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INFORMATION NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL 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 - Outcome of the European Parliament's first reading (Strasbourg, 3 to 6 October 2022)

I. INTRODUCTION

In accordance with the provisions of Article 294 of the TFEU and the Joint declaration on practical arrangements for the codecision procedure¹, a number of informal contacts have taken place between the Council, the European Parliament and the Commission with a view to reaching an agreement on this file at first reading.

In this context, the Chair of the Committee on the Internal Market and Consumer Protection (IMCO), Anna CAVAZZINI (Greens/EFA, DE), presented on behalf of the Committee a compromise amendment (amendment number 54) to the abovementioned proposal for a Directive. This amendment had been agreed during the informal contacts referred to above. No other amendments were tabled.

¹ OJ C 145, 30.6.2007, p. 5.

II. VOTE

When it voted on 4 October 2022, the plenary adopted the compromise amendment (amendment number 54) to the abovementioned proposal for a Directive. The Commission's proposal as thus amended constitutes the Parliament's first-reading position which is contained in its legislative resolution as set out in the Annex hereto².

The Parliament's position reflects what had been previously agreed between the institutions. The Council should therefore be in a position to approve the Parliament's position.

The act would then be adopted in the wording which corresponds to the Parliament's position.

² The version of the Parliament's position in the legislative resolution has been marked up to indicate the changes made by the amendments to the Commission's proposal. Additions to the Commission's text are highlighted in ***bold and italics***. The symbol "■" indicates deleted text.

Radio Equipment Directive: common charger for electronic devices *I**

European Parliament legislative resolution of 4 October 2022 on the proposal for a directive of the European Parliament and of the Council 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 (COM(2021)0547 – C9-0366/2021 – 2021/0291(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2021)0547),
 - having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0366/2021),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 8 December 2021³,
 - having regard to the provisional agreement approved by the committee responsible under Rule 74(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 29 June 2022 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rules 59 of its Rules of Procedure,
 - having regard to the report of the Committee on the Internal Market and Consumer Protection (A9-0129/2022),
1. Adopts its position at first reading hereinafter set out;

³ OJ C 152, 6.4.2022, p. 82.

2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Position of the European Parliament adopted at first reading on 4 October 2022 with a view to the adoption of Directive (EU) 2022/... of the European Parliament and of the Council 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

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee⁴,

Acting in accordance with the ordinary legislative procedure⁵,

⁴ OJ C 152, 6.4.2022, p. 82.

⁵ Position of the European Parliament of 4 October 2022.

Whereas:

- (1) One of the objectives of Directive 2014/53/EU of the European Parliament and of the Council⁶ is to ensure the proper functioning of the internal market. Pursuant to Article 3(3), point (a), of that Directive, one of the essential requirements that radio equipment is to comply with is that it interworks with accessories, in particular with common chargers. In that respect, Directive 2014/53/EU indicates that interoperability between radio equipment and accessories such as chargers simplifies the use of radio equipment and reduces unnecessary waste and costs *and that developing a common charger for particular categories or classes of radio equipment is necessary, in particular for the benefit of consumers and other end-users.*
- (2) Since 2009, efforts have been made at Union level to limit the fragmentation of the market for charging interfaces for mobile phones and similar items of radio equipment. Although recent voluntary initiatives *have increased the level of convergence of charging devices, which are the external power supply part of chargers, and decreased the number of different charging solutions available on the market,* those initiatives do not fully meet the Union policy objectives of ensuring consumer convenience, reducing electronic waste (e-waste) and avoiding fragmentation of the market for charging devices.

⁶ 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).

- (3) The Union is committed to boosting the efficient use of resources by moving to a clean, circular economy through the introduction of initiatives such as Directive 2012/19/EU of the European Parliament and of the Council⁷ and more recently through the introduction of the European Green Deal, as set out by the Commission in its communication of 11 December 2019. This Directive is aimed at reducing the e-waste generated by the sale of radio equipment, and at reducing the extraction of raw materials and the CO₂ emissions generated by the production, transportation and disposal of chargers, thereby promoting a circular economy.
- (4) The Commission's Circular Economy Action Plan, set out in its communication of 11 March 2020, provided for initiatives throughout the entire life cycle of products, targeting their design, promoting circular economy processes, fostering sustainable consumption, and aiming to ensure that the resources used are kept in the Union economy for as long as possible.
- (5) The Commission completed an impact assessment, which has shown that the internal market is not exploiting its full potential as continuing fragmentation of the market for charging interfaces and charging communication protocols for mobile phones and other similar radio equipment is resulting in a lack of consumer convenience and an increase in e-waste.

⁷ Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment (WEEE) (OJ L 197, 24.7.2012, p. 38).

