



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Goods in the Single Market and Enforcement
Standardisation

Brussels, 28.2.2020

A Notification under Article 12 of Regulation (EU) No 1025/2012¹

Subject matter related to

<input type="checkbox"/>	Annual Union Work Programme for European standardisation (Art. 12, point a)
<input checked="" type="checkbox"/>	Possible future standardisation requests to the European standardisation organisations (Art. 12, point b)
<input type="checkbox"/>	Formal objections to harmonised standards (Art. 12, point c)
<input type="checkbox"/>	Identifications of ICT technical specifications (Art. 12, point d)
<input type="checkbox"/>	Delegated acts to modify Annexes I or III of Regulation (EU) No 1025/2012 (Art. 12, point e)

Title of the initiative

Standardisation request to 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

Additional information

Legislative reference(s)	Directive 2014/53/EU, as supplemented by Commission Delegated Regulation (EU) 2019/320
EN reference(s)	-
Status	Draft
Other information	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.
Deadline for feedback	30.3.2020

Commission contact point for this notification

DEFIS-B1@ec.europa.eu

¹ OJ L 316, 14.11.2012, p. 12

Brussels, **XXX**
[...] (2020) **XXX** draft

COMMISSION IMPLEMENTING DECISION

of **XXX**

on a standardisation request to 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

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COMMISSION IMPLEMENTING DECISION

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on a standardisation request to 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

Version of 27 of February 2020

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(1) thereof,

Whereas:

- (1) Directive 2014/53/EU of the European Parliament and of the Council², in particular Article 3 (3) (g), as supplemented by Commission Delegated Regulation (EU) 2019/320³, 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

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

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 set out in Article 3 (3) (g) of that Directive in order to ensure caller location in emergency communications from mobile devices

performance-based, they also contribute to ensuring equal conditions of competition among relevant economic operators dealing with 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 Council⁴ 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) Actions in support of the Space Strategy for Europe⁵ are one of the strategic priorities for European standardisation in support of Union legislation and policies, as stated in point 2.6 of The Annual Union Work Programme for European standardisation for 2019⁶.
- (6) ETSI has 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 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 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 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

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).

⁵ Communication from the Commission to the European Parliament, the Council, the European Economic And Social Committee and the Committee of the Regions – Space Strategy for Europe, COM(2016) 705 final.

⁶ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions — The Annual Union Work Programme for European standardisation for 2019, COM(2018) 686 final.

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 requests⁷.
- (12) In order to ensure transparency and facilitate the execution of the requested standardisation activities 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, ETSI should provide the Commission with access to an overall project plan containing detailed information on the execution of the standardisation request. 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 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 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 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 and European GNSS Programmes Committee 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.

⁷ SWD(2015) 205 final of 27 October 2015

HAS ADOPTED THIS DECISION:

Article 1
Requested standardisation activities

The European Telecommunications Standards Institute (ETSI) is 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

ETSI shall prepare work programme 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.

ETSI shall submit the draft work programme to the Commission by [two months after the adoption of this Decision] and provide it with access to an overall project plan.

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

Article 3
Reporting

1. 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. It shall submit the first annual report to the Commission by [6 months after the adoption of this Decision]. Subsequent annual reports shall be submitted by 31 December each year.

3. ETSI shall provide the Commission with the final report by 17.09.2021.

4. Without prejudice to the reporting obligations set out in paragraphs 1 to 3, 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

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.

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

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 ETSI does 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 17.12.2021.

Article 6
Addressee

This Decision is addressed to 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)

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ANNEX I

List of new standards to be drafted

Table: List of new harmonised standards to be drafted and deadlines for their adoption

Reference information		Deadline for the adoption ¹ by the ESOs
1.	Standard A: Harmonised standard on compatibility and interoperability with Galileo system	17.06.2021
2.	Standard B: Harmonised standard on the use of GNSS raw measurements	17.06.2021
3.	Standard C: Harmonised standard on the processing and making available for transmission of the data referred to in paragraph 2 of Article 1 of Delegated Regulation (EU) 2019/320	17.06.2021
4.	Standard D: Harmonised standard on the use of a wireless local area network for positioning	17.06.2021

¹ 'Adoption' refers to the relevant European standardisation organisation making an adopted standard available to its members or the public.

ANNEX II

Requirements for the standards referred to in Article 1

Part A. General requirements for standards listed in Annex I

1. Legal requirements to be supported by the harmonised standards

The harmonised standards, when applied jointly, shall support application of relevant essential requirements, relating to access to emergency services, set out in Article 3 (3) g of Directive 2014/53/EU, as supplemented by Delegated Regulation (EU) 2019/320.

The harmonised standards shall provide detailed technical specifications of essential requirements, relating to access to emergency services through all the available types of emergency communications, with regard to the design of hand-held mobile telephones with features similar to those of a computer in terms of capability to treat and store data (hereinafter referred to as “smartphones”) with the purpose of allowing compliance with relevant essential requirements, relating to access to emergency services, set out in Article 3 (3) (g) of Directive 2014/53/EU, as supplemented by Delegated Regulation (EU) 2019/320.

