

INFORMATION MANAGEMENT GUIDE

FOR THE

**APEC TELECOMMUNICATIONS
MUTUAL RECOGNITION ARRANGEMENT**

REV. 5 - Mar 2001



1 Introduction

1.1 Purpose

This document is intended as a guide and management tool for each party to the MRA. It contains:

- Information on the steps necessary to implement the MRA
- Areas for management information to be recorded to assist in maintaining the MRA, including:
 - Distribution of data
 - The identification of the functions and the delegations of the entities responsible for carrying out these functions
 - Basic procedures.

Recorded information will provide each economy with a reference of key decisions and action for ongoing operation of the MRA. This will provide some measure of continuity in the event of changes to personnel or organisations over the course of the MRA.

1.2 Document Contents

This document contains:

- Excerpts from the MRA text that illustrate the necessary steps required to be taken by Economies implementing the Arrangement. These are shown throughout the document in **bold** text. The clause references to the MRA is supplied in square brackets [...] for reference.
- Explanatory comments.
- Workspace for the recording of information that may be helpful for future reference.

1. Background

The APEC Telecommunications Mutual Recognition Arrangement is a voluntary arrangement for recognition of conformity assessment results for telecommunications and radio-communications equipment. It applies between APEC member Economies that have endorsed the Arrangement. Participating members are obliged to implement procedures to support the MRA for mutual benefit.

The MRA does not undermine regulatory authority within member Economies. To implement the MRA certain procedures will need to be followed. These apply to distinct bodies identified in the MRA as.

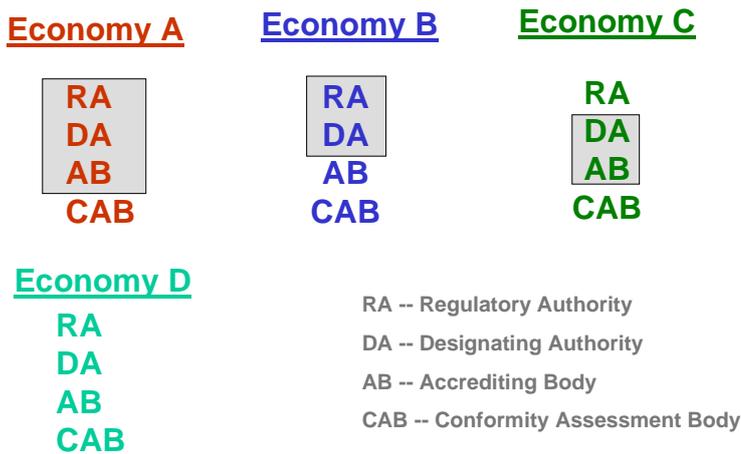
:

- Party an APEC member economy that agrees to participate in this Arrangement.
- Designating Authority: a Government authority appointed by a Party for the purpose of designating a Conformity Assessment Body to perform Conformity Assessment Procedures under this Arrangement.
- Accreditation Body: a body that is responsible for assessing and recognising the specific competencies of testing laboratories and/or certification bodies in accordance with international standards.
- Conformity Assessment Body: a body, which may include a third party or a supplier's testing laboratory, or a certification body, that is designated to perform conformity assessment to an importing Party's Technical Regulations under this Arrangement.
- Joint Committee: a committee of the APEC Telecommunications Mutual Recognition Arrangement Taskforce established for the purpose of managing implementation of the MRA.

- Regulatory Authority: a government entity responsible for telecommunications requirements within an Economy

Certain functions such as Designation [3.1], accreditation [Appendix A] and recognition are defined in the text of the MRA. They are typically carried out by one or more organisations within an Economy

The illustration below shows the possible relationships between various entities that may have a role in MRA implementation within an Economy.



It is the Party to the Arrangement that has final responsibility for the implementation and the key role in supervising or delegating tasks to other groups.

2 Basic Obligations of a Party

A Party has two basic obligations as a signatory to the MRA:

- 2.1 To establish conditions that support confidence in the competence of its designated Conformity Assessment Bodies to test or assess conformity to requirements of another Party, including confidence that:
 - 2.1.1 Physical standards of measurement are maintained to a high degree of accuracy and are traceable to international standards;
 - 2.1.2 Instruments in laboratories and test facilities are properly calibrated; and
 - 2.1.3 Inspectors and assessors are technically competent to carry out tests and to interpret results and are familiar with and able to put in place all necessary tests and procedures.[Introduction]
- 2.2 To recognise the Conformity Assessment Bodies designated by another Party's Designating Authority or accredited by an accreditation body operating under a separate mutual recognition arrangement and accept the results of Conformity Assessment Procedures performed by those bodies. [7]

To discharge these obligations as signatories to the MRA a Party will need to take certain actions or cause certain actions to be taken by others.

