

CONTRIBUTION TO:

ITU EVENT ON COMBATING COUNTERFEIT AND SUBSTANDARD ICT DEVICES

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The importance of C&I and associated tools in the combat of counterfeit, substandard and unauthorized ICT – Brazil

Introduction

This contribution has the objective to present a brief introduction of the Brazilian ICT conformity assessment system in place. A more detailed review is under preparation and will be presented during [ITU-D Q4/2](#) development.

The present document highlights the regulatory framework on C&I and associated tools employed to combat counterfeit, substandard and unauthorized ICT equipment in Brazil.

Regulatory Framework

Following the commands expressed by the Telecommunication Act (Law 9472/97) and supported by Anatel's Resolution 242, the Brazilian certification process was introduced in year 2000.

By the law, telecommunication/ICT equipment must pass through conformity assessment procedures in order to demonstrate their compliance to the standards and norms that are indicated by the Regulatory Authority (RA). Therefore, for the ICT sector, Anatel is responsible for defining the telecommunication standards and managing the conformity assessment system (CAS).

The regulations issued by Anatel follow international agreements and so they are driven by standards approved at international level. Nonetheless, national characteristics and policies sometimes demands specifics characteristics to be implemented in some products (e.g. regional and national spectrum allocation and channeling; interference control caused by spurious emissions; climate and temperature physical requirements; accessibility rules; legacy network signaling to promote interoperability)

Regarding the CAS in place, it is composed by two main procedures from ISO/CASCO conformity assessment systems:

- 1) *Certificação* (certification): System 5 – based on testing, quality system assessment and surveillance, plus ongoing surveillance of product from production, market or both.
- 2) *Declaração da Conformidade* (Self Declaration of Conformity): System 2 – based on a Self-Declaration of Conformity, and testing plus market surveillance.

The CAS is heavily based in the activities of two external, private, and independent entities: the Certification Bodies (which receive their attributions by Anatel's delegation) and Testing Laboratories. The Government has established a policy to promote the testing quality by way of ISO/IEC 17025 accreditation. The Accreditation Body in Brazil is INMETRO, an ILAC member.

Contact:	João Alexandre Zanon Anatel Brazil	Tel: +55 61 2312 2508 Fax: +55 61 2312 2793 Email: zanon@anatel.gov.br
	Osmar Machado Junior Anatel Brazil	Tel: +55 61 2312 1785 Email: osmar@anatel.gov.br

A description of the certification and homologation¹ process is presented below.



More details can be found at this [link](#).

Market Surveillance

The market surveillance is made by the enforcement department of Anatel. Agents acts on programmed inspections or by denouncement.

The structure used in the market surveillance follows the flow: Denouncement -> Diligence -> Product Analysis (Marks, Model, Parameters, Cabinet) -> Tests -> Arrest -> Sanction.

Anatel's Res 242 and Administrative Law defines responsibilities. The *Portaria n. 789 (26/08/2014)* ² provides the methodology for calculating the base amount of penalties related to unauthorized equipment.

¹ The terminology herewith adopted is based on the Contribution 2/41: www.itu.int/md/D14-SG02-C-0041/en

Importation

Inspections activities is also coordinated and executed by the Enforcement Division. Collaboration with the Customs Office is key and operations are increasing. Specialized agents from the Telecommunication Regulatory Authority can efficiently assist the importation procedures identifying regulatory constrains for telecommunication equipment and products that make use of telecommunications, mainly RF transmissions (such as toys, drones, etc.).

SGCH

The SGCH³ is the certification and homologation management system used throughout all certification process, from the initial request to the issuing of the Homologation Certificate.

During enforcement activities (surveillance and importation control), the certification database (SGCH) can be accessed from anywhere and anytime during operations. Agents find critical information, such as: responsible for the homologation; certificate of conformity, report of conformity assessment, testing reports, photos, factory origin, manufactures' contact, historic of testing failure, and so on and so forth. This information is critical to identify problems the imported product.