- (6) Interoperability between radio equipment and accessories, such as chargers, is hampered as there are different charging interfaces for certain categories or classes of radio equipment that use wired charging, such as handheld mobile phones, tablets, digital cameras, headphones or headsets, handheld videogame consoles, portable speakers, ***e-readers, keyboards, mice, portable navigation systems, earbuds and laptops***. In addition, there are several types of fast charging communication protocols for which a minimum level of performance is not always guaranteed. As a result, Union action is required to promote a common degree of interoperability and the provision of information relating to the charging characteristics of radio equipment to ***consumers and other*** end-users. It is therefore necessary to introduce suitable requirements in Directive 2014/53/EU regarding the charging communication protocols, the charging interfaces, i.e. charging receptacle, of certain categories or classes of radio equipment, as well as the information to be provided to ***consumers and other*** end-users regarding the charging characteristics of those categories or classes of radio equipment, ***such as information about the minimum and maximum power required to charge the radio equipment. The minimum power should express the sum of the power required by the radio equipment to maintain operation and the minimum power required by its battery to start charging. The maximum power should express the sum of the power required by the radio equipment to maintain operation and the power required to achieve the maximum charging speed.***

- (7) The absence of harmonisation of the charging interfaces and charging communication protocols may lead to substantial differences between the Member States' laws, regulations, administrative provisions or practices regarding the interoperability of mobile phones and similar categories or classes of radio equipment with their charging devices, and regarding the supply of radio equipment without charging devices.
- (8) The size of the internal market in rechargeable mobile phones and similar categories or classes of radio equipment, the proliferation of different types of charging devices for such radio equipment, ***the lack of interoperability between radio equipment and charging devices*** and the significant cross-border trade in those products, call for stronger legislative action at Union level rather than either action at national level or voluntary measures, in order to achieve the smooth functioning of the internal market, ***while ensuring consumer convenience and reducing environmental waste.***

- (9) It is therefore necessary to harmonise the charging interfaces and charging communication protocols for specific categories or classes of radio equipment that are recharged by means of wired charging. It is also necessary to provide the basis for *adaptation* to any future *scientific and technological progress or market developments, which will be continuously monitored by the Commission. In particular, the introduction of* harmonisation of the charging interfaces and the charging communication protocols *should in the future also be considered* with respect to radio equipment that could be charged by any means other than wired charging, including charging by means of radio waves (wireless charging). *Furthermore, the inclusion of additional categories or classes of radio equipment that are recharged by means of wired charging should be systematically considered in the context of the future adaptation of the harmonised charging solutions, provided that the integration of the harmonised charging solutions for such additional categories or classes of radio equipment is technically feasible.* Harmonisation should *pursue the objectives of ensuring* consumer convenience, *reducing* environmental waste and *avoiding* fragmentation of the market among different charging interfaces and charging communication protocols as well as among any initiatives at national level, which might cause barriers to trade in the internal market. *The future adaptation of the harmonisation of the charging interfaces and the charging communication protocols should continue to pursue those objectives by ensuring that it incorporates the most appropriate technical solutions for charging interfaces and charging communication protocols for any means of charging.*

The harmonised charging solutions should reflect the most appropriate combination of achieving market acceptance as well as meeting the objectives of ensuring consumer convenience, reducing environmental waste and avoiding market fragmentation. 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 solutions. In exceptional cases where there is a need to introduce, add or modify an existing technical specification in the absence of publicly available European or international standards that fulfil those objectives, the Commission should be able to set out other technical specifications, provided that those technical specifications have been developed in line with the criteria of openness, consensus and transparency, and that they meet the requirements of neutrality and stability, as referred to in Annex II to Regulation (EU) No 1025/2012 of the European Parliament and of the Council⁸. All the relevant sectoral stakeholders represented in the Commission Expert Group on Radio Equipment need to be involved in the process throughout the adaptation of the harmonised charging solutions.

⁸ 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 (OJ L 316, 14.11.2012, p. 12).

- (10) Such harmonisation would, however, be incomplete if it were not combined with requirements regarding the combined sale of radio equipment and its chargers, and regarding the information to be provided to **consumers and other** end-users. A fragmentation of approaches among the Member States with respect to the marketing of the categories or classes of radio equipment concerned and their charging devices would hamper cross-border trade in those products, for example by obliging economic operators to repackaging their products depending on the Member State in which the products are to be supplied. That would in turn result in increased inconvenience for consumers and would generate unnecessary e-waste, thus offsetting the benefits derived from the harmonisation of the charging interfaces and charging communication protocols. It is therefore necessary to impose requirements to ensure that **consumers and other** end-users are not obliged to purchase a new charging device with each purchase of a new mobile phone or similar item of radio equipment. *Unbundling the sale of charging devices from the sale of radio equipment would provide sustainable, available, attractive and convenient choices for consumers and other end-users. Drawing on the experience of the application of the requirements, the emerging market trends and technological developments, the Commission should consider an extension of the requirement related to the supply of charging devices together with the radio equipment to cables and/or the introduction of mandatory unbundling in order to ensure that the objectives of ensuring consumer convenience and reducing environmental waste are pursued in the most effective manner.* To ensure the effectiveness of such requirements, **consumers and other** end-users should receive the necessary information regarding the charging characteristics when purchasing a mobile phone or similar item of radio equipment. *A dedicated pictogram would enable consumers and other end-users to determine whether or not a charging device is included with the radio equipment before the purchase. The pictogram should be displayed in the case of all forms of supply, including by means of distance selling.*

