# ANNEX III

**Additional clarifications (checklist) for drafting RED Harmonised Standards, based on the occurred discussions**

* The equipment is in the scope of the RED.
* The standard does not contain legal text that goes beyond Article 3 of the RED, which is the basis of the Standardization Request. For example, no requirements on the (CE) marking of equipment.
* Harmonised Standards should represent the state of the art and respect, as a minimum, all relevant Commission Decisions, EU laws, CEPT documents and other international benchmarks. The Vademecum on Standardization has also to be followed.
* Equipment can be operated in at least one Member State.
* References shall not link to non-publicly available documents. This also applies to the “chain of references”.
* Undated and/or generic normative references should be avoided. In general, no generic references to standards should be made if the user has to do him/herself the link to the clauses which provide presumption of conformity. This also applies to the “chain of references”. However,
  + Undated normative references may be allowed, but only in exceptional and well-motivated cases. TCs should provide upfront a detailed analysis motivating the exceptional choice and, when the time is needed to solve some related issues, a time plan for their resolution.
  + Generic normative references may be accepted as long as accompanied by a justification explaining why they are necessary. Justifications will be considered only on a case-by-case basis, and they should be real exceptions. When time is needed to solve some related issues, a time plan for their resolution has to be submitted as well.
  + Referencing old versions (normative references) can be allowed as long as (i) the older references are publicly available and (ii) it is motivated why the technical content of the older version has been preferred.
* Care should be taken to minimise “chains” of normative references. In particular, standards drafted simultaneously in a 2-part format in which:
  + A first part EN xxx-1 (not submitted for publication in the OJEU) has all the information and
  + A second part EN xxx-2 (submitted for publication in the OJEU) has only links to the first part and no added information,

should be consolidated into a single part.

* Particular care needs to be taken to references to superseded versions and other related documents to ensure that the new version does not worsen the recognised state of the art. This also applies to the “chain of references”. Relaxation of technical specifications is expected to be appropriately justified.
* If there are significant changes in the technical specifications and/or removal of clauses of previous standards, these are explained (Article 5 of the Standardization Request).
* The Annexes A/ZZ needs to be granular, e.g. stipulate the direct relationship between the clauses of the standards and the essential requirements of RED[[1]](#footnote-1). The Annexes A/ZZ can select and mention, for the purposes of presumption of conformity, specific clauses or parts of the clauses from the harmonised standard. Annexes A/ZZ cannot be used as a means to modify the substance or normative references of the standard.
* Harmonised standards should report precise, complete, well defined and clear performance criteria, technical specifications and test methods to provide presumption of conformity. If deemed appropriate, the harmonised standard can define different precise performance criteria, technical specifications and test methods for different (sub)categories or (sub)classes of radio equipment. As an example:
  + Manufacturer-declared requirements, manufacturer-declared performance criteria, manufacturer-declared test methods and/or the “80/80 rule” are not allowed in harmonised standards.
  + The reasonably foreseeable conditions of use are addressed (Art 3(1)(a)).
  + If there are non-chosen tx/rx parameters, a justification is expected[[2]](#footnote-2).
  + The coherency of the selection of receiver parameters is expected to be considered in the ongoing exercise of revision of harmonised standards.
  + Radio equipment, when it is placed on the market by demonstrating compliance by means of harmonised standards, shall conform to the technical specifications therein contained. Harmonised standards cannot specify that the installation of accessories is a pre-requisite for complying with the specifications therein contained.
* Tolerances and measurement uncertainties are in line with the ADCO RED position (TCAM WG (15)05 and 06). Mixing tolerances and measurement uncertainties is not allowed.
* “Intended use” has to be preferred to “intended use as declared by the manufacturer” (or a similar wording).

1. For CENELEC, an agreed template has been produced. [↑](#footnote-ref-1)
2. Technical Committees are advised to anticipate questions on any foreseeable controversial issues, on a case-by-case basis. [↑](#footnote-ref-2)