The recognition of Conformity Assessment bodies and acceptance of testing results under the MRA will generally be carried out by regulatory authorities in each Economy. The Party has a general obligation to ensure that regulatory authorities are empowered to meet these obligations.

The following sections of this document describe the actions that should be taken by each Party or delegated function to implement the MRA.

3 Preliminary Actions to Implementing the MRA

The MRA sets out a series of actions, which were determined to be important preliminary steps for each economy to carry out before becoming a Participant in the MRA. These involve:

- 3.1 As a preliminary to indicating its intent to participate in the MRA a Party should carry out such consultations with stakeholders within its economy to:**
 - 3.1.1 Determine the commencement date for implementation of the MRA for the Economy it represents.**
 - 3.1.2 Determine if it will base its implementation on:**
 - 3.1.2.1 Direct Designation**
 - 3.1.2.2 Accreditation**
 - 3.1.2.3 A combination of Direct Designation and Accreditation.**
- 3.2 Notify the APEC TEL Chair of their intention to implement the MRA at least 6 months before their intended implementation date. [9.3]**
- 3.3 Make the necessary amendments to its Legislation and Regulation to ensure the Party can observe and implement the requirements of the MRA.**

MRA Implementation Consultation

The MRA will affect many different stakeholders in each Economy. There will be various views on the benefits of the MRA. Several organisations in each Economy are likely to have actions to undertake in order for the MRA to be implemented. To ensure that all interests and responsibilities are met a range of stakeholder consultations should be considered. As a result of stakeholder consultations within its Economy each Party should then determine how it will proceed for each phase of the MRA with respect to:

- ◆ Regulatory issues concerning testing and acceptance of test results or approvals and acceptance of approvals, including marking of products.
- ◆ How it will conduct designation and recognition of domestic and foreign CABs under the terms of the MRA
- ◆ Its requirements for assessment of the competence of CAB's to test (Phase 1) or approve (Phase 2) a product to its technical regulations
- ◆ How it will disseminate information on its technical regulations and interpretations
- ◆ Whether there should be an exchange of letters to establish legally binding obligations under the MRA. While participation in the MRA is not binding it does allow for two or more Parties to enter into legally binding obligations between or among themselves through exchange of letters incorporating this Arrangement, or through such other means, as they deem necessary.
- ◆ What training and information programs are necessary to support the operation of test laboratories (Phase 1) and Approval (Phase 2)
- ◆ Setting criteria for determining competence of CABs
- ◆ What system it will establish for accepting domestic and foreign CABs
- ◆ What program it will operate to monitor CABs and products on the market

The following tables allow for details of consultation processes to be recorded as an aid to continuity in consultation during the life of the MRA.

[Explanatory note on Indirect procedure – APLAC – level of acceptance]

For the purpose of implementing and operating the MRA the key stakeholder organisations are:

Stakeholders	Organisation	Contact	Contact details
--------------	--------------	---------	-----------------

Accreditation Bodies			
Conformity Assessment bodies: Testing (Phase 1)			
Conformity Assessment bodies: Approval (Phase 2)			
Designation Authority			
Government Agencies			
Industry			
Regulatory Agencies			

(Please insert and complete additional records as required)

The implementation dates for the APEC Tel MRA are:

Phase One

Economy	Date	Approved by	Reference ¹

Phase Two

Economy	Date	Approved by	Reference

The Implementation of the MRA will be based on:

Designation based on:	Designation Procedure	Date
Phase 1		

¹ Include document or file details of any authorisations

Phase 2		
---------	--	--

The APEC Telecommunications MRA Taskforce Chairman was notified of the implementation dates as follows:

Economy	Date notified	Notifying Officer	Reference

(Please insert and complete additional records as required)

4 Provision of Information

The MRA Implementation depends on an exchange of information between Parties to support mutual confidence and to ensure the operation of the MRA. Information reporting is necessary at three stages:

- Prior to implementation;
- Variation to the operation of the MRA; and
- Prior to termination of the MRA.

