
STATUTORY INSTRUMENTS

1994 No. 3129

**The Telecommunications Terminal Equipment
(Amendment and Extension) Regulations 1994**

PART II

AMENDMENTS TO THE PRINCIPAL REGULATIONS

Definitions

3. Regulation 3 of the principal Regulations is (in addition to the amendments made by regulation 6(a) below) hereby amended as follows:

- (a) for paragraph (1) (definition of the TTE Directive) there shall be substituted the following paragraph—

“(1) In these regulations, the “TTE Directive” means Council Directive [91/263/EEC](#) on the approximation of the laws of the Member States concerning telecommunications terminal equipment, including the mutual recognition of their conformity, as—

- (a) amended by Article 11, 14.1 and 14.2 of the CE Marking Directive; and
(b) supplemented by the Satellite Earth Station Equipment Directive.”;

- (b) in paragraph (2)—

- (i) before the definition of “the Commission” there shall be inserted the following definition—

““CE Marking Directive” means Council Directive [93/68/EEC](#).”;

- (ii) the definition of “the Community” shall be deleted; and

- (iii) after the definition of “responsible person” there shall be inserted the following definitions—

““satellite earth station equipment” means satellite earth station equipment within the meaning of Article 1.2 of the Satellite Earth Station Equipment Directive;

“Satellite Earth Station Equipment Directive” means Council Directive [93/97/EEC](#) supplementing Directive [91/263/EEC](#) in respect of satellite earth station equipment.”; and

- (c) after paragraph (5), there shall be added the following paragraph—

“(6) In these Regulations, with respect to matters arising on and after 1st January 1994, a reference to the Community includes a reference to the EEA, and a reference to a member State includes a reference to an EEA State, and for the purposes of this paragraph—

- (a) the “EEA” means the European Economic Area;
(b) an “EEA State” means a state which is a contracting party to the EEA Agreement but until the EEA Agreement comes into force in relation to Liechtenstein does not include the State of Liechtenstein; and

- (c) the “EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993(1).”.

Application of the requirements of Article 2 of Council Directive 91/263/EEC to all terminal equipment not intended for connection to the public telecommunications network

4.—(1) Subject to paragraph (2) below, the principal Regulations are hereby amended as follows:

- (a) in regulation 2, after paragraph (3), there shall be inserted the following paragraph—

“(3A) For the avoidance of doubt, it is hereby declared that, on and after 1st January 1995, the said orders so listed in Schedule 1 (save for the Telecommunication Apparatus (Bell Noise-Labeling) Order 1985(2), which is inapplicable) shall no longer apply to equipment which is, on and after that date, connection-capable equipment or radio connection-capable equipment consequent upon the amendment of regulation 4 of these Regulations by regulation 3 of the Telecommunications Terminal Equipment (Amendment and Extension) Regulation 1994.”;

- (b) in regulation 4(4)—

(i) in the headpiece, the words “which would, except for the operation of this paragraph, be applicable terminal equipment,” shall be omitted;

- (ii) for the tailpiece, there shall be substituted the following tailpiece—

“and equipment which is, or would be, except for the operation of paragraph (3) above, taken outwith the meaning of applicable terminal equipment pursuant to this paragraph, is referred to in these Regulations as “connection-capable equipment”.”;

- (c) for paragraphs (5) and (6) of regulation 4 there shall be substituted the following paragraphs—

“(5) Terminal equipment (including equipment in respect of which an adjustment has been made or a mechanism unblocked as referred to in paragraph (6) below) which makes use of a system of communication employing the radio frequency spectrum, and which is not radio connection-capable equipment within the meaning of the said paragraph (6), shall, for the purposes of these Regulations, be taken to be intended for connection to a public telecommunication network and accordingly shall, save as provided by paragraph (3) of this regulation and regulation 6(3) and (4) below, be taken to be applicable terminal equipment.

(6) Where equipment employing the radio frequency spectrum is designed to be capable of connection to a public telecommunications network if an adjustment were made thereto or a blocking mechanism were unblocked, that equipment may not, unless such adjustment is made or such mechanism is unblocked, as the case may be, be regarded as capable of being applicable terminal equipment pursuant to paragraph (5) above; and equipment which may not, on account of this paragraph, be regarded as applicable terminal equipment is referred to in these Regulations as “radio connection-capable equipment”.”

(1) The application of the principal Regulations was extended to the European Economic Area (EEA) from 1 January 1994 by virtue of the European Economic Area Act 1993 (c. 51) section 2, in pursuance of Articles 7 and 23 of the European Economic Area Agreement and Protocol 12 and Annex II Part XVIII (Information Technology, Telecommunications and Data Processing).Point 4 of Part XVIII (at p.445 of the edition published by the Office for Official Publications of the European Communities, 1992) lists Council Directive 91/263/EEC as being an act referred to for the purposes of Article 7 which was made part of the internal legal order of the Contracting Parties.Point 4 was amended by Annex 3 to Decision 7/94 of the EEA Joint Committee (the ‘Interim Acquis’; OJ No.L160, 28.6.94, p.1).Point M.1 of that Annex (at p.45) inserts into point 4 references to the CE Marking Directive and the Satellite Earth Station Equipment Directive.The principal Regulations should, from that date, be read as if a reference to a member State included a reference to an EEA country.

(2) S.I.1985/718.

(2) The amendments made by paragraph (1) above shall not apply to any equipment first supplied or put into service within the Community before 1st January 1995.

CE Mark

5. For Schedule 2 of the principal Regulations, there shall be substituted the following Schedule—

“SCHEDULE 2

Regulation 10(5)(a)

THE CE MARK

1. Subject to paragraph 2 below, in the CE Mark, the symbol “CE” shall be set out in the form shown below—



2. Notwithstanding the provisions of paragraph 1 above, where any terminal equipment is marked with a CE mark in which the symbol “CE” is set out in the form shown below—



the CE mark on such terminal equipment shall be deemed to satisfy the requirements of this Schedule.”

Notified bodies etc

6. The principal Regulations are hereby amended as follows:—

(a) for paragraph (1) of regulation 51 there shall be substituted the following paragraph—

“(1) Subject to paragraph (2) below, the following persons shall be eligible for appointment as United Kingdom notified bodies—

(a) the Secretary of State; and

(b) any person resident, incorporated or carrying on an undertaking in the United Kingdom.”; and

(b) in the headpiece to regulation 53(1), for the words “a United Kingdom notified body” there shall be substituted “and without prejudice to the power of the Secretary of State, where he is a United Kingdom notified body, to charge fees pursuant to section 56 of the Finance Act 1973(3), a United Kingdom notified body other than the Secretary of State”.