- (11) It is technically feasible to define USB Type-C as the common charging receptacle for the relevant categories or classes of radio equipment, ***in particular because they are already capable of integrating such a receptacle***. The USB Type-C technology, which is in global use, was adopted at international standardisation level and has been transposed into the European system by the European Committee for Electrotechnical Standardization (CENELEC) under European 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’***.
- (12) USB Type-C is a technology that is already common to many categories or classes of radio equipment as it provides high-quality charging and data transfer. The USB Type-C charging receptacle, when combined with the USB Power Delivery charging communication protocol, is capable of providing up to 100 Watts of power and therefore leaves ample room for further development of fast charging solutions, while also allowing the market to cater for low-end devices that do not need fast charging. Mobile phones and similar radio equipment that support fast charging can incorporate the USB Power Delivery features 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’***. ***USB specifications are the subject of continuous development. In that regard, the USB Implementers Forum developed an updated version of the USB Power Delivery specification, which enables powers of up to 240 Watts to be supported. Adaptations have also been made to the USB Type-C specification, which will extend the requirements for connectors and cables to accommodate powers of up to 240 Watts. This will allow radio equipment requiring such levels of power to be considered for potential inclusion in the list of radio equipment covered by this Directive.***

- (13) With respect to charging by means other than wired charging, divergent solutions could be developed in the future, which could have negative impacts on interoperability, on consumer convenience and on the environment. Whilst it is premature to impose specific requirements on such solutions at this stage, the Commission should ■ take action towards *promoting and* harmonising such solutions *to avoid* future ■ fragmentation *of* the internal market ■ .
- (14) Directive 2014/53/EU should be amended in order to include provisions regarding charging interfaces and charging communication protocols. The categories or classes of radio equipment specifically covered by the new provisions should be further detailed in a new annex to that Directive. *Within those categories or classes of radio equipment, only radio equipment with a removable or embedded rechargeable battery is concerned. As regards digital cameras, the radio equipment concerned is any digital photo and video camera, including action cameras. Digital cameras designed exclusively for the audio-visual sector or the security and surveillance sector should not be required to integrate the harmonised charging solution. As regards earbuds, the radio equipment concerned is considered together with its dedicated charging case or box, given that earbuds are rarely or never dissociated from their charging case or box due to their specific size and shape. The charging case or box for that specific type of radio equipment is not considered part of the charging device. As regards laptops, the radio equipment concerned is any computer that is portable, including laptops, notebooks, ultraportables, hybrids or convertibles and netbooks.*
- (15) Directive 2014/53/EU should also be amended in order to introduce requirements regarding the supply of certain categories or classes of radio equipment without charging devices. The categories or classes of radio equipment concerned, as well as the specifications relating to charging solutions, should be specified in a new annex to that Directive.

- (16) Directive 2014/53/EU provides for information to be included in the instructions accompanying radio equipment and, therefore, additional information requirements should be inserted in the relevant Article of that Directive. The *content* of the new requirements should be specified in a new annex to that Directive. ***Certain information should be provided in visual form for all forms of supply, including by means of distance selling. A dedicated label indicating the specifications relating to charging capabilities and compatible charging devices would enable consumers and other end-users to determine the most appropriate charging device needed to charge their radio equipment. In order to provide a source of useful reference throughout the life cycle of the radio equipment, the information on the specifications relating to the charging capabilities and the compatible charging devices should also be included in the instructions and safety information accompanying the radio equipment.*** It should be possible to adapt those information requirements in the future in order to reflect any changes to the labelling requirements, in particular for ***charging devices***, which could be introduced under Directive 2009/125/EC of the European Parliament and of the Council⁹. ***Those information requirements should, in particular, reflect the development of the harmonised charging solutions and should be adapted accordingly. In that context, the inclusion of a system of colour codes could also be considered.***

⁹ Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products (OJ L 285, 31.10.2009, p. 10).

- (17) *Taking into consideration that importers and distributors could also supply radio equipment directly to consumers and other end-users, they should be subject to obligations identical to those applicable to manufacturers in relation to the information to be supplied or displayed. All economic operators should be required to fulfil the obligation in relation to the pictogram indicating whether or not a charging device is included with the radio equipment when making radio equipment available to consumers and other end-users. Importers and distributors could thus offer bundles, which would include the radio equipment and its charging device, even when such radio equipment is supplied without a charging device by the manufacturer, provided that the importers and distributors would also offer consumers and other end-users the possibility of acquiring the radio equipment without any charging device.*
- (18) Directive 2014/53/EU sets out conformity assessment procedures. It should be amended in order to add references to new essential requirements. Manufacturers should thus have the choice of using an internal production control procedure in order to demonstrate compliance with the new essential requirements.

