

DECLARATION OF CONFORMITY

OFFICIAL JOURNAL OF PERSONAL
PROTECTIVE EQUIPMENT REGULATION
((EU) 2016/425)

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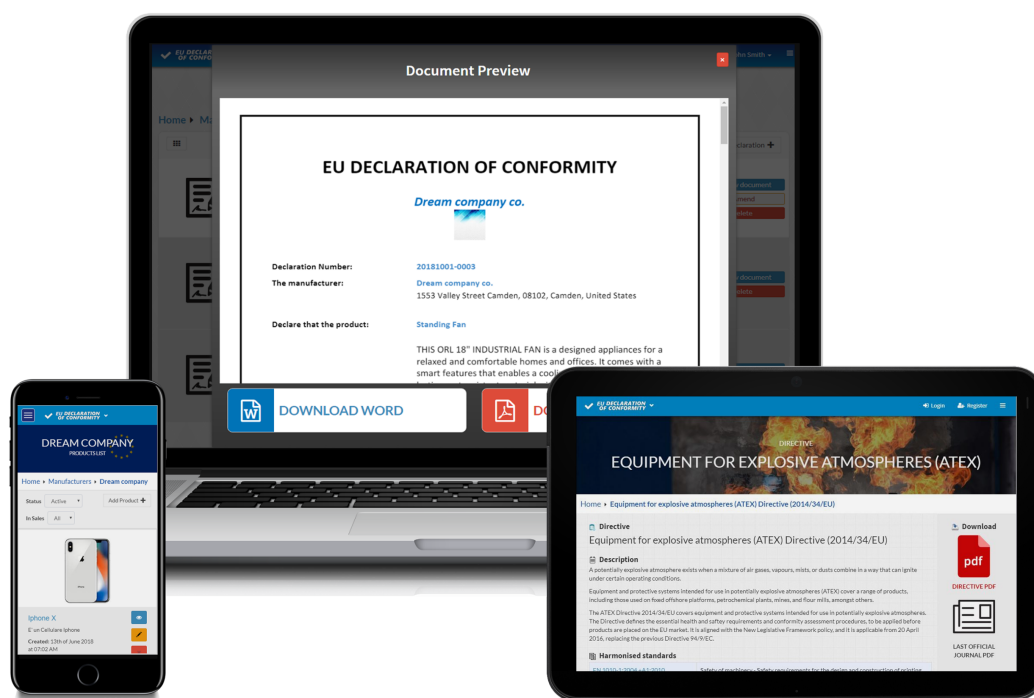
DECLARATION OF CONFORMITY

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COMMISSION IMPLEMENTING DECISION (EU) 2021/1201**of 16 July 2021****amending Implementing Decision (EU) 2020/668 as regards harmonised standards on hearing protectors**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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 ⁽¹⁾, and in particular Article 10(6) thereof,

Whereas:

- (1) In accordance with Article 14 of Regulation (EU) 2016/425 of the European Parliament and of the Council ⁽²⁾, personal protective equipment that is in conformity with harmonised standards or parts thereof the references of which have been published in the *Official Journal of the European Union*, is to be presumed to be in conformity with the essential health and safety requirements set out in Annex II to that Regulation covered by those standards or parts thereof.
- (2) By letter M/031, entitled 'Standardisation mandate to CEN/CENELEC concerning standards for personal protective equipment', the Commission made a request to the European Committee for Standardization (CEN) and the European Committee for Electrotechnical Standardization (CENELEC) to develop and draw up harmonised standards in support of Council Directive 89/686/EEC ⁽³⁾.
- (3) On the basis of the standardisation request M/031, CEN drafted several new standards and revised a number of existing harmonised standards.
- (4) On 19 November 2020 the standardisation request M/031 expired and was replaced by a new standardisation request as set out in Commission Implementing Decision C(2020)7924 ⁽⁴⁾.
- (5) As Regulation (EU) 2016/425 took over the essential health and safety requirements applicable to personal protective equipment laid down by Directive 89/686/EEC, draft harmonised standards developed under standardisation request M/031 are covered by the standardisation request set out in Implementing Decision C(2020)7924. Their references should therefore be published in the *Official Journal of the European Union*. It can therefore exceptionally be accepted that such standards developed and published by CEN and CENELEC during the period of transition between the standardisation request M/031 and the standardisation request set out in Implementing Decision C(2020)7924 do not contain an explicit reference to the standardisation request set out in Implementing Decision C(2020)7924.

⁽¹⁾ OJ L 316, 14.11.2012, p. 12.

