



2023/2444

27.10.2023

**COMMISSION DELEGATED REGULATION (EU) 2023/2444**

**of 20 July 2023**

**amending Delegated Regulation (EU) 2022/30 as regards the date of application of the essential requirements for radio equipment and correcting that Regulation**

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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 <sup>(1)</sup>, and in particular Article 3(3), second subparagraph, in conjunction with Article 3(3), first subparagraph, points (d), (e) and (f), thereof,

Whereas:

- (1) Directive 2014/53/EU establishes a regulatory framework for the making available on the market and putting into service in the Union of radio equipment. The essential requirements for such equipment are laid down in Article 3 of that Directive.
- (2) As regards the application of essential requirements of Directive 2014/53/EU that are set out in Article 3(3), first subparagraph, points (d), (e) and (f), the Commission adopted Delegated Regulation (EU) 2022/30 <sup>(2)</sup>, specifying which categories or classes of radio equipment are concerned by each of those essential requirements, that is to apply from 1 August 2024.
- (3) By Implementing Decision C(2022) 5637 <sup>(3)</sup>, the Commission made a request to the European Committee for Standardization (CEN) and the European Committee for Electrotechnical Standardization (Cenelec) for drafting new harmonised standards in support of Article 3(3), first subparagraph, points (d), (e) and (f), of Directive 2014/53/EU, for the categories and classes of the radio equipment specified by Delegated Regulation (EU) 2022/30 by 30 September 2023.
- (4) The matters that need to be addressed by the harmonised standards that are prepared in support of the essential requirements that will become applicable from the date of application of Delegated Regulation (EU) 2022/30, are very complex. They relate to cybersecurity, namely protection of network, personal data and privacy and protection from fraud, in support of Article 3(3), first subparagraph, points (d), (e) and (f), of Directive 2014/53/EU. Moreover, it is the first time that harmonised standards in relation to protection of network, personal data and privacy and protection from fraud and for the categories and classes of the radio equipment specified by Delegated Regulation (EU) 2022/30, are being developed. CEN and Cenelec have asked for an extension of the period specified in the request, for at least nine months, in order to be able to address the complex issues and problems encountered with respect to the preparation of the relevant harmonised standards and to provide harmonised standards of high quality.
- (5) Though the use of harmonised standards under the conformity assessment procedures laid down in Article 17 of Directive 2014/53/EU is not mandatory, the absence of harmonised standards renders compliance with the essential requirements of Directive 2014/53/EU very cumbersome. It is therefore appropriate to extend the period

<sup>(1)</sup> OJ L 153, 22.5.2014, p. 62.

<sup>(2)</sup> Commission Delegated Regulation (EU) 2022/30 of 29 October 2021 supplementing 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), points (d), (e) and (f), of that Directive (OJ L 7, 12.1.2022, p. 6).

<sup>(3)</sup> Commission Implementing Decision C(2022) 5637 of 5 August 2022 on a standardisation request to the European Committee for Standardisation and the European Committee for Electrotechnical Standardisation as regards radio equipment in support of Directive 2014/53/EU of the European Parliament and of the Council and Commission Delegated Regulation (EU) 2022/30.

for the application of essential requirements of Directive 2014/53/EU that are set out in Article 3(3), first subparagraph, points (d), (e) and (f), so that the European standardisation organisations may be given sufficient time to develop standards of high quality.

- (6) An error has been detected in Article 1(2) of Delegated Regulation (EU) 2022/30, as regards the description of data which the radio equipment needs to be capable to process. That error should be corrected.
- (7) Delegated Regulation (EU) 2022/30 should therefore be amended and corrected accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

**Amendment to Delegated Regulation (EU) 2022/30**

In Article 3 of Delegated Regulation (EU) 2022/30, the second paragraph is replaced by the following:

‘It shall apply from 1 August 2025.’

*Article 2*

**Correction to Delegated Regulation (EU) 2022/30**

In Article 1(2), of Delegated Regulation (EU) 2022/30, the introductory wording is replaced by the following:

‘2. The essential requirement set out in Article 3(3), point (e), of Directive 2014/53/EU shall apply to any of the following radio equipment, if that radio equipment is capable of processing, within the meaning of Article 4(2) of Regulation (EU) 2016/679, personal data, as defined in Article 4(1) of Regulation (EU) 2016/679, or traffic data or location data, as defined in Article 2, points (b) and (c), of Directive 2002/58/EC.’

*Article 3*

**Entry into force**

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 20 July 2023.

*For the Commission*  
*The President*  
Ursula VON DER LEYEN