



2024/2000

25.7.2024

COMMISSION IMPLEMENTING REGULATION (EU) 2024/2000

of 24 July 2024

amending Implementing Regulation (EU) 2020/1070 to rationalise reporting on its application and to enable the usage of active antenna systems

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code ⁽¹⁾, and in particular Article 57(2) thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2020/1070 ⁽²⁾ lays down the physical and technical characteristics of small-area wireless access points referred to in Article 57(1), second subparagraph of Directive (EU) 2018/1972. That Implementing Regulation does not apply to small-area wireless access points with an active antenna system.
- (2) In 2022, the European standard EN 62232 ⁽³⁾ was updated to enable the use of active antenna systems, including in small-area wireless access points, while ensuring the compliance of base-station installations with the recommended limits pursuant to Council Recommendation 1999/519/EC ⁽⁴⁾ on human exposure to electro-magnetic fields.
- (3) In order to reflect the updated European standard EN 62232, Implementing Regulation (EU) 2020/1070 should also apply to small-area wireless access points with an active antenna system, in order to facilitate the deployment of small-area wireless access points with state-of-the-art technology in accordance with the high level of protection of public health set out in Recommendation 1999/519/EC. That should be without prejudice to the free movement and use of radio equipment in conformity with Directive 2014/53/EU of the European Parliament and of the Council ⁽⁵⁾.
- (4) In accordance with the principles of better regulation and in order to reduce administrative burden, the obligatory reporting period for Member States on the application of Implementing Regulation (EU) 2020/1070 should be extended from 1 year to 2 years.
- (5) In order to facilitate the notification process and to reduce administrative burden on both the operators which have deployed small-area wireless access points of classes E2 or E10 and the Member States' competent authorities, the deadline for such operators to submit a notification to the Member State's competent authority regarding the new installation should be extended from 2 weeks to 1 month, to allow for procedural flexibility.
- (6) In the case of co-located deployment of antenna systems, or portions thereof, the provision of evidence of the compliance of the aggregate equivalent isotropically radiated power ('EIRP') should be clarified.

⁽¹⁾ OJ L 321 of 17.12.2018, p. 36.

⁽²⁾ Commission Implementing Regulation (EU) 2020/1070 of 20 July 2020 on specifying the characteristics of small-area wireless access points pursuant to Article 57 paragraph 2 of Directive (EU) 2018/1972 of the European Parliament and the Council establishing the European Electronic Communications Code (OJ L 234, 21.7.2020, p. 11).

⁽³⁾ EN 62232:2022, Edition 3.0 'Determination of RF field strength, power density and SAR in the vicinity of base stations for the purpose of evaluating human exposure'.

⁽⁴⁾ Council Recommendation 1999/519/EC of 12 July 1999 on the limitation of exposure of the general public to electromagnetic fields (0 Hz to 300 GHz) (OJ L 199, 30.7.1999, p. 59).

⁽⁵⁾ 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).

- (7) Co-location should include the mounting or installation of multiple antenna systems, or portions thereof, of one or more small-area wireless access points on the same site or supporting structure, for the purpose of transmitting and receiving radio frequency signals for communications purposes.
- (8) Implementing Regulation (EU) 2020/1070 should be amended accordingly.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Communications Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) 2020/1070 is amended as follows:

- (1) in Article 1, the second paragraph is deleted;
- (2) in Article 3, paragraph 3 is replaced by the following:

‘3. Operators which have deployed small-area wireless access points of classes E2 or E10 complying with the conditions laid down in paragraph 1 shall within 1 month from the deployment of each access point notify the national competent authority about the installation and location of those access points as well as whether those access points meet the requirements set out in paragraph 1, point (a) or (b).’;
- (3) Article 4 is replaced by the following:

‘Article 4

Member States shall regularly monitor and report to the Commission on the application of this Regulation and in particular on the application of Article 3(1), including on the technologies used by the small-area wireless access points deployed, the first time by 31 December 2021, subsequently, annually until 31 December 2023. As of 1 January 2024, Member States shall report to the Commission every 2 years, the first time by 31 March 2026. The relevant reports shall each cover a period of 2 calendar years and shall be submitted to the Commission by 31 March of the year following the end of the reporting period.’;

- (4) The Annex is replaced by the text set out in the Annex to this Regulation.

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, 24 July 2024.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

‘ANNEX

A. Conditions referred to in Article 3(1), point (b)

1. The total volume of the part visible to the general public of a small-area wireless access point serving one or more radio spectrum users shall not exceed 30 litres.
2. The total volume of the parts visible to the general public of multiple separate small-area wireless access points sharing the same infrastructure site of an individual delimited surface such as a lamp post, a traffic light, a billboard or a bus stop, shall not exceed 30 litres.
3. In cases where the antenna system and other elements, such as a radiofrequency unit, a digital processor, a storage unit, a cooling system, power supply, cabling connections, backhaul elements or elements for earthing and fixation, of the small-area wireless access point are installed separately, any portion thereof in excess of 30 litres shall be invisible to the general public.
4. The small-area wireless access point shall have visual consistency with the supporting structure and a proportionate size relative to the overall size of the supporting structure, coherent shape, neutral colours to match or to blend with the supporting structure, and concealed cables, and shall not, together with other small-area wireless access points that are already installed in the same site or in adjacent sites, create aggregate visual clutter.
5. The weight of a small-area wireless access point and its shape shall not impose a structural reinforcement of the supporting structure.
6. A small-area wireless access point of the installation class E10 shall be deployed only in outdoor or in large indoor spaces, which have a ceiling height of at least 4 metres.

B. Requirements of European standard referred to in Article 3(1)

1. The deployment of small-area wireless access points shall be in accordance with the installation classes E0, E2 and E10 set out in clause 6.2.5, Table 2 of the European standard EN 62232:2022 ‘Determination of RF field strength, power density and SAR in the vicinity of base stations for the purpose of evaluating human exposure’.
2. In the case of multiple co-located antenna systems, or portions thereof, of one or more small-area wireless access points subject to this Regulation, the criteria for the EIRP set out in the standard referred to in point 1 shall apply to the sum of EIRP of all co-located antenna systems, or portions thereof. In the case of co-located deployment of antenna systems, or portions thereof, evidence of the compliance of the aggregate EIRP can be submitted jointly by the deploying entities, unless otherwise provided by national law.’