- (19) *In order to ensure that national market surveillance authorities have the procedural means to enforce compliance with the new requirements regarding the harmonised charging interfaces and charging communication protocols, as well as those regarding the supply of radio equipment subject to such harmonisation, Directive 2014/53/EU should be adapted accordingly. In particular, an explicit reference to the lack of compliance with the essential requirements, which also include the new provisions as to specifications relating to charging capabilities and to compatible charging devices, should be included. Given that those new provisions are in respect of interoperability aspects, the objective would be to avoid divergent interpretations as to whether the procedure laid down in Directive 2014/53/EU could also be triggered in respect of radio equipment which does not present a risk to the health or safety of persons or to other aspects of public interest protection.*
- (20) *Directive 2014/53/EU sets out instances of formal non-compliance. Given that this Directive introduces new requirements applicable to certain categories or classes of radio equipment, Directive 2014/53/EU should be amended in order to allow for effective enforcement by the national market surveillance authorities of compliance with the new requirements.*

- (21) Directive 2014/53/EU should also be amended in order to **adjust** the references **contained therein** to the new **requirements** introduced by this Directive.
- (22) It is necessary to ensure the minimum common interoperability between radio equipment and the charging devices for such radio equipment, **and to address any future market developments, such as the emergence of new categories or classes of radio equipment in relation to which a significant degree of fragmentation of the charging interfaces and charging communication protocols takes place, and any developments in charging technology. It is also necessary to reflect future amendments to labelling requirements, such as for charging devices or cables, or other technological progress.** The power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should therefore be delegated to the Commission **in respect of amending** categories or classes of radio equipment and the specifications relating to the charging interfaces and charging communication protocols **for each of them and amending** the information **requirements regarding the charging interfaces and charging communication protocols.** It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making¹⁰. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

¹⁰ OJ L 123, 12.5.2016, p. 1.

- (23) Directive 2014/53/EU should therefore be amended accordingly.
- (24) Economic operators should be provided with sufficient time to proceed with the necessary adaptations to radio equipment falling within the scope of this Directive, which they intend to place on the Union market,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Directive 2014/53/EU is amended as follows:

(1) Article 3 is amended as follows:

(a) in paragraph 3, first subparagraph, point (a) is replaced by the following:

‘(a) radio equipment interworks with accessories other than the charging devices for the categories or classes of radio equipment, specified in Part I of Annex Ia, which are specifically referred to in paragraph 4 of this Article;’;

(b) the following paragraph is added:

‘4. Radio equipment falling within the categories or classes specified in Part I of Annex Ia shall 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.

With respect to radio equipment capable of being recharged by means of wired charging, the Commission is empowered to adopt delegated acts in accordance with Article 44 to amend ***Part I of Annex Ia*** 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, ***as well as to improve consumer convenience, to reduce environmental waste and to avoid market fragmentation***, by:

- (a) modifying, adding or removing categories or classes of radio equipment;
- (b) modifying, adding or removing technical specifications, including references and descriptions, in relation to the charging receptacle(s) and charging communication protocol(s), for each category or class of radio equipment concerned. ■

The Commission shall continuously assess market developments, market fragmentation and technological progress with a view to identifying categories or classes of radio equipment capable of being recharged by means of wired charging for which the inclusion in Part I of Annex Ia would lead to a significant consumer convenience and reduction of environmental waste.

The Commission shall submit a report on the assessment referred to in the third subparagraph to the European Parliament and to the Council, for the first time by ... [3 years after the date of entry into force of this Directive] and every 5 years thereafter, and shall adopt delegated acts pursuant to the second subparagraph, point (a), accordingly.

With respect to radio equipment capable of being recharged by means other than wired charging, the Commission is empowered to adopt delegated acts in accordance with Article 44 in order to amend **Part I of Annex Ia** 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, **as well as to improve consumer convenience, to reduce environmental waste and to avoid market fragmentation**, by:

- (a) introducing, modifying, adding or removing categories or classes of radio equipment;
- (b) introducing, modifying, adding or removing technical specifications, including references and descriptions, in relation to charging interface(s) and charging communication protocol(s), for each category or class of radio equipment concerned.

The Commission shall, in accordance with Article 10(1) of Regulation (EU) No 1025/2012, and by ... [24 months after the date of entry into force of this Directive], request one or more European standardisation organisations to draft harmonised standards laying down technical specifications for the charging interface(s) and charging communication protocol(s) for radio equipment capable of being recharged by means other than wired charging. In accordance with the procedure laid down in Article 10(2) of Regulation (EU) No 1025/2012, the Commission shall consult the committee set up under Article 45(1) of this Directive. The requirements as to the content of the requested harmonised standards shall be based on an assessment carried out by the Commission of the current state of wireless charging technologies for radio equipment, covering in particular market developments, market penetration, market fragmentation, technological performance, interoperability, energy efficiency and charging performance.