The Party to the MRA may be in a position to compile the required information on its own. It is more likely that the task of compiling at least some of the information will be delegated to other organisations. The Information compiled is to be submitted to the Chair of the APEC TEL MRA Task Force and to all other Parties to the MRA.

Under the MRA technical regulations means those technical requirements, legislative and regulatory provisions, and Administrative Arrangements. The information necessary to satisfy 4.1.3 will include the following:

- Legislation, codes or regulations
- Administrative arrangements such as operating procedures, decision and appeals procedures
- Definitions and terminology
- Standards
- Criteria for acceptance or rejecting conformity assessment bodies, test reports and certification applications

Ultimately the MRA is concerned with exchange of information on conformity assessment bodies. It will not be sufficient for the sound working of the MRA for economies to simply exchange the names of conformity assessment bodies they intend to designate. This provides regulators in importing economies with no grounds for confidence. The information required might vary from economy to economy according to what pre-existing arrangements may be in place. However the information should be exchanged as much as possible in a standardised format. An essential minimum body of data on which designation could be made and accepted would include:

- Name, address, details of the Designating Authority and identity of the DA officers responsible for the Designation process
- Name and address of the accrediting organisation and contact person responsible for accreditation of the CAB
- Name, address details of the CAB and the contact point within the CAB for MRA matters
- Detailed Scope of CAB Designation
- Date of CAB Designation
- Designation process applied with reference to documents used for the checking of competence
- Evidence of technical qualifications, including reference to the Accreditation Certificates used to prove compliance with applied ISO/IEC Guides and standards

4.1 Information Exchange prior to Implementation

4.1.1 A list of Designating Authorities. [5.4]

4.1.2 A list of its Accreditation Bodies. [5.4]

4.1.3 Technical Regulations for which test reports and/or equipment certifications from other Parties will be accepted. [10.1]

4.1.4 The responsible contact person(s) for this Arrangement.

Notification of:

- Designation Authorities and Accreditation Bodies;
- Technical Regulations; and
- Economy contact

can be made on the notification form contained in *Appendix One: Information Exchange Prior to Implementation* of this document.

Appendix One: Information Exchange Prior to Implementation was submitted to the APEC Tel MRA Task Force Chair on _____.

Appendix One: Information Exchange Prior to Implementation was submitted to the following APEC MRA participating Economies:

Economy	Contact Point	Date Sent	Sent by

(Please insert and complete additional records as required)

Submitting Officer: _____ Date: _____

4.2 Distribution of variations to MRA Information

The MRA requires the variations to information notified under section 4.1 to be notified to the APEC Tel MRA Task force Chair and to all other Economies that are Party to the Arrangement. The variations to be notified are:

- 4.2.1 Variations to the notified Technical Regulations. [10.1]**
- 4.2.2 New technical regulations within the scope of the MRA. [10.3]**
- 4.2.3 Any changes to lists of:**
 - 4.2.3.1 Designating Authorities [10.4]**
 - 4.2.3.2 Accreditation bodies [10.4]**
 - 4.2.3.3 Designated Conformity Assessment Bodies [10.4]**
 - 4.2.3.4 Recognised Mutual Recognition Arrangements among accreditation bodies [10.4]**
 - 4.2.3.5 Recognised Conformity Assessment Bodies [10.4]**

Variations are to be notified within 60 Days.

Notification of variations to information required to be submitted under the MRA will be made by:

VARIATION	RESPONSIBLE ORGANISATION/OFFICER	CONFIRMED
Amendments to Technical Regulations		
New Regulations		
Changes to the list of:		
Designating Authorities		
Designated CABs		
Accreditation Bodies		
Recognised Accreditation Systems		
Recognised CABs		

**Record of Notification of Variations to Information
Submitted to Chair and Party Economies**

Variation type	Specific Variation to Information	Officer responsible for submitting variation	Date variation submitted

(Please insert and complete additional records as required)

4.3 Distribution of Information to New Parties

The member Economies will undertake the implementation of the MRA at different times. In recognition of this the MRA requires each Economy that is a Party to the arrangement to provide copies of the information specified in the MRA and described in section 4.1 and 4.2 of this document.

New parties should be provided with the information described in section 4.1 of this document and any variations made to that information since it was compiled.

This requirement in the MRA can be satisfied by a once only entry of data to the MRA Management System (MRAMS) database.

