

COMMISSION IMPLEMENTING DECISION (EU) 2022/2357**of 1 December 2022****amending Implementing Decision (EU) 2019/451 as regards the harmonised standard for retroreflecting road studs****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC ⁽¹⁾, and in particular Article 17(5) thereof,

Whereas:

- (1) In accordance with Regulation (EU) No 305/2011 manufacturers are to use the methods and the criteria provided in harmonised standards, the references of which have been published in the *Official Journal of the European Union*, for assessing the performance of construction products covered by those standards in relation to their essential characteristics.
- (2) By letter M/111 of 29 August 1996, the Commission made a request to the European Committee for Standardization (CEN) and the European Committee for Electrotechnical Standardization (CENELEC) for the drafting of harmonised standards in support of Council Directive 89/106/EEC ⁽²⁾ ('the mandate'). The mandate allows for a revision of the harmonised standards drafted on its basis.
- (3) In order to take account of the technical developments as well as the requirements of Regulation (EU) No 305/2011, CEN revised the existing harmonised standard EN 1463-1:2009 on retroreflecting road studs, the reference of which has been published by Commission communication (2018/C 092/06) ⁽³⁾. This resulted in the adoption of the revised harmonised standard EN 1463-1:2021 on retroreflecting road studs.
- (4) The revised harmonised standard EN 1463-1:2021 contains improved methods for assessing the performance of the construction products concerned. Further, the wording of certain provisions needed to be improved in order to ensure their correct and uniform interpretation in all Member States. It was also necessary to remove from the scope of standard products installed only temporary since such products are not construction products for the purposes of Regulation (EU) No 305/2011. The revised standard thus importantly contributes to the road safety and the removal of technical barriers to trade.
- (5) The Commission has assessed whether the harmonised standard revised by CEN is in conformity with the relevant mandate and Regulation (EU) No 305/2011.
- (6) The harmonised standard revised by CEN is in conformity with the relevant mandate and Regulation (EU) No 305/2011. It is therefore appropriate to publish the reference of that standard in the *Official Journal of the European Union*.

⁽¹⁾ OJ L 88, 4.4.2011, p. 5.

⁽²⁾ Council Directive 89/106/EEC of 21 December 1988 on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products (OJ L 40, 11.2.1989, p. 12).

⁽³⁾ Commission communication in the framework of the implementation of Regulation (EU) No 305/2011 of the European Parliament and of the Council laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC (Publication of titles and references of harmonised standards under Union harmonisation legislation) (OJ C 92, 9.3.2018, p. 139).

- (7) Annex I to Commission Implementing Decision (EU) 2019/451 ^(*) lists the references of harmonised standards drafted in support of Regulation (EU) No 305/2011. The reference of the harmonised standard EN 1463-1:2021 should therefore be included in that Annex.
- (8) In accordance with Article 17(5) of Regulation (EU) No 305/2011, a coexistence period is to be indicated for each harmonised standard that supersedes another harmonised standard.
- (9) Implementing Decision (EU) 2019/451 should therefore be amended accordingly.
- (10) In order to allow the manufacturers to use the revised harmonised standard as soon as possible, this Decision should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS DECISION:

Article 1

Annex I to Implementing Decision (EU) 2019/451 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, 1 December 2022.

For the Commission
The President
Ursula VON DER LEYEN

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^(*) Commission Implementing Decision (EU) 2019/451 of 19 March 2019 on the harmonised standards for construction products drafted in support of Regulation (EU) No 305/2011 of the European Parliament and of the Council (OJ L 77, 20.3.2019, p. 80).

ANNEX

In Annex I to Implementing Decision (EU) 2019/451, the following entry is added:

No	Reference to the standard	Reference to the superseded standard	Beginning of the coexistence period (dd.mm.yyyy.)	End of the coexistence period (dd.mm.yyyy.)
7.	EN 1463-1:2021 Road marking materials - Retroreflecting road studs - Part 1: Initial performance requirements	EN 1463-1:2009 Road marking materials - Retroreflecting road studs - Part 1: Initial performance requirements	2.12.2022	2.12.2023