When preparing the delegated acts referred to in this Article with respect to radio equipment capable of being recharged by means of wired charging, as well as with respect to radio equipment capable of being recharged by means other than wired charging, the Commission shall take into account the degree of market acceptance of the technical specifications under consideration, the resulting consumer convenience and the extent of the reduction of environmental waste and market fragmentation that can be expected from such technical specifications. Technical specifications that are based on relevant available European or international standards shall be deemed to meet the objectives set out in the previous sentence. However, where such European or international standards do not exist, or where the Commission determines, based on its technical assessment, that they do not meet those objectives in an optimal manner, the Commission may set out other technical specifications which better meet those objectives.’;

(2) the following Article is inserted:

‘Article 3a

Possibility for **consumers and other** end-users to acquire certain categories or classes of radio equipment without a charging device

1. Where an economic operator offers to **consumers and other** end-users the possibility to acquire the radio equipment *referred to in* Article 3(4) together with a charging device, the economic operator shall also offer the **consumers and other end-users** the possibility of acquiring that radio equipment without any charging device.
2. *Economic operators shall ensure that the information on whether or not a charging device is included with the radio equipment referred to in Article 3(4) is displayed in a graphic form using a user-friendly and easily accessible pictogram as set out in Part III of Annex Ia when such radio equipment is made available to consumers and other end-users. The pictogram shall be printed on the packaging or affixed to the packaging as a sticker. When the radio equipment is made available to consumers and other end-users, the pictogram shall be displayed in a visible and legible manner and, in the case of distance selling, close to the price indication.*

The Commission is empowered to adopt delegated acts in accordance with Article 44 in order to amend Part III of Annex Ia as a consequence of amendments to Parts I and II of that Annex, or as a consequence of future amendments to labelling requirements, or in the light of technological progress, by introducing, modifying, adding or removing any graphic or textual elements.’;

(3) in Article 10, paragraph 8 *is replaced by* the following ■ :

■

‘8. Manufacturers shall ensure that the radio equipment is accompanied by instructions and safety information. Instructions shall include the information required to use radio equipment in accordance with its intended use. Such information shall include, where applicable, a description of accessories and components, including software, which allow the radio equipment to operate as intended. Such instructions and safety information, as well as any labelling, shall be clear, understandable and intelligible.

The following information shall also be included in the instructions in the case of radio equipment intentionally emitting radio waves:

- (a) frequency band(s) in which the radio equipment operates;*
- (b) maximum radio-frequency power transmitted in the frequency band(s) in which the radio equipment operates.*

In the case of radio equipment referred to in Article 3(4), the instructions shall contain information on the specifications relating to the radio equipment's charging capabilities and the compatible charging devices, as set out in Part II of Annex Ia. In addition to being included in the instructions, when the manufacturers make such radio equipment available to consumers and other end-users, the information shall be also displayed on a label, as set out in Part IV of Annex Ia. The label shall be printed in the instructions and on the packaging or affixed to the packaging as a sticker. In the absence of packaging, the sticker with the label shall be affixed to the radio equipment. When the radio equipment is made available to consumers and other end-users, the label shall be displayed in a visible and legible manner and, in the case of distance selling, close to the price indication. Where the size or nature of the radio equipment does not allow otherwise, the label may be printed as a separate document accompanying the radio equipment.

The instructions and safety information referred to in the first, second and third subparagraphs of this paragraph shall be in a language which can be easily understood by consumers and other end-users, as determined by the Member State concerned.

The Commission is empowered to adopt delegated acts in accordance with Article 44 in order to amend *Parts II and IV of Annex Ia, as a consequence of amendments to Part I of that Annex* ■ , *or as a consequence of future amendments to labelling requirements, or in the light of technological progress*, by introducing, modifying, adding or removing any details in relation to *the information, graphic or textual elements, as set out in this Article.*’;

(4) *in Article 12(4), the following subparagraph is added:*

‘When making the radio equipment referred to in Article 3(4) available to consumers and other end-users, importers shall ensure that:

- (a) such radio equipment displays, or is supplied with, a label in accordance with Article 10(8), third subparagraph;*
- (b) that label is displayed in a visible and legible manner and, in the case of distance selling, close to the price indication.’;*

(5) *in Article 13(2), the following subparagraph is added:*

‘When making the radio equipment referred to in Article 3(4) available to consumers and other end-users, distributors shall ensure that:

(a) such radio equipment displays, or is supplied with, a label in accordance with Article 10(8), third subparagraph;

(b) that label is displayed in a visible and legible manner and, in the case of distance selling, close to the price indication.’;