As new Parties announce their intention to participate information will be supplied within 60 days of such notification being received by:

Information to be provided	Responsible for Distribution
A list of Designating Authorities	
A list of its Accreditation Bodies	
Technical Regulations for which test reports and/or equipment certifications from other Parties will be accepted.	
The responsible contact person(s) for the MRA.	

Record of Notification of Information Supplied to New Parties

New Party information supplied to:	
Information Provided	Prepared for distribution by
A list of Designating Authorities	
A list of its Accreditation Bodies	
Technical Regulations for which test reports and/or equipment certifications from other Parties will be accepted	
The responsible contact person(s) for the MRA	
Sent to new Party by:	Date:

(Please insert and complete additional records as required)

4.4 Information to be Provided on Termination of MRA

The MRA allows for termination of the arrangement between participating parties under the following conditions:

- 4.4.1 A Party will advise other Parties in writing of its intention to terminate participation in the MRA with 6 months notice. [16.2]**
- 4.4.2 A Party that terminates its participation in the MRA should ensure that its termination notice continues to give effect to conformity assessment results accepted prior to termination. [16.3]**

Termination of the Arrangement with another Party is a serious matter. The MRA provides no direction about the circumstances that might lead to termination or how a termination decision should be made. The following relevant factors should be considered:

The MRA provides for a number of remedial measures including:

- Contesting competence of a CAB; and
- Referral of any matter to a Joint Committee.

These avenues should be exhausted before any termination action is undertaken.

The decision to implement The APEC Tel MRA was initially taken by a meeting of APEC Telecommunications Ministers. It follows that the decision to terminate should have similar authorisation.

Termination of the MRA with a Party or Parties is to be authorised by:

Name:			
Title:			
Phone:	Facsimile:	Email:	

5 Consultation and Training

- 5.1 A Party will ensure that arrangements are established within its Economy:
 - 5.1.1 To consult as necessary to ensure the maintenance of confidence in Conformity Assessment Procedures and to ensure that all Technical Regulations are identified and are satisfactorily addressed. [10.2]
 - 5.1.2 To provide any interested person, including manufacturers within other Parties, an opportunity to comment, unless expressly prohibited under a Party's law, on the relevant part of the new or amended Technical Regulations in advance of their adoption. [10.3]

Arrangements for consultation are the responsibility of:

Name:			
Title:			
Phone:	Facsimile:	Email:	

Each economy will need to consider how best it can provide training information on its technical regulations. Training in operations will be essential to provide mutual confidence. Critical areas to be considered:

- Assessor training for those involved in assessing the capability of designated CABs
- Training in regulations and procedures for designation authorities that will then apply this information in setting up designation procedures
- Conformity assessment body training procedures in areas not generally covered by ISO/IEC guides but which are fundamental to acceptance of CABs by regulators, this will include:
 - Internal filing procedures and documentation preparation for applications
 - Administration procedures for acceptance or rejection of test data
 - Corrective action procedures

Assessor training may be available through APLAC. While it will be necessary for each regulator to provide the details of its own internal operations a common presentation framework is being pursued under the APEC TEL MRA HRD Support project.

6 Regulatory Authorities

The MRA requires certain procedures to be put in place to facilitate acceptance of conformity assessment results. Regulatory authorities may carry out more than one of the functions relevant to the MRA. For instance in some economies they may also act as a designation authority. Where the regulator carries out more than one function they should carry out the advice provided in this document that is relevant to that function.

The implementation of the MRA will generally require regulatory authorities to:

1. Amend regulations and procedures where necessary
2. Provide training and information programs that will allow designation against its requirements and CABs to satisfy its requirements
3. Set up a system depending on the organisational structure of the economy for accepting domestic and foreign conformity assessment bodies under the terms of the MRA.
4. Set up some form of monitoring program for both CABs and for market surveillance.
5. Set up criteria for determining the competence and accepting CABs

The Authority of a regulator to set and manage technical requirements within its Economy is assured under the MRA. [14]

