Telecom MRAs: Accreditation and Designation of Conformity Assessment Bodies

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Topics

- Telecom MRA Basics

- US MRA System

- US-EU MRA
  - Impact of UK Departure from the EU

- US-Canada (APEC TEL MRA)
  - Implementing Canada's New Wireless Device Test Lab Program

Benefits of Telecom MRAs: Trade

- MRAs expand number of conformity assessment bodies whose results the regulator can accept.
- CABs the opportunity to obtain recognition from other countries, expanding the services the CABs can offer to domestic manufacturers.
- Manufacturers can then use local CABs for foreign compliance testing and certification.
- The time and cost for manufacturers to get compliant products to market is reduced.
- The public can get faster access to newest telecom products.

Key MRA Concepts

- When implementing Telecom MRAs, regulators do not give up their own technical requirements and regulatory scheme(s).

- Telecom MRAs require on-going maintenance and communication for successful implementation.

- Changes to international conformity assessment standards and regulatory schemes impact the MRA stakeholders.

Telecom MRA Stakeholders

Consumers

Telecom Regulators

Designating (or Notifying) Authority (DA)

Accreditation Bodies (AB)

<u>CABs</u>

Certification Bodies (CB)

Notified Bodies (NB)

Test Labs (TL)

Manufacturers

US MRA System

Regulatory Authority

- FCC

Recognizes domestic and foreign **CABs** to FCC requirements

Designating Authorities

- NIST

Designate US TCBs to the FCC

Designate US CABs to foreign MRA partners

- FCC Recognized US Lab Accreditation Bodies

Designate US Labs to the FCC

US Telecom MRA Partners

BILATERAL MRAs

(Separate agreements):

- Japan
- European Union
- **UK (New)**
- Israel
- Mexico

APEC TEL MRA

(Single agreement and bilateral exchange of letters):

- Phase I: Australia, Chinese Taipei, Korea, Malaysia, New Zealand, Vietnam
- Phase I and Phase II: Canada, Hong Kong, Singapore

2 FCC Equipment Authorization Processes

- Certification
  - 47 CFR Section 2.907

- Supplier's Declaration of Conformity
  - 47 CFR 2.906
  - No longer any requirement for use of accredited test labs

*Reminder: On November 2, 2017 – The FCC discontinued the old **DoC** and **Verification** procedures; products could be authorized under those old procedures until November 2, 2018. The transition period has now ended.*
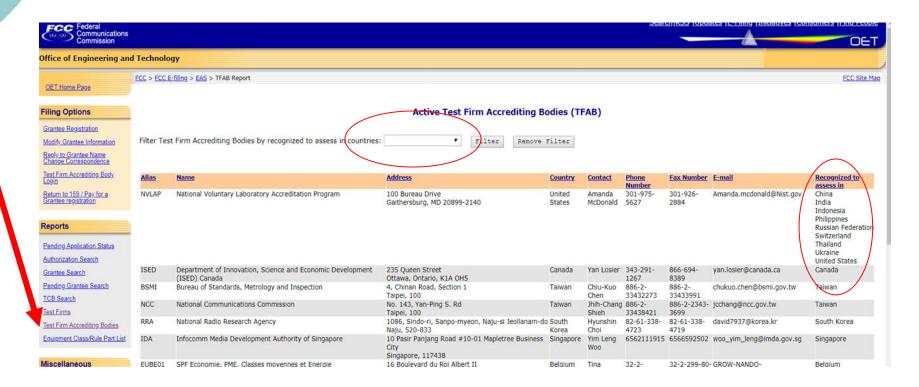
FCC Certification

- Step 1
  - Testing by an FCC **recognized test lab**
    - Test labs must be accredited by an FCC **recognized AB** for the appropriate FCC testing scopes
- Step 2
  - Certification by an FCC **recognized TCB**
    - TCBs must be accredited by an **FCC recognized AB** for the appropriate FCC certification scopes

3 Paths to FCC Test Lab Recognition

- Domestic US Labs
  - Accredited by US AB Recognized by FCC
  - Designated by that AB to the FCC
- Foreign Labs in MRA Countries
  - Accredited by MRA Country AB Recognized by the FCC
  - Designated by the MRA Partner Designating Authority
- Foreign Labs in non-MRA Countries
  - Accredited by AB Recognized by the FCC specifically to designate labs accredited in that non-MRA country
  - Designated by that AB to the FCC

Foreign Labs in non-MRA Countries

○ ABs approved by FCC to designate to the FCC (after accreditation) labs in specific non-MRA countries: FCC Test Firm Accrediting Bodies website

2 Paths to FCC TCB Recognition

- Domestic TCBs
  - Accredited by US AB that is NIST/NVCASE Recognized
  - Designated by **NIST** to the FCC
- TCBs in MRA Countries
  - Accredited by MRA Country AB Recognized by the FCC
  - Designated by the MRA Partner Designating Authority
- TCBS in non-MRA Countries
  - Not Available – MRA is required.

FCC MRA Resources

- FCC MRA Procedures
- FCC Accredited Test Lab Program Roles and Responsibilities
  - FCC Lab Assessment Checklist
  - FCC Test Firm Search
- FCC TCB Program Roles and Responsibilities
  - FCC TCB Assessment Checklist
  - FCC TCB Search
- FCC AB Recognition Procedures
  - FCC Active Test Firm AB (TFAB) Search

NIST as Designating Authority

- The DA serves as a bridge between the CABs (TLs and CBs), the AB and Telecom Regulator.

- The Regulator determines the level of the DA's involvement in the designation process.