(6) in Article 17(2), introductory part, the words ‘Article 3(1)’ are replaced by the words ‘Article 3(1) and (4)’;

(7) Article 40 is amended as follows:

(a) the title *is* replaced by the following:

‘Procedure at national level for dealing with radio equipment presenting a risk or not in compliance with essential requirements’;

(b) in paragraph 1, the first subparagraph is replaced by the following:

‘Where the market surveillance authorities of a Member State have sufficient reason to believe that radio equipment covered by this Directive presents a risk to the health or safety of persons or to other aspects of public interest protection covered by this Directive, or that it does not comply with at least one of the applicable essential requirements set out in Article 3, they shall carry out an evaluation in relation to the radio equipment concerned covering all relevant requirements laid down in this Directive. The relevant economic operators shall cooperate as necessary with the market surveillance authorities for that purpose.’;

(8) In Article 43, paragraph 1 is amended as follows:

(a) the following points are inserted after point (f):

‘(fa) the pictogram as referred to in Article 3a(2), or the label as referred to in Article 10(8), has not been drawn up correctly;

(fb) the label as referred to in Article 10(8) does not accompany the radio equipment concerned;

(fc) the pictogram or the label is not affixed or displayed in accordance with Article 3a(2) or Article 10(8), respectively;’;

(b) ■ point (h) *is replaced by the following:*

‘(h) the information referred to in Article 10(8), the EU declaration of conformity referred to in Article 10(9) or the information on usage restrictions referred to in Article 10(10) does not accompany the ■ radio equipment;’;

(c) point (j) is replaced by the following:

‘(j) Article 3a(1) or Article 5 is not complied with.’;

(9) Article 44 is amended as follows:

(a) in paragraph 2, the following sentence is inserted after the first sentence:

‘The power to adopt delegated acts referred to in Article 3(4), Article 3a(2), second subparagraph, and Article 10(8), fifth subparagraph, shall be conferred on the Commission for a period of five years from ... [the date of entry into force of this Directive]’;

(b) in paragraph 3, the first sentence is replaced by the following:

‘The delegation of power referred to in Article 3(3), second subparagraph, Article 3(4), Article 3a(2), second subparagraph, Article 4(2), Article 5(2) and Article 10(8), fifth subparagraph, may be revoked at any time by the European Parliament or by the Council.’;

(c) *the following paragraph is inserted:*

‘3a. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making*.

* ***OJ L 123, 12.5.2016, p. 1.***’;

(d) paragraph 5 is replaced by the following:

‘5. A delegated act adopted pursuant to Article 3(3), second subparagraph, Article 3(4), Article 3a(2), second subparagraph, Article 4(2), Article 5(2) or Article 10(8), fifth subparagraph, shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.’;

(10) *in Article 47, the following paragraph is added:*

- ‘3. *By ... [four years after the date of entry into force of this Directive], the Commission shall submit to the European Parliament and the Council a report on the impact of the possibility to acquire radio equipment without any charging device and without cables, particularly with regard to consumer convenience, the reduction of environmental waste, behavioural changes and the development of market practices. That report shall be accompanied, if appropriate, by a proposal to amend this Directive to introduce mandatory unbundling of the sale of charging devices and cables from the sale of radio equipment.*’;

(11) the text set out in the Annex to this Directive is inserted as Annex Ia.

Article 2

1. Member States shall adopt and publish, by ... [12 months after *the date of entry into force* of this Directive], the laws, regulations and administrative provisions necessary to comply with this Directive. They shall immediately communicate the text of those measures to the Commission.

They shall apply those measures from ... [24 months after the date of *entry into force* of *this Directive*] *for the categories or classes of radio equipment referred to in Part I, points 1.1. to 1.12. of Annex Ia, and from ... [40 months after the date of entry into force of this Directive] for the categories or classes of radio equipment referred to in Part I, point 1.13. of Annex Ia.*

When Member States adopt those measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main measures of national law which they adopt in the field covered by this Directive.

Article 3

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 4

This Directive is addressed to the Member States.

Done at ...,

For the European Parliament

For the Council

The President

The President

ANNEX

‘ANNEX Ia

SPECIFICATIONS AND INFORMATION RELATING TO CHARGING APPLICABLE TO CERTAIN CATEGORIES OR CLASSES OF RADIO EQUIPMENT

PART I

SPECIFICATIONS RELATING TO CHARGING CAPABILITIES

1. *The requirements set out in points 2 and 3 of this Part shall apply to the following categories or classes of radio equipment:*

1.1. handheld mobile phones;

1.2. tablets;

1.3. digital cameras;

1.4. headphones;

1.5. headsets;

1.6. handheld videogame consoles ■ ;

1.7. portable speakers; ■

1.8. e-readers;

1.9. keyboards;

1.10. mice;

1.11. portable navigation systems;

1.12. earbuds;

1.13. laptops.

