Assessment and Market Surveillance Committee established by Article 45 of Directive 2014/53/EU, as well as the Commission Expert Group on Radio Equipment have been consulted.
18. The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 22 of Regulation (EU) No 1025/2012.

HAS ADOPTED THIS DECISION:

Article 1
Requested standardisation activities

The European Committee for Standardisation (CEN), the European Committee for Electrotechnical Standardisation (Cenelec) and the European Telecommunications Standards Institute (ETSI) are requested to draft new harmonised standards listed in the Table of Annex I to this Decision in support of Article 3 (3) (g) of Directive 2014/53/EU, as supplemented by Regulation (EU) 2019/320 for hand-held mobile phones (smartphones).

The standards referred to in the first paragraph shall meet the requirements set out in Annex II.

*Article 2
Work programme*

CEN/Cenelec/ETSI shall prepare joint work programmes indicating all the standards referred to in the first paragraph of Article 1, the responsible technical bodies and a timetable for the execution of the requested standardisation activities in line with the deadlines set out in Annex I.

CEN/Cenelec/ETSI shall submit the draft joint work programmes to the Commission by [day].[month]. 20xx [xx months after the notification of this Decision by the Commission] and provide it with access to an overall project plan.

CEN/Cenelec/ETSI shall inform the Commission of any amendments to the joint work programme.

*Article 3
Reporting*

1. CEN/Cenelec/ETSI shall report annually to the Commission on the execution of the request referred to in Article 1 indicating the progress made in implementation of the work programme referenced to in Article 2.

2. They shall submit the first joint annual report to the Commission by [day].[month]. 20xx [xx months after notification of this Decision by the Commission]. Subsequent joint annual reports shall be submitted by [day] [Month] each year.

3. CEN/Cenelec/ETS shall provide the Commission with the joint final reports by [day],[month]. 20xx.

4. Without prejudice to the reporting obligations set out in paragraphs 1 to 3, CEN/Cenelec/ETSI shall promptly report to the Commission any major concerns relating to the scope of the request referred to in Article 1 and the deadlines set out in Annex I.

*Article 4
Harmonised standards*

CEN/Cenelec/ETSI shall include in each harmonised standard a clear and precise description of the relationship between its content and the corresponding essential requirements set out in Article 3 (3) (g) of Directive 2014/53/EU that it aims to cover. Each harmonised standard developed on the basis of the request referred to in Article 1 of this Decision shall refer to this Decision.

CEN/Cenelec/ETSI shall include in each revised standard information on significant changes that were introduced in that standard.

CEN/Cenelec/ETSI shall provide the Commission with the titles of the requested harmonised standards in all the official languages of the Union.

*Article 5
Validity of the standardisation request*

If CEN or Cenelec or ETSI do not accept the request referred to in Article 1 within a month of receiving it, the request may not constitute a basis for the standardisation activities referred to in that Article.

This Decision shall expire on [date].

*Article 6
[Expiry]/[Repeal] of existing standardisation [mandate(s)]/[requests(s)]*

Standardisation mandate M/xxx of [date] shall expire on [date].

Decision C(xxxx) 201x[[7]](#footnote-7) on a standardisation request to […] is hereby repealed as from [date].

Article [6]/[7]
Addressee[s]

This Decision is addressed to the European Committee for Standardisation, the European Committee for Electrotechnical Standardisation and the European Telecommunications Standards Institute.

Done at Brussels,

 For the Commission

 […]

 (PE/PO/PH)
 The President (choose the correct position)
 Vice-President (choose the correct position)
 Member of the Commission (choose the correct
 position)

1. OJ L 316, 14.11.2012, p. 12. [↑](#footnote-ref-1)
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 [↑](#footnote-ref-2)
3. Commission Delegated Regulation (EU) 2019/320 of 12 December 2018 supplementing of Directive 2014/53/EU of the European Parliament and of the Council with regard to the application of the essential requirements referred to in Article 3 (3) (g) of that Directive in order to ensure caller location in emergency communications from mobile devices [↑](#footnote-ref-3)
4. Regulation (EU) No 1285/2013 of the European Parliament and of the Council of 11 December 2013 on the implementation and exploitation of European satellite navigation systems and repealing Council Regulation (EC) No 876/2002 and Regulation (EC) No 683/2008 of the European Parliament and of the Council (OJ L 347, 20.12.2013, p. 1) [↑](#footnote-ref-4)
5. COM(2018) 686 final of 11.10.2018 [↑](#footnote-ref-5)
6. SWD(2015) 205 final of 27 October 2015 [↑](#footnote-ref-6)
7. C(xxxx)201x of xx.xx.201x [full title] [↑](#footnote-ref-7)