DECISION No 1/2001
of 23 March 2002

of the Joint Committee established under the Agreement on mutual recognition between the European Community and Canada on the amending of the Sectoral Annexes on telecommunications terminal equipment, information technology equipment and radio transmitters, on electromagnetic compatibility, on electrical safety and on recreational craft

(2002/342/EC)

THE JOINT COMMITTEE,

Having regard to the Agreement on mutual recognition between the European Community and Canada, (hereinafter ‘the Agreement’), and in particular Articles IV, IX, XI and the Sectoral Annexes on telecommunications terminal equipment, information technology equipment and radio transmitters, on electromagnetic compatibility, on electrical safety and on recreational craft thereof,

Whereas:

(1) According to Article XI(3) of the Agreement the Joint Committee established under the Agreement may consider any matter related to the operation of the Agreement, and in particular according to paragraph (a) thereof the Joint Committee shall be responsible for amending the Sectoral Annexes.

(2) The Sectoral Annex on telecommunications terminal equipment, information technology equipment and radio transmitters needs to be amended to bring within its scope new European Community legislation in the form of Directive 1999/5/EC of the European Parliament and of the Council (1) on radio and telecommunications terminal equipment.

(3) According to the agreements reached at the Third and Fourth Joint Committee meetings held on 14 April 2000 and 24 January 2001 respectively, the transitional periods of the Sectoral Annexes on telecommunications terminal equipment, information technology equipment and radio transmitters, on electromagnetic compatibility, on electrical safety and on recreational craft need to be extended to allow transitional and confidence building measures to be completed,

HAS ADOPTED THIS DECISION:

Article 1

The Sectoral Annex on telecommunications terminal equipment, information technology equipment and radio transmitters shall be amended as specified in Annex I to this Decision, in order to take account of new European Community legislation.

Article 2

The Sectoral Annexes on telecommunications terminal equipment, information technology equipment and radio transmitters, on electromagnetic compatibility, on electrical safety and on recreational craft shall be amended as specified in Annex II to this Decision, in order to extend their transitional periods.

Article 3

This Decision is established in duplicate and signed by the Co-Chairs of the Joint Committee. This Decision is effective from the date of the latter of the signatures.

Done at Ottawa, 27 March 2002.

On behalf of the Government of Canada
Jennifer DAUBENY

Done at Brussels, 8 January 2002.

On behalf of the European Community
Pascal LAMY

ANNEX I

Amendments to the Sectoral Annex on telecommunications terminal equipment, information technology equipment and radio transmitters to take account of new European Community legislation

1. In Article 4(1), the second indent is modified to read as follows:
   'For electromagnetic compatibility (EMC) the recognition of each other's certificates of compliance, suppliers' declaration and technical construction file, as required. The detailed provisions are described in this Annex or the Sectoral Annex on EMC, where a manufacturer chooses not to use the procedure of Directive 1999/5/EC for assessing conformity with EMC requirements, the relevant provisions of the Sectoral Annexes on EMC shall apply.'

2. In Article 4(1), the third subparagraph is modified to read as follows:
   'For electrical safety/low voltage the acceptance of testing, certification of compliance and supplier's declaration of conformity of the covered products to the electrical safety requirements of the other Party. The detailed provisions are described in this Annex or the Sectoral Annex on electrical safety; where a manufacturer chooses not to use the procedure of Directive 1999/5/EC for assessing conformity with electrical safety requirements, the relevant provisions of the Sectoral Annex on electrical safety shall apply.'

3. In Article 4(1), the following new subparagraphs are added:
   — prescription of radio tests to be performed pursuant to Annexes III and IV to Directive 1999/5/EC,
   — issuing of an opinion on a technical file pursuant to Annex V to Directive 1999/5/EC.'

4. In Attachment 1, the 'European Community' column, the whole text is replaced with the following:

5. In Attachment 2, the 'European Community' column, the whole text is replaced with the following:
   'In specific but not exclusive terms, the following interfaces and services within the scope of Directive 1999/5/EC are included:
   — all wired telecommunications terminal equipment,
   — all radio equipment, with the exception of:
      — radio equipment used by radio amateurs within Article 1, definition 53, of the ITU radio regulations, unless the equipment is available commercially,
      — kits of components to be assembled by radio amateurs and commercial equipment modified by and for the use of radio amateurs are not regarded as commercially available equipment,
      — equipment within the scope of Directive 96/98/EC (The Marine Directive),
      — cable and wiring,
      — receive only radio equipment intended to be used solely for the reception of sound and TV Broadcasting Services,
      — products, appliances and components within the meaning of Article 2 of Council Regulation (EEC) No 3922/91 of 16 December 1991 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation,
      — apparatus exclusively used for activities concerning public security, defence, State security (including the economic well-being of the State when the activities relate to State security matters) and the activities of the State in areas of criminal law.

Radio equipment is defined as a product, or relevant component thereof, capable of communication by means of the emission and/or reception of radio waves utilising the spectrum allocated to terrestrial/space radio communication; and radio waves means electromagnetic waves of frequencies from 9 kHz to 3 000 GHz, propagated in space without artificial guide.'
ANNEX II

Amendments to the Sectoral Annexes on telecommunications terminal equipment, information technology equipment and radio transmitters, electromagnetic compatibility, electrical safety and recreational craft to extend the transitional periods

Sectoral Annex on Telecommunications Terminal Equipment, Information Technology Equipment and Radio Transmitters

Article 6(1) of the Sectoral Annex on telecommunications terminal equipment, information technology equipment and radio transmitters is deleted and replaced with the following:

‘There will be a transitional period of 35 months before the provisions of this Annex, notably Section 4, become fully operational on 1 October 2001.’

Sectoral Annex on Electromagnetic Compatibility

Article 5(1) of the Sectoral Annex on electromagnetic compatibility is deleted and replaced with the following:

‘The mutual recognition provisions of this Annex, notably Section 3, will take effect 35 months following the entry into force of this Annex, that is on 1 October 2001.’

Sectoral Annex on Electrical Safety

Article 4(1) of the Sectoral Annex on Electrical Safety is deleted and replaced by the following:

‘The transitional arrangements shall operate for a term of 35 months from the time this MRA enters into force, that is up to 30 September 2001.’

Sectoral Annex on Recreational Craft

Section V, first sentence, of the Sectoral Annex on recreational craft is deleted and replaced with the following:

‘There will be a transitional period of 35 months up to 30 September 2001 prior to the operation of this Annex.’