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From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. Cion doc.:	ST 13413/21 + ADD 1, ADD 2 - C(2021) 7672 and SEC(2021) 382
Subject:	COMMISSION DELEGATED REGULATION (EU) .../... of 29.10.2021 supplementing Directive 2014/53/EU of the European Parliament and of the Council with regard to the application of the essential requirements referred to in Article 3(3), points (d), (e) and (f), of that Directive - Intention not to raise objections

1. On 29 October 2021, the Commission submitted the above draft Delegated Regulation to the Council, in accordance with Articles 3 and 44 of Directive 2014/53/EU (Radio Equipment Directive, RED)¹. The key objectives of the above draft delegated act is to allow on the EU market only radio equipment that is sufficiently secure, and to contribute to the strengthening of the trust in all the related pieces of EU law concerning protection of networks, privacy, and against fraud.

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); Last consolidated version: 11/09/2018.

2. Article 3 of RED sets out the essential requirements with which radio equipment placed on the EU market shall comply. These concern the areas of health and safety; electromagnetic compatibility; and the effective and efficient use of the radio spectrum. The RED empowers the Commission to adopt delegated acts in order to render applicable any of the essential requirements set out in its Article 3 (3) by specifying each of those requirements that shall concern categories or classes of radio equipment. RED also ensures complementarity with the related existing EU framework².
3. The objective of this Delegated Regulation is to render applicable the essential requirements set out in Article 3(3), (d), (e), and (f) of RED, which address elements of cybersecurity to those categories of radio equipment that pose cybersecurity risks.
4. On 2 November 2021, delegations were asked by 3 December 2021 to indicate their possible opposition to the above draft Delegated Regulation. No delegation raised any relevant grounds for opposition. The official two-month deadline expires on 30 December 2021.
5. Against this background, the Permanent Representatives Committee is invited to recommend to the Council to confirm the non-opposition to the draft Delegated Regulation, as set out in document ST 13413/21 + ADD 1 and ADD 2 as an item without discussion at one of its forthcoming meetings.

² Regulations (EU) 2019/2144 and 2018/1139; Directive (EU) 2019/520 and Directive 2002/58/EC (on privacy and electronic communications); and Regulation (EU) 2016/679 (General Data Protection Regulation).