7 Designating Authorities

- 7.1 A Party will ensure that its Designating Authority has the authority and competence to:
 - 7.1.1 Designate, list, verify the compliance of, limit the Designation of, and withdraw the Designation of Conformity Assessment Bodies within their jurisdictions to perform conformity assessment of equipment subject to another Party's technical regulations. [6.1], [5.1]
 - 7.1.2 Recognise Conformity Assessment Bodies outside their jurisdictions. [5.1]
- 7.2 A Party will ensure that its Designation Authority observes the procedures set out in Appendix A of the MRA.
- 7.3 A Party will ensure that its Designation Authority may appoint one or more accreditation body (ies) to accredit Conformity Assessment Bodies while maintaining responsibility as a Designating Body. [5.3]
- 7.4 A Party will ensure that its Designation Authority is able to enforce against a CAB a request by another Party for a list all equipment certified by it. [6.5]
- 7.5 A Party will ensure that any fees imposed in Designating Conformity Assessment Bodies are applied in a non-discriminatory manner, transparent and reasonable. [15]

The designating authority should be in consultation with the regulatory authority of the other Party. This will assist in confidence building between Parties and help in acceptance of CABs by the other Party. An Economy may have more than one Designating Authority and accreditation body. In a case where there is more than one Designating Authority then the scope of each Designating Authority would be mutually exclusive.

(It is intended a proposal be made to amend clause 6.1.2 in the MRA to reflect the regulatory authorities role in confirming acceptance of designated CABs)

The authority and competence of the Designating Authority to:

- Designate, list, verify the compliance of, limit the Designation of, and withdraw the Designation of Conformity Assessment Bodies.
- Recognise Conformity Assessment Bodies outside their jurisdictions.
- Appoint Accreditation Body (ies) to accredit Conformity Assessment Bodies.
- Enforce under Phase II of the MRA a request from another Party against a CAB for a list of all equipment certified by it.

Has been determined by the following means:

Verification that the Designation Authority has observed the procedures set out in Appendix A of the MRA will be undertaken through and reported by:

8 Accreditation Bodies

- 8.1 A Party may appoint an Accreditation Body to accredit Conformity Assessment Bodies. [6.3]
- 8.2 A Party will ensure that an Accreditation Body appointed by it observes procedures set out in Appendix A. [6.4]

Appendix A of the MRA specifies the Designation and monitoring requirements for two categories of Conformity Assessment Bodies -- testing laboratories and certification bodies. Fundamental to Appendix A is the requirement that the technical competence of Conformity Assessment Bodies will be demonstrated by means of accreditation and including the following areas:

- a) Technological knowledge of the relevant equipment, processes and services;
- b) Understanding of the Technical Regulations and the general protection requirements for which Designation is sought;
- c) The knowledge relevant to the applicable Technical Regulations;
- d) The practical capability to perform the relevant Conformity Assessment Procedures;
- e) An adequate management of the Conformity Assessment Procedures concerned; and
- f) Any other evidence necessary to give assurance that the Conformity Assessment Procedures will be adequately performed on a consistent basis.

These requirements are common to both testing and certification bodies. Additional separate requirements are also specified in Appendix A.

Verification that the Accreditation Body has observed the procedures set out in Appendix A of the MRA will be undertaken through and reported by:

An Economy may have more than one accreditation authority and may use the services of an accreditation body of another APEC Member Economy.

9 Conformity Assessment Bodies

A Party shall ensure that:

- 9.1 their designated Conformity Assessment Bodies maintain the necessary technical competence to undertake the Conformity Assessment Procedures for which they have been designated. [5.2]
- 9.2 the CABs designated under their authority are available for verification of competence and compliance with Appendix A in the event of a contest of their competence being made by another Party. [8.4]
- 9.3 The Conformity Assessment Bodies within its jurisdiction:
 - 9.3.1 Publish and maintain a list of all equipment certifications for Phase 2. [6.5]
 - 9.3.2 Identify equipment certified by it on request from a Party. [6.5]

Conformity assessment bodies may be of two types. The first type are testing bodies.

Testing bodies operate under Phase 1 of the Agreement and are designated for the purpose of providing testing data to the standards of an importing economy. The testing data may then be used for the purpose of obtaining a type approval or certification if required by the importing Economy, or to make a declaration of conformity according to the regulatory requirements of the importing economy.

A certification body provides a full approval service in the economy of export top the technical and regulatory requirements of the economy of import. Certification bodies are also required to participate in any necessary post-market surveillance.

10 Contesting CAB Competence

A Contesting Party is a Party that has determined to challenge the technical competence of a CAB that has been designated to it by another Party.

A Party may contest the competence of a CAB in 'exceptional circumstances' only. [8.1] Each Party should ensure that it reaches a common understanding with other Parties about what constitutes 'exceptional circumstances'.

Any contest of a CABs competence is a serious matter both from the point of view of the implications for the confidence building program underpinning the MRA and the consequences arising from failure to meet basic regulatory requirements.