2. In so far as they are capable of being recharged by means of wired charging, ***the categories or classes of radio equipment referred to in point 1 of this Part*** shall:

2.1. be equipped with the USB Type-C receptacle, as described in the 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”, and that receptacle shall remain accessible and operational at all times;


2.2. be capable ■ of being charged with cables which comply with the 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”.

3. ***In*** so far as they 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, ***the categories or classes of radio equipment referred to in point 1 of this Part*** shall:
- 3.1. incorporate the USB Power Delivery, as described in the standard EN IEC 62680-1-2:2021 “Universal serial bus interfaces for data and power - Part 1-2: Common components - USB Power Delivery specification”;
- 3.2. ensure that any additional charging protocol allows for the full functionality of the USB Power Delivery referred to in point 3.1., ***irrespective of the charging device used.***

PART II

INFORMATION ON SPECIFICATIONS RELATING TO CHARGING CAPABILITIES *AND THE COMPATIBLE CHARGING DEVICES*

In the case of radio equipment falling within the scope of Article 3(4), first subparagraph, the following information shall be indicated in *accordance with the requirements set out in Article 10(8), and may be made available in addition by means of QR codes or similar electronic solutions:*

- (a) *in the case of all categories or classes of radio equipment which are subject to the requirements set out in Part I*, a description of the power requirements of the wired charging devices that can be used with that radio equipment, including the *minimum* power required to charge the radio equipment, *and the maximum power required to charge the radio equipment at the maximum charging speed* expressed in Watts by displaying the text: “the  power delivered by the charger must be *between min [xx] Watts required by the radio equipment, and max [yy] Watts in order to achieve the maximum charging speed.*” The number of Watts *shall* express, respectively, the *minimum* power required by the radio equipment, *and the maximum power required by the radio equipment to achieve the maximum charging speed;*

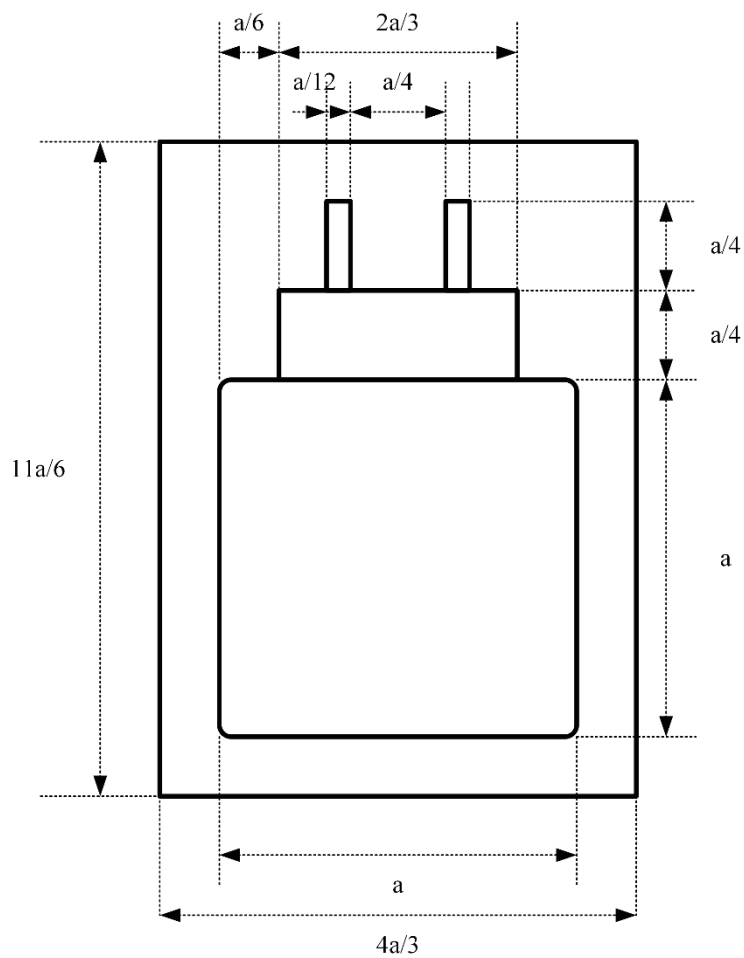
- (b) *in the case of radio equipment which is subject to the requirements set out in point 3 of Part I*, a description of the specifications relating to charging capabilities of the radio equipment, in so far as it is capable of being recharged by means of wired charging at voltages higher than 5 Volts or currents higher than 3 Amperes or powers higher than 15 Watts, including an indication that the radio equipment supports the USB Power Delivery charging protocol by displaying the text “USB PD fast charging” and an indication of any other supported charging protocol by displaying its name in text format **I**.

