In July 2014, France lodged an objection in respect of EN 50566:2013 (requirements to demonstrate compliance of radio frequency fields from handheld and body-mounted wireless communication devices used by the general public).

Following the debate in TCAM WG 08, it was concluded that the standard (EN 50566:2013) fails to meet the essential requirements, set out in Article 3 (1) (a) to Directive 1999/5/EC (safety requirements).

As a result, the Commission adopted Commission Implementing Decision (EU) 2016/537 (hereinafter referred to as 'the Decision')\(^1\), which entered into applicability on 26/04/2016, so that the publication in the OJEU of the reference to standard EN 50566:2013 should be accompanied by an appropriate warning\(^2\), pending a suitable revision of the standard.

During TCAM WG 08\(^3\), the representatives of CEN/CENELEC put forward the following Recommendation:

TC106X noted that the Draft Decision requires technical clarification in order that it be implementable by users of standards, and that with less than six months until Directive 1999/5/EC is replaced by Directive 2014/53/EU it is not feasible for this technical clarification to be elaborated in the available timeframe via the formal standardisation process. However, the committee's opinion is that a separation distance of 5 mm or less is appropriate for handheld and body-mounted wireless communication devices used by the general public (30 MHz to 6 GHz) and proposes to the Commission to change the final sentence of the Draft Commission Implementing Decision (EU) 2016/537 of 5 April 2016 on the publication with a restriction in the Official Journal of the European Union of the reference of standard EN 50566:2013 on requirements to demonstrate compliance of radio frequency fields from handheld and body-mounted wireless communication devices used by the general public (30 MHz to 6 GHz) under Directive 1999/5/EC (OJ L 89, 6.4.2016, p. 17).

Warning: The application of this publication shall observe certain conditions relating to the separation distance, reflecting the practical day to day use, ensuring the safe use of handheld and body-mounted wireless communication devices used by the general public (30 MHz - 6 GHz), for the purposes of the safety objectives referred to in Article 3 (1) (a) of Directive 1999/5/EC, in conjunction with Annex I to Directive 2006/95/EC. For example, for limb SAR measurements (limit 4 W/kg), no separation distance may be used (device in contact); for trunk SAR measurements (limit 2 W/kg), a separation distance of not more than a few millimetres may be used.

\(^1\) Held on 04/02/2016.
Decision footnote to read “a separation distance of 5 mm or less may be used”, pending the development by CENELEC of a revised version of EN 50566, addressing “reasonably foreseeable usage conditions”, for listing under Directive 2014/53/EU.

In the light of the discussions in the TCAM WG 08 and the ADCO RTTE 52, the TCAM Committee has agreed on the following common understanding, in order to ensure a uniform interpretation of the definition of the "separation distance of not more than a few millimetres" throughout the EU when the said warning is applied:

- a separation distance of 5 mm or less is applied for handheld and body-mounted wireless communication devices used by the general public (30 MHz to 6 GHz).

In order to allow economic operators to make the necessary adaptations and to avoid negative economic impacts for mobile phones and tablets, which were part of one and the same production line before the date of applicability of the Decision and might be in shipment or in stock, the TCAM Committee was invited to examine, in cooperation with the competent market surveillance authorities, and to agree on a common approach regarding the enforcement of the Implementing Decision:

- mobile phones and tablets of the same model production of those mobile phones and tablets that (i) have followed the existing standard with respect to the SAR distance and that (ii) were placed on the market before the date of applicability of the Decision⁴ (as demonstrated by the EU Declaration of Conformity and/or the Technical Construction File) are allowed to be placed on the market until 12th June 2017.

Disclaimer
This REDCA guidance document does not replace the text of the R&TTE Directive and is for guidance only. In legal disputes the text of the Directive, or its implementing Decision, takes precedence

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⁴ Before 26/04/2016.