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COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	27 June 2023
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union

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Subject:	COMMISSION DELEGATED REGULATION (EU) .../... of 27.6.2023 amending Directive 2014/53/EU of the European Parliament and of the Council as regards the technical specifications for the charging receptacle and charging communication protocol for all the categories or classes of radio equipment capable of being recharged by means of wired charging
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Delegations will find attached document C(2023) 4032 final.

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EUROPEAN
COMMISSION

Brussels, 27.6.2023
C(2023) 4032 final

COMMISSION DELEGATED REGULATION (EU) .../...

of 27.6.2023

amending Directive 2014/53/EU of the European Parliament and of the Council as regards the technical specifications for the charging receptacle and charging communication protocol for all the categories or classes of radio equipment capable of being recharged by means of wired charging

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

The Radio Equipment Directive 2014/53/EU¹ (RED) establishes a regulatory framework for placing radio equipment on the Single Market. It concerns mandatory market access conditions of radio equipment and covers electrical and electronic equipment that can use the radio spectrum for communication and/or radio determination purposes.

The amendments introduced by Directive (EU) 2022/2380 of the European Parliament and of the Council² to the RED, which will apply as of the dates specified in Article 2 of Directive (EU) 2022/2380, harmonise the charging interfaces and charging communication protocols for specific categories or classes of radio equipment that are recharged by means of wired charging, provide the basis for adaptation to any future scientific and technological progress or market developments, which will be continuously monitored by the Commission, and specify requirements regarding the combined sale of radio equipment and its chargers and regarding the information to be provided to consumers and other end-users.

As regards the adaptation of the harmonisation of the charging interface and the charging communication protocol, Article 3(4) of the RED provides that the adaptation of the harmonisation of the charging interface and the charging communication protocol should continue to pursue the objectives of ensuring consumer convenience, reducing environmental waste and avoiding fragmentation of the market by ensuring that it incorporates the most appropriate technical solution for charging interface and charging communication protocol.

Therefore, relevant technical standards fulfilling those objectives and having been developed at European or international level should primarily be used for the selection of such charging solution.

On 5 September 2022, the International Electrotechnical Commission (IEC) published via standard IEC 62680-1-2:2022 ‘Universal serial bus interfaces for data and power – Part 1-2: Common components – USB Power Delivery specification’ and standard IEC 62680-1-3:2022 ‘Universal serial bus interfaces for data and power - Part 1-3: Common components - USB Type-C® cable and connector specification’, both of which contain updated specifications.

The European Committee for Electrotechnical Standardisation (Cenelec) adopted those international standards, as European (EN) standards, via standard EN IEC 62680-1-2:2022 ‘Universal serial bus interfaces for data and power - Part 1-2: Common components - USB Power Delivery specification’ and standard EN IEC 62680-1-3:2022 ‘Universal serial bus interfaces for data and power - Part 1-3: Common components - USB Type-C® cable and connector specification’.

The reference to those standards will allow the harmonised charging solution (interface and communication protocol) to be implemented in the categories or classes of radio equipment listed in the Directive for any device up to 240 Watts, which is specifically very relevant for

¹ 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. 62–106

² Directive (EU) 2022/2380 of the European Parliament and of the Council of 23 November 2022 amending Directive 2014/53/EU on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment, *OJ L 315*, 7.12.2022, p. 30-43

laptops. It will also allow other categories or classes of radio equipment requiring such levels of power to be considered for potential inclusion in the list.

Therefore, the purpose of this delegated regulation is to amend the references of the standards referred to in Part I of Annex Ia of RED in accordance with Article 3(4) of Directive 2014/53/EU.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

The Commission Expert Group on Radio Equipment (E03587) was informed about the draft Act in writing on 19 April 2023. Following this, three (3) contributions were received. Two (2) from Member States (Sweden and Denmark) and one (1) from a European consumers' organisation (ANEC).

