



**EUROPEAN COMMISSION**  
 ENTERPRISE AND INDUSTRY DIRECTORATE-GENERAL

Sustainable Growth and EU 2020  
**Standards for Boosting Competitiveness**

Brussels, 28.11.2014

## A Notification under Article 12 of Regulation (EU) No 1025/2012<sup>1</sup>

### Subject matter related to

<input type="checkbox"/>	Annual Union Work Programme for European standardisation (Art. 12, point a)
<input type="checkbox"/>	Possible future standardisation requests to the European standardisation organisations (Art. 12, point b)
<input checked="" type="checkbox"/>	Formal objections to harmonised standards (Art. 5(3) of Directive 1999/5/EC)
<input type="checkbox"/>	Identifications of ICT technical specifications (Art. 12, point d)
<input type="checkbox"/>	Delegated acts to modify Annexes I or III of Regulation (EU) No 1025/2012 (Art. 12, point e)

### Title of the initiative

Formal Objection against EN 50360:2001 “Product standard to demonstrate the compliance of mobile phones with the basic restrictions related to human exposure to electromagnetic fields (300 MHz - 3 GHz)”

### Additional information

<b>Legislative reference(s)</b>	Directive of 9 March 1999 of the European Parliament and of the Council on Radio Equipment and Telecommunications Terminal Equipment and the mutual recognition of their conformity, OJ L 91 of 7 April 1999
<b>EN reference(s)</b>	EN 50360:2001 (as amended by A1:2012)
<b>Status</b>	-
<b>Other information</b>	This is a formal objection launched by Belgium on 10 October 2014 against EN 50360:2001 (as amended) the references of which have been published in the Official Journal of the European Union.

### Commission contact point for this notification

ENTR-ENGINEERING-INDUSTRIES@ec.europa.eu

<sup>1</sup> OJ L 316, 14.11.2012, p. 12



YOUR LETTER OF  
YOUR REF

OUR REF 12.4.14/1578  
DATE 13/01/14

ENCL(S) TCAM(38)44

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TO: European Commission  
DG Enterprise and Industry  
Mr Gwenole Cozigou,  
Resources Based, Manufacturing and Consumer Goods  
Industries Director

CC: TCAM

CC: Mr Javier Arregui  
Team Leader Electrical&Electronic Product Regulation  
Engineering Industries - Unit F5

SUBJECT : Restriction of the presumption of conformity with the essential requirement 3.1a of the R&TTE Directive (1999/5/EC) for the harmonised standard EN 50360:2001

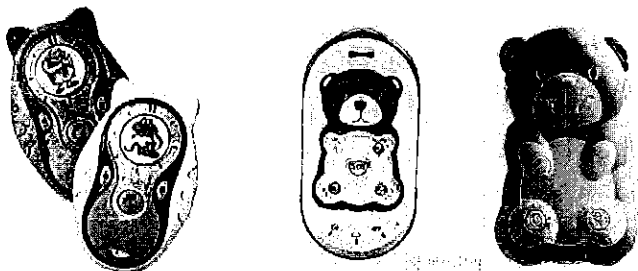
Dear Sir,

By this letter we would like to invite the Commission and the members of the TCAM committee under Directive 1999/5/EC (R&TTE), to **withdraw the presumption of conformity** with the EMF requirements under the essential requirement of Article 3.1a of the R&TTE Directive for the **harmonised standard EN 50360:2001** "Product standard to demonstrate the compliance of mobile phones with the basic restrictions related to human exposure to electromagnetic fields (300 MHz - 3 GHz)", **when applied to demonstrate the compliance of mobile phones designed for young children (younger than 7 years of age) with these EMF requirements**, according to Article 5 (3) of the Directive.

Please find hereunder the motivation of this request.

On 30 July 2013 the Belgian government has published a Royal Decree prohibiting the placing on the Belgian market of mobile phones designed specifically for young children (reference C-2013/24306.)

The prohibition concerns mobile phones that are made visually attractive for young children or for which the manufacturer indicates that they are intended for children younger than 7 years of age. Typical of such mobile phones is a playful design and limited functionality (e.g. only a few keys, an opportunity to call only a few pre-programmed numbers, usually without display). Some examples of such products are shown below.