- All parties (TLs, CBs, ABs and DA) can improve in their roles when they have access to up-to-date comprehensive information that clearly identify all the requirements that must be met.

NIST Designation Criteria & CAB Lists

○ Requirements for NIST Designation of US CABs to MRA Partners

○ Lists of Recognized US CABS
   NIST Lists
   MRA Partner Lists

US-EU MRA

UK Departure from EU

Departure of UK from the EU - Deal

- March 29, 2019 – Date of UK departure from EU
- The EU-UK "Withdrawal Agreement" could be approved and ratified – and would then enter into force on March 30, 2019.
- There would be an implementation period of March 30, 2019 to December 31, 2020, with additional extensions of up to two years.
- During the implementation period, the UK would be treated as a Member State for the purposes of international agreements concluded by the EU.
- **If there is a deal reached by March 29, 2019, UK could continue to be covered by the EU-US MRA during the implementation period.**

Departure – No Deal

○ But, what happens if there is no agreement (**no deal**) with the EU on March 29, 2019?

- UK Guidance - Broad
  - ○ [How to Prepare if the UK Leaves the EU with No Deal](#)

- UK Guidance – New Approach Directives
  - ○ [Trading Goods Regulated Under the 'New Approach' if There's No Brexit Deal](#)

UK –Guidance in *New Approach* Document

- Products that meet EU requirements can continue to be placed on the UK market for a time-limited period.
- Eventually, the UK will have a new conformity mark to replace the CE mark.
- EU harmonized standards will become UK "designated standards". Immediately following the UK's exit, these will be the same as the EU harmonized standards published in the OJEU.
- Products that were assessed by UK notified bodies will need to be reassessed by EU recognized NBs before the products can be placed on the EU market.

UK – Commercial Continuity with US

○ US-UK Trade and Investment Working Group (TIWG)

- Established in July 2017

- Focus is on commercial continuity for UK and US businesses once UK leaves the EU

- Multi-sector discussions and meetings are being held between the UK and US government agencies

UK – MRA Discussions

○ Goal: continuity of two US-EU MRAs

  ● US-EU Framework MRA (1998) – with three operational sectoral annexes

    ○ Telecommunications Equipment

    ○ EMC for ICT Goods

    ○ [Good Manufacturing Practices for Pharmaceuticals]

  ● US-EU Marine Equipment MRA

UK – New US-UK Framework MRA

- A [New US-UK Framework MRA](#) was signed on February 14, 2019
  - Telecommunications Equipment Sectoral Annex
  - EMC Sectoral Annex
  - Refers to UK regulations instead of EU Directives
- [USTR Press Release](#)
- [UK Presentation to Parliament](#)
  - 21 day till ratification process – expected March 26. 2019

UK – New US-UK Framework MRA

- Enters into force when both UK and US have completed their implementation procedures **AND** UK has left the EU.
  - May not be needed for several years if the UK and the EC reach a "Withdrawal Agreement" by March 29, 2019.

- US NBs in the US that are currently recognized by the EU, and UK test labs and UK TCBs that are current recognized by the FCC in the US will continue to be recognized under the new MRA on Day 1 (of UK Exit).

- Over time, UK regulations may diverge from EC regulations, necessitating more stakeholder resources dedicated to tracking UK matters.

APEC TEL MRA

Canada

New Wireless Device Testing Lab Program

Background

- August 2017 Consultation from ISED ([Consultation on New requirements for Wireless Device Testing Laboratories](#))

- ISED's current Test Site Registration program for wireless device testing labs is being discontinued on March 15, 2019.

- After that date, ISED will only accept test reports from US labs that are designated and recognized by ISED for specific RSS/BETS standards.

- ISED's new criteria and procedures for recognition under the Phase-I MRA can be viewed here:

  - [REC-LAB — Procedure for the Recognition of Foreign Testing Laboratories](#)

Some of the New Requirements

○ ABs need to apply to ISED to obtain recognition to designate labs they are accrediting in non-MRA countries.

○ Labs need to be assessed for the RSS and BETS standards by an AB that is recognized by ISED.

○ ABs need to assess the CABs using the new ISED Checklist.

○ Labs need to apply through DA for formal recognized by ISED.

○ ISED Recognized CBs must update procedures to ensure use of only ISED recognized test labs (for Canada).

Key Challenge

- ISED's <u>Test Laboratory Technical Assessment Checklist</u>
  - Completed by the AB/assessors; submitted to ISED
- ABs must dedicate assessor resources to an out-of-cycle assessment
- Labs must pay for interim/additional domestic and/or international assessment
  - US held successful discussions with Canada's ISED to allow for remote assessment of some labs for completion of the new Checklist

Status of Transition

○ ISED List of Recognized ABs

ABs for Non-MRA Countries [3 ABs (in US)]

○ ISED List of Recognized CABs – Phase I
Wireless Device Labs [>38 US and 3 Japan]

[Also Terminal Attachment Labs]

○ ISED List of Recognized CABs – Phase II
Certification Bodies

- After March 15, 2019, CBs can only accept test reports generated by ISED recognized test labs.

- Test reports must have been generated within one year of the equipment certification being submitted to ISED.

Review of Topics

- MRA Benefits & Concepts
- US MRA System Overview
- US-EU
  - What happens with the recognized CABs formerly recognized under the US-EU MRA when UK leaves?
  - UK-US efforts for commercial continuity and negotiation of a new MRA
- Canada
  - March 15, 2019 deadline for the new ISED Wireless Device Test Lab Program – phase out of registration
  - Implementation challenges

Thank you.

Questions?

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Questions about MRAs
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