Member States experts were consulted during a meeting that took place online on 15 May 2023. Member States experts unanimously endorsed the draft Act.

Before discussing the draft act with the Member States experts, a formal 4-weeks consultation for feedback³ was launched. The consultation was open to all citizens and stakeholders, with no restrictions. The final number of contributions received was 10. The profile of respondents' country was as follows:

- The largest number of responses (2) came from Belgium.
- The rest of responses came from the Croatia (1), Germany (1), the Netherlands (1), Portugal (1), and Slovakia (1).
- 3 contributions were sent from outside the European Union (2 from China and 1 from the United States of America).

The profile of the types of respondents was as follows:

- The majority of the contributions (5) came from citizens.
- 3 contributions were received from the industry.
- Consumers associations provided 1 response.
- 1 non-EU citizen sent feedback.

After assessing all these contributions, it has been concluded that it is not necessary to modify the draft Act, for the reasons explained below:

- Some Member States enquired about the need for transposition of the draft Delegated Regulation into national law. Since the Commission has been empowered to update technical requirements of the Annex of the RED, the draft Delegated Regulation takes the form of an amendment of the RED. Therefore, transposition at national level will be needed. It is for this reason, that the Commission reached out as early as possible to Member States to adapt their national legislation considering such cases of amendments. Germany in its national legislation will refer directly to the Annex Ia of the Directive, which will automatise transposition of any future modification of that Annex.
- Some stakeholders enquired about whether their product, which is already compliant with the 2021 versions of the standards would also need to prove

³ https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13681-Radio-equipment-change-to-the-technical-specifications-for-wired-charging_en

compliance with 2022 versions of the standards as soon as the Delegated Regulation is published. It is pointed out that the transition period of the main legislation (the Directive (EU) 2022/2380 which amends the RED) still applies. Therefore, manufactures have until 28 December 2024 to comply with the requirements of the Directive as well as with the updated ones from this draft Delegated Regulation.

No impact assessment has been carried out, as due to the limited changes, this Regulation is not expected to have any significant impact.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

The objective of this delegated regulation is to amend Part I of Annex Ia to RED in the light of scientific and technological progress or market developments in order to ensure a minimum common interoperability between radio equipment and its charging devices.

Article 3(4) of the RED requires radio equipment falling within the categories or classes specified in Part I of Annex Ia to be so constructed that it complies with the specifications relating to charging capabilities set out in that Annex for the relevant category or class of radio equipment and empowers the Commission to adopt delegated acts to amend that Annex in the light of scientific and technological progress or market developments in order to ensure a minimum common interoperability between radio equipment and its charging devices.

In light of the above, points 2 and 3 of Part I of Annex Ia need to be amended in order to refer to standards EN IEC 62680-1-2:2022 and EN IEC 62680-1-3:2022 given that they represent the latest scientific and technological progress in the domain of charging interoperability (interface and communication protocol) between radio equipment and its charging devices.

The delegated regulation has no implications for the EU budget.

Commission Delegated Regulation (EU) .../...

of 27.6.2023

amending Directive 2014/53/EU of the European Parliament and of the Council as regards the technical specifications for the charging receptacle and charging communication protocol for all the categories or classes of radio equipment capable of being recharged by means of wired charging

(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 of 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/EC¹, and in particular Article 3(4) thereof,

Whereas:

