



EUROPEAN
COMMISSION

Brussels, **XXX**
[...] (2025) **XXX** draft

COMMISSION DELEGATED REGULATION (EU) .../...

of **XXX**

repealing Delegated Regulation (EU) 2022/30

(Text with EEA relevance)

This draft has not been adopted or endorsed by the European Commission. Any views expressed are the preliminary views of the Commission services and may not in any circumstances be regarded as stating an official position of the Commission.

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

The purpose of this draft Delegated Regulation is to repeal, with effect from 11 December 2027, Commission Delegated Regulation (EU) 2022/30¹ ('RED Delegated Regulation on cybersecurity').

The Radio Equipment Directive 2014/53/EU² ('the RED') establishes a regulatory framework for placing radio equipment on the Single Market. It concerns mandatory market access conditions of radio equipment. The RED covers electrical and electronic equipment that can use the radio spectrum for communication and/or radio determination purposes. Member States, via their national market surveillance authorities, shall take corrective measures on non-compliant radio equipment.

Article 3 of the RED sets out the essential requirements that radio equipment placed on the Union market is required to comply with. Article 3(1)(a) sets out essential requirements in relation to health and safety, Article 3(1)(b) sets out essential requirements in relation to electromagnetic compatibility and Article 3(2) sets out essential requirements in relation to the effective and efficient use of radio spectrum. In addition, Article 3(3) provides for additional essential requirements, which apply to those categories or classes of radio equipment specified in Commission delegated acts adopted on the basis of that provision. Lastly, Article 3(4) sets essential requirements for the compatibility of certain classes or categories of radio equipment with a common charger.

The essential requirements set out in Article 3(3), first subparagraph, points (d), (e) and (f), of the RED are associated with the protection from harm to the network, protection of personal data and privacy of users and of subscribers and protection from fraud. They are therefore associated with elements that support protection against cybersecurity risks.

The RED Delegated Regulation on cybersecurity rendered applicable, as of 1 August 2025, the essential requirements, set out in Article 3(3), first subparagraph, points (d), (e) and (f), of the RED, to certain categories or classes of radio equipment, due to concerns that those categories or classes of radio equipment did not ensure protection against elements of cybersecurity risks.

On 23 October 2024, the Cyber Resilience Act³ was adopted, setting horizontal rules in the area of product security related to market access. The essential cybersecurity requirements set out in Annex I to the Cyber Resilience Act include all the elements of the essential requirements referred to in Article 3(3), points (d), (e) and (f), of Directive 2014/53/EU. The Cyber Resilience Act will be fully applicable from 11 December 2027.

¹ Commission Delegated Regulation (EU) 2022/30 of 29 October 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 (OJ L 7, 12.1.2022, p. 6, ELI: http://data.europa.eu/eli/reg_del/2022/30/oj).

² 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, ELI: <http://data.europa.eu/eli/dir/2014/53/oj>).

³ Regulation (EU) 2024/2847 of the European Parliament and of the Council of 23 October 2024 on horizontal cybersecurity requirements for products with digital elements and amending Regulations (EU) No 168/2013 and (EU) 2019/1020 and Directive (EU) 2020/1828 (Cyber Resilience Act) (OJ L, 2024/2847, 20.11.2024, ELI: <http://data.europa.eu/eli/reg/2024/2847/oj>).

Therefore, it is necessary to repeal the RED Delegated Regulation on cybersecurity as of the date of application of the relevant provisions of the Cyber Resilience Act.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

The Expert Group on Radio Equipment (E03587) was consulted during its meeting of 12 and 13 June 2025.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

Article 1 of the proposed Delegated Regulation provides that Delegated Regulation (EU) 2022/30 is repealed with effect from 11 December 2027.

Article 2 relates to the entry into force of the proposed Delegated Regulation.

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THE EUROPEAN COMMISSION,

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

Having regard to 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/EC⁴, and in particular Article 3(3), second subparagraph, in conjunction with Article 3(3), first subparagraph, points (d), (e) and (f), thereof,

Whereas:

- (1) Directive 2014/53/EU establishes a regulatory framework for the making available on the market and putting into service in the Union of radio equipment. Article 3 of that Directive sets out the essential requirements with which radio equipment placed on the Union market is to comply.
- (2) Commission Delegated Regulation (EU) 2022/30⁵ rendered the essential requirements set out in Article 3(3), first subparagraph, points (d), (e) and (f), of Directive 2014/53/EU applicable from 1 August 2025 to certain categories or classes of radio equipment, due to concerns that those categories or classes of radio equipment did not ensure protection against cybersecurity risks. Those essential requirements are associated with the protection from harm to the network, protection of personal data and privacy of users and of subscribers, and protection from fraud. They are therefore associated with elements that support protection against cybersecurity risks.
- (3) Regulation (EU) 2024/2847 of the European Parliament and of the Council⁶ sets out horizontal cybersecurity requirements for products with digital elements, as specified in its Article 2 thereof. It ensures a harmonised regulatory framework and legal certainty for users, organisations and businesses, including microenterprises and small and medium-sized enterprises. The essential cybersecurity requirements set out in Annex I to Regulation (EU) 2024/2847 include all the elements of the essential

⁴ OJ L 153, 22.5.2014, p. 62, ELI: <http://data.europa.eu/eli/dir/2014/53/oj>.

⁵ Commission Delegated Regulation (EU) 2022/30 of 29 October 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 (OJ L 7, 12.1.2022, p. 6, ELI: http://data.europa.eu/eli/reg_del/2022/30/oj).

⁶ Regulation (EU) 2024/2847 of the European Parliament and of the Council of 23 October 2024 on horizontal cybersecurity requirements for products with digital elements and amending Regulations (EU) No 168/2013 and (EU) 2019/1020 and Directive (EU) 2020/1828 (Cyber Resilience Act) (OJ L, 2024/2847, 20.11.2024, ELI: <http://data.europa.eu/eli/reg/2024/2847/oj>).

requirements referred to in Article 3(3), points (d), (e) and (f), of Directive 2014/53/EU.

- (4) Therefore, in order to ensure legal certainty, and to prevent radio equipment covered by Delegated Regulation (EU) 2022/30 from being simultaneously subject to requirements also concerning cybersecurity set out in Regulation (EU) 2024/2847, it is necessary to repeal Delegated Regulation (EU) 2022/30 with effect from the date from which Regulation (EU) 2024/2847 applies in full.
- (5) The repeal of Delegated Regulation (EU) 2022/30 does not affect the Union market surveillance and control, under Directive 2014/53/EU, of the compliance of radio equipment with the essential requirements set out in Article 3(3), first subparagraph, points (d), (e) and (f), of that Directive, if that radio equipment was or is placed on the Union market between 1 August 2025, from which date those requirements apply in accordance with Delegated Regulation 2022/30, and 10 December 2027, the day before Regulation (EU) 2024/2847 applies, and was subject to any of those essential requirements.
- (6) The Commission has carried out appropriate consultations during the preparatory work of this Regulation and has consulted the Expert Group on Radio Equipment,

HAS ADOPTED THIS REGULATION:

Article 1

Delegated Regulation (EU) 2022/30 is repealed with effect from 11 December 2027.

Article 2

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

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Commission

The President

Ursula VON DER LEYEN