COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 22.09.2000
COM(2000) 570 final

Proposal for a

COUNCIL DECISION

determining the Community position for a decision of the Joint Committee on amending the Sectoral Annex on Telecommunications Terminal Equipment to the Agreement on Mutual Recognition in relation to Conformity Assessment, certificates and markings between the European Community and New Zealand

(presented by the Commission)

EXPLANATORY MEMORANDUM

I. Background

1. The Agreement on mutual recognition in relation to conformity assessment, certificates and markings between the European Community (EC) and New Zealand was approved by the Council with its Decision of 18 June 1998[1] and entered into force on 1 January 1999.

2. According to Article 12(8) of the Agreement, there is a general obligations on the Parties to bring within the scope of the Agreement new or additional conformity assessment procedures affecting a sector covered by a Sectoral Annex. The Community adopted on 9 March 1999 a new directive 99/5/EC on radio and telecommunication terminal equipment, which will replace the existing directive from 8 April 2000. The Sectoral Annex on Telecommunications Terminal Equipment (TTE Sectoral Annex) therefore needs to be amended to take into account the legislative situation in the Community.

II. Amendments to the Sectoral Annex on Telecommunications Terminal Equipment (TTE)

3. Directive 99/5/EC on radio equipment and telecommunications terminal equipment[2] was adopted on 9 March 1999 and will repeal directive 98/13/EC[3] as of 8 April 2000. The existing TTE Sectoral Annex makes a reference to directive 98/13/EC and it must therefore be up-dated to take into account the new legal situation in the Community. More in detail, the necessary amendments need to reflect the following:

   - Changed scope between directive 98/13/EC and 99/5/EC.

   - Changed conformity assessment procedures between the directives.

   - Changed relation to directive 73/23/EEC on low voltage equipment and directive 89/336/EEC on electromagnetic compatibility.

4. With regard to the scope, the existing coverage of the TTE Sectoral Annex does not cover radio transmitters; inclusion of the new Directive 99/5/EC in the Annex will mean that Radio Equipment will be covered. Consultations with the New Zealand authorities have resulted in agreement to have a balanced coverage through the inclusion of radio equipment on the New Zealand side and on the modifications that need to made to the TTE Sectoral Annex.

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1 Council Decision of 18 June 1998 on the conclusion of an Agreement on mutual recognition in relation to conformity assessment between the European Community and New Zealand (OJ L 229, 17.8.1998, p. 61).

2 Directive 99/5/EC of the European Parliament and of the Council of 9 March 1999 on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity (OJ L 91, 7.4.1999, p. 10).

3 Directive 98/13/EC of the European Parliament and the Council of 12 February 1998 relating to telecommunications terminal equipment and satellite earth station equipment, including the mutual recognition thereof (OJ L 74, 12.3.1998, p. 1).

III. Decision making procedures

5. For such amendments, Article 15(4) of the Agreement foresee that Sectoral Annexes may, through the Joint Committee, be amended in writing by the Parties. A decision of the Joint Committee, set up according to Article 12 of the Agreement, is therefore required.

6. For such a decision by the Joint Committee the Community position is, according to Article 3(3) of Council Decision 98/509/EC, determined by the Council, acting by qualified majority on a proposal from the Commission.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Council Decision of 18 June 1998 on the conclusion of an Agreement on mutual recognition in relation to conformity assessment between the European Community and New Zealand[4] and in particular Article 3(3) of that Decision,

Having regard to the proposal from the Commission[5],

Whereas the Sectoral Annex on Telecommunications Terminal Equipment, needs to be amended to bring within its scope new Community legislation in the form of Directive 99/5/EC on radio and telecommunications terminal equipment,

HAS DECIDED AS FOLLOWS:

Article 1

The position to be adopted by the European Community for a decision by the Joint Committee, set up under Article 12 of the Agreement on mutual recognition in relation to conformity assessment between the European Community and New Zealand, on amending the Sectoral Annex on Telecommunications Terminal Equipment shall be based on the amendments specified in the annex to this Decision. Minor modifications to the amendments specified in the annex may be accepted without further decision by the Council.

Article 2

The Council authorises the Commission to sign on behalf of the Community the decision of the Joint Committee that adopts the amendments mentioned in Article 1.

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4 OJ L 229, 17.8.1998, p. 61.

5 OJ L , p.

Article 3

The Decision of the Joint Committee shall be published in the *Official Journal of the European Communities* once it has been adopted.

Done in Brussels,

For the Council
The President

ANNEX

I. Amendments to the Sectoral Annex on Telecommunications Terminal Equipment

1. In Scope and Coverage, in the column "Products for export to the European Community" the entire text is deleted and replaced with the following:

   "Any wired telecommunications terminal equipment, connected directly or indirectly to the public telecommunications network, falling under the scope of Directive 99/5/EC of the European Parliament and of the Council of 9 March 1999 and radio equipment (falling under the Directive) for which harmonised standards were adopted on 8/4/2000, and which are included in Section V."

2. In Section I, in the column "The legislative, regulatory and administrative requirements of the European Community with which New Zealand designated Conformity Assessment Bodies shall assess compliance", the entire text is deleted and replaced with the following:

   "Directive 99/5/EC of the European Parliament and of the Council of 9 March 1999 on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity."

3. In Section V, Article 6, the entire text is deleted and replaced with the following:

   "Where a manufacturer chooses not to use the procedures of Directive 99/5/EC for assessing conformity to electrical safety and EMC requirements, the relevant provisions of the Sectoral Annexes on, respectively, Low Voltage Equipment and Electromagnetic Compatibility shall apply."

4. In Section V, the following European Community Technical Standards are included:

European Community's Technical Standards

EN 301 419-1 (December 1999)

EN 301 419-2 (April 1999)

EN 301 419-3 (November 1999)

EN 301 419-7 (November 1999)

TBR 06 (January 1997)

TBR 19 Ed. 3 (October 1996)

TBR 23 (March 1998)

TBR 26 (May 1998)

TBR 27 (December 1997)

TBR 28 (December 1997)

TBR 30 (December 1997)

TBR 31 Ed. 2 (March 1998)

TBR 35 (September 1998)

TBR 41 (February 1998)

TBR 42 (February 1998)

TBR 43 (May 1998)

TBR 44 (May 1998)