- (1) One of the objectives of Directive 2014/53/EU is to ensure the proper functioning of the internal market for radio equipment.
- (2) In order to harmonise the charging interfaces and charging communication protocols for specific categories or classes of radio equipment, and to specify requirements regarding the combined sale of radio equipment and its chargers and regarding the information to be provided to consumers and other end-users, Directive 2014/53/EU was amended by Directive (EU) 2022/2380 of the European Parliament and of the Council².
- (3) Following the amendments of Directive (EU) 2022/2380, Directive 2014/53/EU also provides the basis for adaptation of these requirements to any future scientific and technological progress or market developments in order to ensure a minimum common interoperability between radio equipment and its charging devices, as well as to improve consumer convenience, to reduce environmental waste and to avoid market fragmentation.
- (4) As regards the harmonisation of the charging interfaces and charging communication protocols for wired charging, Article 3(4), first subparagraph of Directive 2014/53/EU requires that radio equipment within the categories or classes of radio equipment specified in Part I of Annex Ia to that Directive is so constructed that it complies with the specifications relating to charging capabilities set out in that Annex.
- (5) The specifications set out in Part I of Annex Ia to Directive 2014/53/EU provide that the categories or classes of radio equipment that are listed in that Annex and are capable of being recharged by means of wired charging are to be equipped with the

¹ OJ L 153, 22.5.2014, p. 62.

² Directive (EU) 2022/2380 of the European Parliament and of the Council of 23 November 2022 amending Directive 2014/53/EU on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment (OJ L 315, 7.12.2022, p. 30).

USB Type-C receptacle as described in standard EN IEC 62680-1-3:2021 ‘Universal serial bus interfaces for data and power – Part 1-3: Common components – USB Type-C® Cable and Connector Specification’. Additionally, the specifications set out in Part I of Annex Ia to Directive 2014/53/EU provide that the categories or classes of radio equipment that are listed in that Annex and are capable of being recharged by means of wired charging at voltages higher than 5 Volts, currents higher than 3 Amperes or powers higher than 15 Watts are to incorporate USB Power Delivery as described in standard EN IEC 62680-1-2:2021 ‘Universal serial bus interfaces for data and power – Part 1-2: Common components – USB Power Delivery specification’.

- (6) On 5 September 2022, the International Electrotechnical Commission (IEC) published standard IEC 62680-1-2:2022 ‘Universal serial bus interfaces for data and power – Part 1-2: Common components – USB Power Delivery specification’ and standard IEC 62680-1-3:2022 ‘Universal serial bus interfaces for data and power - Part 1-3: Common components - USB Type-C® cable and connector specification’. Both of those standards contain updated specifications.
- (7) On 14 October 2022, the European Committee for Electrotechnical Standardisation (Cenelec) adopted, as European (EN) standards, those two IEC standards published on 5 September 2022, by means of EN IEC 62680-1-2:2022 ‘Universal serial bus interfaces for data and power - Part 1-2: Common components - USB Power Delivery specification’ and EN IEC 62680-1-3:2022 ‘Universal serial bus interfaces for data and power - Part 1-3: Common components - USB Type-C® cable and connector specification’.
- (8) In order to adapt to the technical progress, it is necessary to modify, in Part I, Point 2, of Annex Ia to Directive 2014/53/EU, the references of the standard relating to the charging receptacle and cables on wired charging in line with standard EN IEC 62680-1-3:2022.
- (9) It is also necessary to modify, in Part I, Point 3, of Annex Ia to Directive 2014/53/EU, the references of the standard relating to the charging communication protocol on wired charging at voltage higher than 5 volts, currents higher than 3 Amperes or powers higher than 15 Watts, in line with standard EN IEC 62680-1-2:2022.
- (10) Directive 2014/53/EU should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Part I of Annex Ia to Directive 2014/53/EU is amended as follows:

- (1) in point 2.1, the reference to standard ‘EN IEC 62680-1-3:2021’ is replaced by ‘EN IEC 62680-1-3:2022’;
- (2) in point 2.2, the reference to standard ‘EN IEC 62680-1-3:2021’ is replaced by ‘EN IEC 62680-1-3:2022’;
- (3) in point 3.1, the reference to standard ‘EN IEC 62680-1-2:2021’ is replaced by ‘EN IEC 62680-1-2:2022’.

Article 2

This Regulation shall enter into force on the twentieth day following that 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, 27.6.2023

For the Commission
The President
Ursula VON DER LEYEN