⁽²⁾ Regulation (EU) 2016/425 of the European Parliament and of the Council of 9 March 2016 on personal protective equipment and repealing Council Directive 89/686/EEC (OJ L 81, 31.3.2016, p. 51).

⁽³⁾ Council Directive 89/686/EEC of 21 December 1989 on the approximation of the laws of the Member States relating to personal protective equipment (OJ L 399, 30.12.1989, p. 18).

⁽⁴⁾ Commission Implementing Decision C(2020)7924 of 19.11.2020 on a standardisation request to the European Committee for Standardization and the European Committee for Electrotechnical Standardization as regards personal protective equipment in support of Regulation (EU) 2016/425 of the European Parliament and of the Council.

- (6) On the basis of the standardisation request M/031 and the standardisation request set out in Implementing Decision C(2020)7924, CEN and CENELEC drafted the following new harmonised standards: EN 352-9:2020 on safety requirements for earplugs with safety-related audio input and EN 352-10:2020 on safety requirements for entertainment audio earplugs in support of Regulation (EU) 2016/425.
- (7) On the basis of the standardisation request M/031 and the standardisation request set out in Implementing Decision C(2020)7924, CEN revised the harmonised standards EN 352-1:2002, EN 352-2:2002, EN 352-3:2002, EN 352-4:2001, as amended by EN 352-4:2001/A1:2005, EN 352-5:2002, as amended by EN 352-5:2002/A1:2005, EN 352-6:2002, EN 352-7:2002 and EN 352-8:2008, the references of which are published in the C series of the *Official Journal of the European Union*⁽⁵⁾. That revision resulted in the adoption of harmonised standards EN 352-1:2020 on general requirements for earmuffs, EN 352-2:2020 on general requirements for earplugs, EN 352-3:2020 on general requirements for earmuffs attached to head protection and/or face protection devices, EN 352-4:2020 on safety requirements for level-dependent earmuffs, EN 352-5:2020 on safety requirements for active noise reduction earmuffs, EN 352-6:2020 on safety requirements for earmuffs with safety-related audio input, EN 352-7:2020 on safety requirements for level-dependent earplugs and EN 352-8:2020 on safety requirements for entertainment audio earmuffs.
- (8) The Commission together with CEN and CENELEC has assessed whether the harmonised standards drafted and revised by CEN and CENELEC comply with the standardisation request set out in Implementing Decision C(2020)7924.
- (9) The harmonised standards EN 352-4:2020, EN 352-5:2020, EN 352-6:2020, EN 352-7:2020, EN 352-8:2020, EN 352-9:2020 and EN 352-10:2020 satisfy the requirements which they aim to cover and which are set out in Regulation (EU) 2016/425. It is therefore appropriate to publish the references of those harmonised standards in the *Official Journal of the European Union*.
- (10) The harmonised standards EN 352-1:2020, EN 352-2:2020 and EN 352-3:2020 do not contain the requirement for the products to bear labelling indicating the noise attenuation level provided by them. These harmonised standard should therefore be published in the *Official Journal of the European Union* with a restriction.
- (11) It is necessary to withdraw the references of harmonised standards EN 352-1:2002, EN 352-2:2002, EN 352-3:2002, EN 352-4:2001, as amended by EN 352-4:2001/A1:2005, EN 352-5:2002, as amended by EN 352-5:2002/A1:2005, EN 352-6:2002, EN 352-7:2002 and EN 352-8:2008 from the C series of the *Official Journal of the European Union*, given that those standards have been revised.
- (12) Annex I to Commission Implementing Decision (EU) 2020/668⁽⁶⁾ lists the references of harmonised standards drafted in support of Regulation (EU) 2016/425, while Annex II to Implementing Decision (EU) 2020/668 lists the references of harmonised standards drafted in support of Regulation (EU) 2016/425 that are withdrawn from the *Official Journal of the European Union* as from the dates set out in that Annex.
- (13) The harmonised standards EN 352-1:2020, EN 352-2:2020 and EN 352-3:2020 are the first harmonised standards drafted in support of Regulation (EU) 2016/425 to be published in the *Official Journal of the European Union* with a restriction. A new Annex should be added to Implementing Decision (EU) 2020/668, listing the references of harmonised standards drafted in support of Regulation (EU) 2016/425 published in the *Official Journal of the European Union* with a restriction.
- (14) Implementing Decision (EU) 2020/668 should therefore be amended accordingly.
- (15) In order to give manufacturers sufficient time to prepare for the application of the revised standards, it is necessary to defer the respective withdrawal of the references to the standards listed in Annex II.

⁽⁵⁾ OJ C 113, 27.3.2018, p. 41.