The MRA does not specify what it means by exceptional circumstances. However it is considered that the intent would include:

- Clear evidence that ISO/IEC guides have been misapplied or applied with bias
- Repeated failure to perform testing and assessment procedures as required under the terms of its designation

Economies should consider the need for a formal procedure for contesting CAB competence involving recourse to Designating Authorities and by referral from these to the Joint Committee.

Economies should note that any concerns that this will be a lengthy and drawn out process will be met through effective use of the MRA Management System (MRAMS) to provide the means for rapid communication and resolution of any contest to a CAB's competence.

A Party will ensure that there are arrangements in place to support the conduct of a contest according to the terms set out in the MRA. The MRA sets out the following steps for a contesting Party to follow:

- 10.1 Provide written notice and explanation of contest to the exporting Party, including supporting evidence. [8.2]
- 10.2 Give the Designating Authority, Accreditation Body and Conformity Assessment Body of the exporting Party not less than 60 days to respond to the contest. [8.2]
- 10.3 Participate with the exporting Party, Designation Authority and Accreditation Body in a timely Verification of the Competence of the Conformity Assessment Body under contest. [8.3]
- 10.4 Provide prompt notice and 60 days for the CAB to provide additional evidence in the event that a contest is verified. [8.5]
- 10.5 Provide sixty days advance notice and a written explanation of the reasons of its intent to limit or withdraw recognition of a CAB to the Designating Authority, Accreditation body and Conformity Assessment Body. [8.6]
- 10.6 Refer the contest to a review process or the joint committee by agreement between the Contesting Party and the relevant Designating Authority and Accreditation Body. [8.7]
- 10.7 Any action taken as a result of a contest should not normally be retrospectively applied by the contesting Party. [8.8]
- 10.8 If result of a contest is to be retrospectively applied the contesting Party should give 60 days written notice of its intent to do so. [8.9]

11 Joint Committee

A Party to the MRA should:

- 11.1 Contribute to the establishment and operation of a Joint Committee. [11.1]

11.2 Accept the consensus decisions of the joint committee. [11.1]

The Joint Committee is established to facilitate implementation of the MRA by bringing a range of expert stakeholder interests together to undertake resolution of implementation problems encountered by Parties. The Joint Committee is intended to act at the request of the Parties to the MRA or to carry out tasks as assigned by the MRA Taskforce. The work of the Joint committee is subject to confirmation by the MRA task group chair.

The Joint committee may also assist in Dispute resolution under the terms of the MRA

Economy delegates to the MRA Joint Committee is:

Name:			
Title:			
Organisation:			
Postal address			
Telephone:	Facsimile:	Email:	

12 APPENDIX 1: Information Exchange Notification Prior to Implementation

ECONOMY:

12.1 Implementation Dates

The implementation date for the APEC Tel MRA is as follows:

Phase One

Economy	Date	Approved by	Reference

Phase Two

Economy	Date	Approved by	Reference

12.2 Economy Contact

The contact point for all matters relating to the implementation of the MRA is:

Name:			
Title:			
Organisation:			
Postal address			
Telephone:	Facsimile:	Email:	

12.3 Designation and Accreditation

SCOPE OF NOTIFICATION:

This notification applies to:

- Phase One of the MRA
- Phase Two of the MRA
- Both Phase One and Phase Two

DESIGNATING AUTHORITY:

The organisation(s) listed below is/are the Designating Authority for the APEC Tel MRA:

Name of Designating Authority:		
Name of Contact		
Postal address		
Telephone:	Facsimile:	Email:

The designation procedure required by the MRA is to be carried out by the Designating Authority on the basis that the Designating Authority:

- has been determined capable of direct designation using the requirements and conditions of ISO/IEC Guide 58 to the maximum extent necessary to designate testing laboratories, or
- has appointed an accreditation system that meets the requirements and conditions of ISO/IEC Guide 58
- will utilise Direct Designation and an Accreditation.

The Accreditation Body for the purpose of designating Conformity Assessment Bodies is:

Name of Accreditation Body:		
Name of Contact		
Postal address		
Telephone:	Facsimile:	Email:

The Accreditation Body nominated above is a signatory to the APLAC MRA?

Yes

No

12.4 Technical Regulations

The following technical regulations are submitted as agreed for recognition

Test Reports (Phase 1)

Equipment Certification (Phase II)