Part III

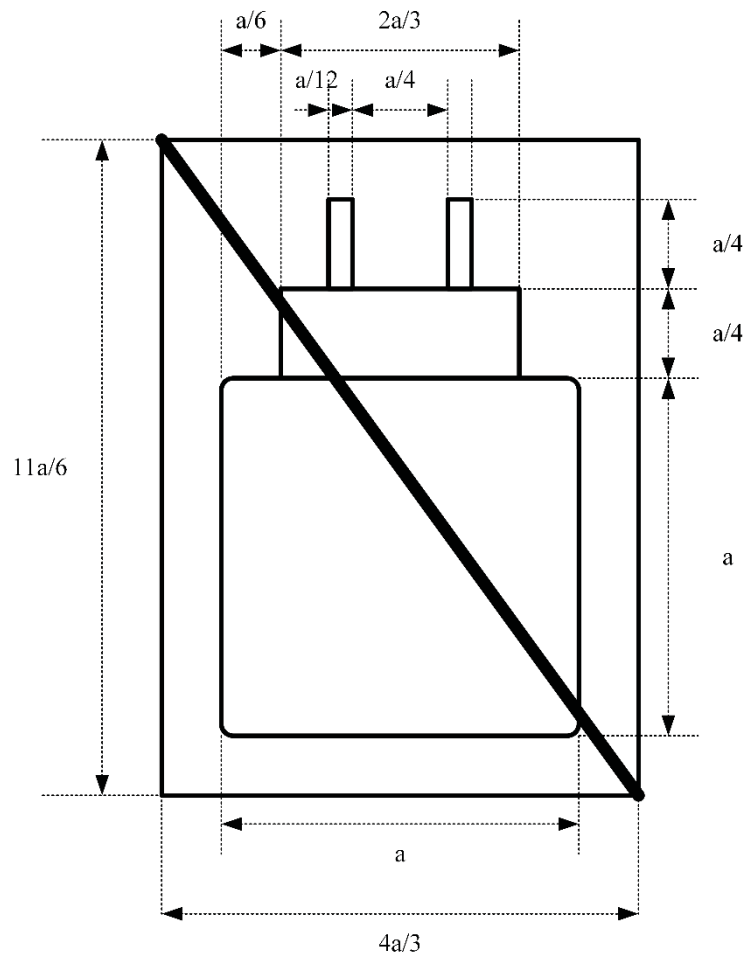
PICTOGRAM INDICATING WHETHER OR NOT A CHARGING DEVICE IS INCLUDED WITH THE RADIO EQUIPMENT

1. The pictogram shall have the following formats:

1.1. If a charging device is included with the radio equipment:



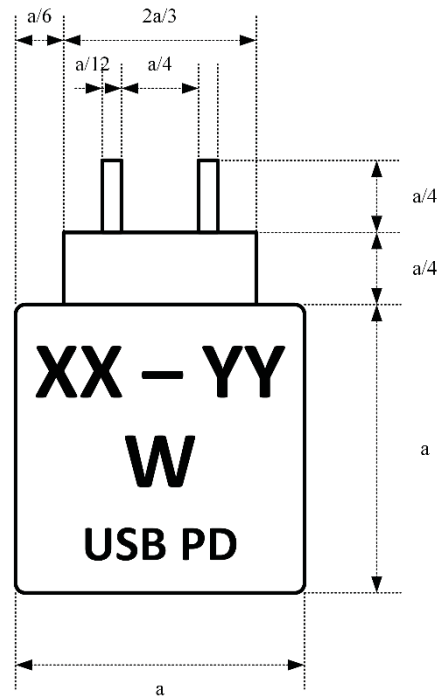
1.2. If no charging device is included with the radio equipment:



2. *The pictogram may vary in appearance (e.g. as to its colour, solid or hollow, line thickness), provided that it remains visible and legible. If the pictogram is reduced or enlarged, the proportions set out in the drawings in point 1 of this Part shall be maintained. The dimension “a” referred to in point 1 of this Part shall be greater than or equal to 7 mm, irrespective of the variation.*

Part IV
CONTENT AND FORMAT OF THE LABEL

1. *The label shall have the following format:*



2. *The letters “XX” shall be replaced by the figure corresponding to the minimum power required by the radio equipment to charge, which determines the minimum power that a charging device needs to supply to charge the radio equipment. The letters “YY” shall be replaced by the figure corresponding to the maximum power required by the radio equipment to achieve maximum charging speed, which determines the power that a charging device needs to supply at least to achieve that maximum charging speed. The abbreviation “USB PD” (USB Power Delivery) shall be displayed if the radio equipment supports that charging communication protocol. “USB PD” is a protocol that negotiates the fastest delivery of current from the charging device to the radio equipment without shortening the battery lifetime.*
3. *The label may vary in appearance (e.g. as to its colour, solid or hollow, line thickness), provided that it remains visible and legible. If the label is reduced or enlarged, the proportions set out in the drawing in point 1 of this Part shall be maintained. The dimension “a” referred to in point 1 of this Part shall be greater than or equal to 7 mm, irrespective of the variation.’*