⁽⁶⁾ Commission Implementing Decision (EU) 2020/668 of 18 May 2020 on the harmonised standards for personal protective equipment drafted in support of Regulation (EU) 2016/425 of the European Parliament and of the Council (OJ L 156, 19.5.2020, p. 13).

- (16) Compliance with a harmonised standard confers a presumption of conformity with the corresponding essential requirements set out in Union harmonisation legislation from the date of publication of the reference of such standard in the *Official Journal of the European Union*. This Decision should enter into force on the day of its publication,

HAS ADOPTED THIS DECISION:

Article 1

Implementing Decision (EU) 2020/668 is amended as follows:

- (1) the following Article 2a is inserted:

'Article 2a

The references of harmonised standards for personal protective equipment drafted in support of Regulation (EU) 2016/425 and listed in Annex III to this Decision are hereby published in the *Official Journal of the European Union* with a restriction.;

- (2) Annex I is amended in accordance with Annex I to this Decision;
(3) Annex II is amended in accordance with Annex II to this Decision;
(4) the text set out in Annex III to this Decision is added as Annex III.

Article 2

This Decision shall enter into force on the day of its publication in the *Official Journal of the European Union*.

Done at Brussels, 16 July 2021.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX I

In Annex I to Implementing Decision (EU) 2020/668 the following entries are added:

No	Reference of standard
‘32.	EN 352-4:2020 Hearing protectors - Safety requirements - Part 4: Level-dependent earmuffs
33.	EN 352-5:2020 Hearing protectors - Safety requirements - Part 5: Active noise reduction earmuffs
34.	EN 352-6:2020 Hearing protectors - Safety requirements - Part 6: Earmuffs with safety-related audio input
35.	EN 352-7:2020 Hearing protectors - Safety requirements - Part 7: Level-dependent earplugs
36.	EN 352-8:2020 Hearing protectors - Safety requirements - Part 8: Entertainment audio earmuffs
37.	EN 352-9:2020 Hearing protectors - Safety requirements - Part 9: Earplugs with safety-related audio input
38.	EN 352-10:2020 Hearing protectors - Safety requirements - Part 10: Entertainment audio earplugs’

ANNEX II

In Annex II to Implementing Decision (EU) 2020/668 the following entries are added:

No	Reference of standard	Date of withdrawal
‘22.	EN 352-1:2002 Hearing protectors - General requirements - Part 1: Ear-Muffs	21 January 2023
23.	EN 352-2:2002 Hearing protectors - General requirements - Part 2: Ear-plugs	21 January 2023
24.	EN 352-3:2002 Hearing protectors - General requirements - Part 3: Ear-muffs attached to an industrial safety helmet	21 January 2023
25.	EN 352-4:2001 Hearing protectors - Safety requirements and testing - Part 4: Level-dependent ear-muffs EN 352-4:2001/A1:2005	21 January 2023
26.	EN 352-5:2002 Hearing protectors - Safety requirements and testing - Part 5: Active noise reduction ear-muffs EN 352-5:2002/A1:2005	21 January 2023
27.	EN 352-6:2002 Hearing protectors - Safety requirements and testing - Part 6: Ear-muffs with electrical audio input	21 January 2023
28.	EN 352-7:2002 Hearing protectors - Safety requirements and testing - Part 7: Level-dependent ear-plugs	21 January 2023
29.	EN 352-8:2008 Hearing protectors - Safety requirements and testing - Part 8: Entertainment audio ear-muffs	21 January 2023’

ANNEX III

‘ANNEX III

No	Reference of the standard
1.	<p>EN 352-1:2020</p> <p>Hearing protectors - General requirements - Part 1: Earmuffs</p> <p>Notice: This standard does not require labelling indicating the noise attenuation level on the product. Compliance with this standard therefore does not confer a presumption of conformity with point 3.5., second paragraph, of Annex II to Regulation (EU) 2016/425.</p>
2.	<p>EN 352-2:2020</p> <p>Hearing protectors - General requirements - Part 2: Earplugs</p> <p>Notice: This standard does not require labelling indicating the noise attenuation level on the product. Compliance with this standard therefore does not confer a presumption of conformity with point 3.5., second paragraph, of Annex II to Regulation (EU) 2016/425.</p>
3.	<p>EN 352-3:2020</p> <p>Hearing protectors - General requirements - Part 3: Earmuffs attached to head protection and/or face protection devices</p> <p>Notice: This standard does not require labelling indicating the noise attenuation level on the product. Compliance with this standard therefore does not confer a presumption of conformity with point 3.5., second paragraph, of Annex II to Regulation (EU) 2016/425.’</p>