



Notification Number: 2014/379/UK

The Wireless Telegraphy (Control of Interference from Apparatus) Regulations 2014.

Date received : 31/07/2014

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Message

Message 001

Communication from the Commission - TRIS/(2014) 02259

Directive 98/34/EC

Notificación - Oznámení - Notifikation - Notifizierung - Teavitamine - Γνωστοποίηση - Notification - Notification - Notifica - Pieteikums - Pranešimas - Bejelerítés - Notifika - Kennisgeving - Zawiadomienie - Notificação - Hlásenie-Obvestilo - Ilmoitus - Anmälan - Нотификация : 2014/0379/UK - Notificare.

No abre el plazo - Nezahtuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Nao inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - Не се предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201402259.EN)

1. Structured Information Line

MSG 001 IND 2014 0379 UK EN 31-07-2014 UK NOTIF

2. Member State

UK

3. Department Responsible

Department for Business, Innovation and Skills
European Reform Directorate
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3. Originating Department

Office of Communications (Ofcom), Riverside House, 2a Southwark Bridge Road, London, SE1 9HA, United Kingdom.



4. Notification Number

2014/0379/UK - X00M

5. Title

The Wireless Telegraphy (Control of Interference from Apparatus) Regulations 2014.

6. Products Concerned

Any finished appliance or combination of appliances, liable to generate electromagnetic disturbance, or the performance of which is liable to be affected by such disturbance and which generates, or is designed to generate, or is liable to generate fortuitously, electromagnetic energy at frequencies not exceeding 3,000 gigahertz and includes—

(a) components or sub-assemblies intended for incorporation into an apparatus by an end-user, which are liable to generate electromagnetic disturbance, or the performance of which is liable to be affected by such disturbance;

(b) mobile installations defined as a combination of apparatus and, where applicable, other devices, intended to be moved and operated in a range of locations.

These Regulations do not apply to equipment covered by Directive 1995/5/EC of the European Parliament and of the Council on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity.

7. Notification Under Another Act

- The proposed regulations will regulate the use of apparatus causing harmful interference to wireless telegraphy (radio communications) and are designed to cover circumstances where excessive levels of electromagnetic disturbance is caused by the use of a particular apparatus at a specific location which has already been placed on the market or put into service.

The proposed regulations are to be made by Ofcom (the United Kingdom communications regulator) under the power set out in section 54(1) of the U.K. Wireless Telegraphy Act 2006 (the "WTA"). Apparatus is defined in these regulations and then requirements are prescribed for that apparatus. The prescribed requirements are requirements which Ofcom think fit for the purpose of ensuring the use of a particular apparatus at a specific location does not cause harmful interference to radio communications (wireless telegraphy). The operation of enforcement provisions under the WTA are dependent on such secondary legislation.

The proposed regulations fall entirely outside the scope of Directive 2004/108/EC (the "EMC Directive") and the RTTE Directive and implementing regimes. They concern the use of apparatus already on the market and therefore after the point in time it has been placed on the market and/or put into service.

The proposed regulations require that, the intensity of the electromagnetic energy which is emitted by apparatus when it is in use, is consistent with the maximum intensity of electromagnetic energy which was permissible under the EMC Directive and EMC Regulations. Therefore, the permissible maximum intensity under the proposed regulations does not go beyond the permissible intensity that would have been required under the EMC Directive (and related implementing regimes) at the time the apparatus was put into service or made available on the market.

The regulations are intended to catch situations where a particular example of apparatus, when in use, exceeds the level of electromagnetic disturbance permissible because the apparatus is, for example, improperly installed,



maintained or functioning due to degradation, deterioration, modification, or damage.

8. Main Content

The proposed new regulations will make provision for the following requirement:

Apparatus (of the type described in regulation 4), when in use, must operate in such a way that the maximum intensity of electromagnetic disturbance generated shall not exceed the level permissible under the UK's Electromagnetic Compatibility Regulations, or the corresponding requirements of the EMC Directive as implemented under the law of another state in the Community when it was placed on the Community market or put into service in the Community. This requirement only applies in the case of the use of a particular apparatus which:

(i) is in use after it has been placed in the EEA market or put into service in the EEA;

(ii) cannot be withdrawn from the EEA market, in accordance with the provisions of the EMC Directive or the UK's EMC Regulations; and

(iii) is improperly installed; assembled; maintained; functioning (for specified reasons); or used for a purpose other than its intended purpose.

Non-compliance with the above is a ground for the giving of a notice prohibiting the use of the offending apparatus under section 55 of the WTA. The WTA contains an appeal procedure for persons served with a notice.

9. Brief Statement of Grounds

Ofcom is the United Kingdom's regulatory authority for electronic communications networks and services.

U.K. citizens are increasingly dependent on reliable radio communications systems with radio used for many commercial, domestic, security and safety applications. These are capable of being compromised by apparatus causing harmful interference. It is essential that measures exist to enable Ofcom to take proportionate action to ensure that the integrity radio spectrum is maintained.

At present, Ofcom is unable to take enforcement action in certain circumstances to stop the use of apparatus causing harmful interference to radio communications as a result of excessive levels of electromagnetic disturbance. Ofcom is seeking to implement national measures to overcome this gap in our enforcement powers.

Ofcom considers that it is particularly important so as to ensure that radio communications systems are not at risk of being compromised by electromagnetic disturbance from other apparatus.

10. Reference Documents - Basic Texts

References of the Basic Texts: Explanatory document to The Wireless Telegraphy (Control of Interference from Apparatus) Regulations 2014.

11. Invocation of the Emergency Procedure

No



12. Grounds for the Emergency

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13. Confidentiality

No

14. Fiscal measures

No

15. Impact assessment

-

16. TBT and SPS aspects

TBT aspect

No - The draft has no significant impact on international trade

SPS aspect

No - The draft has no significant impact on international trade

European Commission

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