The structure of a harmonised standard shall be such that a clear distinction can be made between its clauses and sub-clauses which are necessary for compliance with the essential requirements, relating to access to emergency services, set out in Article 3 (3) (g) of Directive 2014/53/EU, as supplemented by Delegated Regulation (EU) 2019/320, and those which are not. The essential requirements, relating to access to emergency services, shall be taken into account from the beginning and throughout the entire process of developing of standards.

The harmonised standards shall give only product specific provisions. These product specific provisions include methods for the verification of compliance with such provisions. Based on this request the harmonised standards must not support any other legal requirements than those referenced in the first paragraph of this point 1 and in particular shall not:

- make any references to Delegated Regulation (EU) 2019/320 and Directive 2014/53/EU or reproduce its requirements in their normative body
- modify any definitions set by Delegated Regulation (EU) 2019/320 and Directive 2014/53/EU or define any legally relevant terms not defined by Delegated Regulation (EU) 2019/320 and Directive 2014/53/EU themselves
- address any requirements, responsibilities, contractual arrangements or obligations for any economic operator including notified or other bodies or market surveillance authorities, and
- contain any provisions concerning conformity assessment procedures, related documents or technical file as regulated by Directive 2014/53/EU.

A harmonised product standard shall not make conformity with that standard dependent on requirements of administrative or organisational nature like management system requirements for organisations, competence requirement for natural persons or through normative references to management system standards of any kind.

2. Legal requirements to be covered by an individual harmonised standard

When a harmonised standard does not cover all the essential requirements, relating to access to emergency services, which are applicable to the products falling under its scope, the standard shall indicate the requirements applicable to those products that are not covered by it. Where a harmonised standard contains technical specifications which do not support application of essential requirements, relating to access to emergency services, set out in Article 3 (3) (g) of Directive 2014/53/EU, as supplemented by Delegated Regulation (EU) 2019/320, such technical specifications shall be clearly distinguished from the specifications supporting the essential requirements.

Part B. Specific requirements for drafting new standards listed in Table of Annex I

1. Requirements for all standards

Standards shall reflect the generally acknowledged state of art, including any relevant techniques proposed in scientific and research literature which represent the state of the art.

They shall contain verifiable, objective and reproducible methods in a controlled environment to ensure comparable verification of the technical specifications therein contained for all the tested smartphones.

2. Requirements for specific standards

2.1 Standards listed in points 1,2,3,4 of Table of Annex I

The harmonised standards shall describe the technical solutions to ensure conformity with the essential requirements, relating to access to emergency services, set out in Article 3 (3) g of Directive 2014/53/EU, as supplemented by Delegated Regulation (EU) 2019/320, and in particular:

Standard A: Harmonised standard on compatibility and interoperability with Galileo system, ensuring:

- Caller location solutions based on a global infrastructure composed of at least one constellation of satellites and a network of ground stations, which provides accurate timing and geolocation information.
- Capability to receive and process signals from one or more constellation, and at least Galileo.
- Capability to get a first position fix from any of the processed GNSS signals selected by the smartphone manufacturer, in maximum 60 seconds, as defined in Annex VI to Commission Delegated Regulation (EU) 2017/79².
- Achieving a horizontal position error of a maximum of 5 metres in open sky conditions and a maximum of 25 metres in urban canyon conditions with a confidence level of 95% (2σ coverage factor), where open sky conditions and urban canyon conditions are as defined in Annex VI to Commission Delegated Regulation (EU) 2017/79.
- Usage of satellite navigation message authentication techniques to detect spoofing attacks.
- Processing of signals with low signal to noise ratio. Receiver functionality for high sensitivity signals detection, re-acquisition, and tracking/navigation, as defined in Annex VI to Commission Delegated Regulation (EU) 2017/79.

Standard B: Harmonised standard on the use of GNSS raw measurements shall describe solutions, which ensure that:

² Commission Delegated Regulation (EU) 2017/79 of 12 September 2016 establishing detailed technical requirements and test procedures for the EC type-approval of motor vehicles with respect to their 112-based eCall in-vehicles systems, of 112-based eCall in-vehicle separate technical units and components and supplementing and amending Regulation (EU) 2015/758 of the European Parliament and of the Council with regard to the exemptions and applicable standards.

- The GNSS raw measurements made during the location sessions are made available.
- The methodology to make available at least a minimum set of GNSS raw measurements is described (the set shall be at least: satellite Identifiers, satellite Constellations, carrier-to-noise-density ratio, doppler, UTC time and satellites used in the positioning fix).

Standard C: Harmonised standard on the processing and making available for transmission of the data referred to in paragraph 2 of Article 1 of Delegated Regulation (EU) 2019/320, by following any relevant technical specifications and standards already developed by ESOs, ensuring:

- Compatibility of the processing and transmission mechanisms of handset-derived caller location with the national PSAP systems deployed.
- Transmission of that data through emergency communications, as defined in Article 2 (38) of Directive (EU) 2018/1972³, of all available types (e.g. calls, SMS, etc.).

Standard D: Harmonised standard on the use of a wireless local area network⁴ for positioning ensuring:

- Capability to implement positioning based on the 802.11 family of standards and existing 802.11 based infrastructure.
- Capability to get a first position fix from signals from Wi-Fi Access Points in maximum of 20 seconds.
- Achieving a horizontal position error of a maximum of 30 metres in an indoor scenario with a confidence level of 67% (1σ coverage factor).

³ Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast).

⁴ In this context, it shall specifically cover Wi-Fi.