The prohibition does not concern toys looking like a mobile phone, but actual mobile phones having child-appealing characteristics (colours, forms, simplified working) or those mobile



phones where the manufacturer explicitly mentions children as an intended user (no matter whether child-appealing or not).

The safety of mobile phones is governed by R&TTE Directive 1999/5/EC (radio equipment), which refers to more extended health and safety objectives of Low Voltage Directive 2006/95/EC. According to these directives, a product should offer protection of the health and safety of the user and any other person.

The national measure has been introduced based on consideration that mobile phones intended for young children do not provide an adequate protection in terms of health and safety (in light of existing scientific uncertainty), and that existing legal framework (due to shortcomings in the applicable harmonised standard) is not sufficient.

Taking into account the placing on the market of mobile phones comes under the European product policy, in January 2013 the national measure has been notified (TRIS notification 2013/0022/B) according to Directive 98/34/EC as **national technical rule**. Notification procedure has been finalized on 12 July 2013.

Taking into account the placing on the market of mobile phones comes under the European product policy on telecommunication, the additional notification, **notification under the safeguard procedure** has been sent in September 2013 to the Commission (attached).

Under the same procedure, **objection to a harmonized standard** EN 50360:2001 has been formulated. It was pointed out that the standard EN 50360:2001, harmonized under Directive 1999/5/EC for demonstration of compliance with health and safety requirements, addresses only an adult user. The dosimetric evaluation as described in this standard is not adequate for children.

The safeguard notification has been discussed in TCAM, **no final position has been taken or communicated** to Belgium.

In April 2014 the Commission initiated **EU-PILOT notification** (issue 6535/14/ENTR) to Belgian government. Belgium has responded to this request in June 2014. The Commission has accepted the response in September 2014 and closed the EU-PILOT issue.

Belgium pointed out **shortcomings in the harmonised standard** EN 50360:2001 as one of the reasons of prohibition. Although the standard has no reference to the age of the users, this standard cannot be considered suitable for all ages:

- Mobile phones are in terms of original destination not intended for young children.
- The technical specifications of the standard are inadequate for young age. Clause 5 of this standard gives a reference to EN 62209-1 concerning the measurement procedure, however the phantom specifications given there are not suitable for a child (the dimensions, dielectric properties are those of an adult person). Indeed, the energy



deposition is 2-10 times higher in a child's head, as IARC indicates in *The Lancet Oncology* (2011, vol.12, issue 7: DOI:10.1016/S1470-2045(11)70147-4).

- This fact is confirmed by the SCENIHR opinion on “Potential health effects of exposure to electromagnetic fields”: “There are some differences in energy absorption from mobile phones between children and adults. Children’s heads are smaller and, therefore, mobile phones expose a larger part of their brains. Moreover, their tissues, like bone marrow, have a higher electrical conductivity due to larger water content; therefore, local energy absorption can become higher in these tissues.”
- Section 4 of the standard (reference to the limit values for the general population) deserves more attention. According to IARC, there may be an increased risk of brain cancer in case of heavy use of mobile phones. Application of the current limit value for young children deserves a more careful consideration.
- Many scientists agree that children and teenagers should use the mobile phone as little as possible (Belgian Health Council recommendation 6.605/5; S.Rosenberg “Cell Phones and Children, Follow the Precautionary Road”, *Pediatric Nursing*, 2013;39(2):65-70; report "Mobile Phones and Health", UK Independent Expert Group on Mobile Phones). The cumulative exposure of the current generation of children at their maturity will be much higher than that of the current adults (SCENIHR EMF 2009, J.Schüz “Mobile phone exposures in children”, IMBEI). Making mandatory advising the user about a limited use, in the manual or on the packaging, seems necessary.

Based on these facts and considerations, Belgium request the European Commission to proceed with the withdrawal of the presumption of conformity of the harmonised standard EN 50360:2001 under the R&TTE Directive (1999/5/EC Article 3.1a) when it's applied to demonstrate the compliance of mobile phones designed for young children with the basic restrictions related to human exposure to electromagnetic fields (300 MHz - 3 GHz).

Sincerely yours,

Roland Moreau,

Director-General

Attachment: copy of notification to TCAM under safeguard procedure (Sept. 2013).