

COMMISSION IMPLEMENTING DECISION (EU) 2021/1403**of 25 August 2021****amending Implementing Decision (EU) 2019/1202 as regards harmonised standards for light offshore cranes**

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 12 of Directive 2014/34/EU of the European Parliament and of the Council ⁽²⁾, products which are in conformity with harmonised standards or parts thereof, the references of which have been published in the *Official Journal of the European Union*, are to be presumed to be in conformity with the essential health and safety requirements set out in Annex II to that Directive covered by those standards or parts thereof.
- (2) By letter BC/CEN/46-92 – BC/CLC/05-92 of 12 December 1994, the Commission made a request to the European Committee for Standardization (CEN) and the European Committee for Electrotechnical Standardization (Cenelec) for the drafting and revision of harmonised standards in support of Directive 94/9/EC of the European Parliament and of the Council ⁽³⁾. That Directive was replaced by Directive 2014/34/EU without changing the essential health and safety requirements set out in Annex II to Directive 94/9/EC.
- (3) In particular, CEN and Cenelec were requested to draft a standard on the design and testing of equipment for use in potentially explosive atmospheres as indicated in Chapter I of the standardisation programme agreed between CEN and Cenelec and the Commission and attached to request BC/CEN/46-92 – BC/CLC/05-92. CEN and Cenelec were also requested to revise the existing standards with a view to aligning them to the essential health and safety requirements of Directive 94/9/EC.
- (4) On the basis of the request BC/CEN/46-92 – BC/CLC/05-92, CEN drafted the harmonised standard EN 13852-3:2021 on light offshore cranes.
- (5) The Commission together with CEN has assessed whether the standard EN 13852-3:2021 drafted by CEN complies with the request BC/CEN/46-92 – BC/CLC/05-92.
- (6) It is necessary to clarify which versions of standards referred to in clause 2 ‘Normative references’ of standard EN 13852-3:2021 are to be applied for the purposes of presumption of conformity.
- (7) The column ‘Remarks/Notes’ of Table ZB.1 in standard EN 13852-3:2021 for the purposes of Implementing Decision (EU) 2019/1202 should be excluded from publication due to inconsistency of that column with requirements in the main normative body of the standard and due to legal uncertainty resulting from the interpretation of the legal effect of presumption of conformity included in the title of this column.

⁽¹⁾ OJ L 316, 14.11.2012, p. 12.

⁽²⁾ Directive 2014/34/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to equipment and protective systems intended for use in potentially explosive atmospheres (OJ L 96, 29.3.2014, p. 309).

⁽³⁾ Directive 94/9/EC of the European Parliament and the Council of 23 March 1994 on the approximation of the laws of the Member States concerning equipment and protective systems intended for use in potentially explosive atmospheres (OJ L 100, 19.4.1994, p. 1).

- (8) The standard EN 13852-3:2021 satisfies the requirements which it aims to cover and which are set out in Annex II to Directive 2014/34/EU. It is therefore appropriate to publish the reference of that standard in the *Official Journal of the European Union* with restriction.
- (9) Annex I to Commission Implementing Decision (EU) 2019/1202 (*) lists the references of harmonised standards drafted in support of Directive 2014/34/EU. The reference of harmonised standard EN 13852-3:2021 should be included in that Annex.
- (10) Implementing Decision (EU) 2019/1202 should therefore be amended accordingly.
- (11) 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 therefore enter into force on the day of its publication,

HAS ADOPTED THIS DECISION:

Article 1

Annex I to Implementing Decision (EU) 2019/1202 is amended in accordance with the annex to this Decision.

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, 25 August 2021.

For the Commission
The President
Ursula VON DER LEYEN

(*) Commission Implementing Decision (EU) 2019/1202 of 12 July 2019 on the harmonised standards for equipment and protective systems intended for use in potentially explosive atmospheres drafted in support of Directive 2014/34/EU of the European Parliament and of the Council (OJ L 189, 15.7.2019, p. 71).

ANNEX

In Annex I to Implementing Decision (EU) 2019/1202, the following entry is added:

No	Reference of the standard
4.	<p>EN 13852-3:2021</p> <p>Offshore cranes – Part 3: Light offshore cranes</p> <p>Notice1: The normative references referred to in clause 2 of harmonised standard EN IEC 60079-0:2018 shall be read as EN IEC 60079-0:2018 corrected by EN IEC 60079-0:2018/AC:2020-02</p> <p>Notice2: The normative references referred to in clause 2 of harmonised standard EN ISO 80079-36:2016 shall be read as EN ISO 80079-36:2016 corrected by EN ISO 80079-36:2016/AC:2019</p> <p>Restriction: this publication does not cover the following part of the standard: column “Remarks/Notes” of Table ZB.1’</p>