Importance of C&I and associated tools in the combat of counterfeit, substandard and unauthorized ICT:

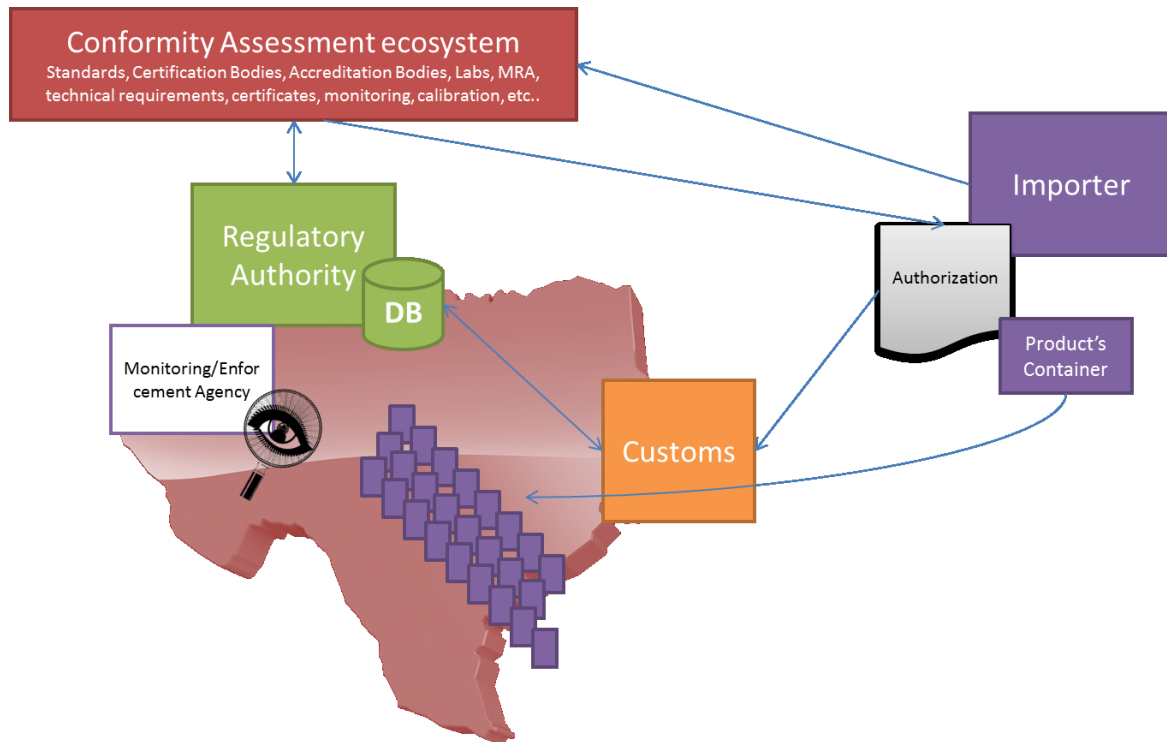
Having the knowledge that many developing countries don't have a conformity assessment capable to verify the conformity of the products arriving to their markets to international standards and/or the existence of ineffective institutions used by these countries (such as SDOs, regulatory agencies, certification bodies, accredited labs), malicious suppliers in search of bigger profits promote critical changes to their products, when not faked ones, to offer lower quality solution to the consumer.

Some specifications that are tempered are critical requirements aimed to preserve consumers, networks and society. To name a few, these technical specifications could embrace safety, electromagnetic compatibility, interoperability, quality and environmental issues. This action misleads consumers' perception of quality, since it is not the same product one can see in a country with a working Conformity Assessment procedures.

A well structured C&I Assessment can help to prevent this bad behaviour of the manufactures, since all telecommunication/ICT equipment must pass through conformity assessment procedures in order to demonstrate their compliance to the standards and norms that are indicated by the Regulatory Authority (RA). Besides, even if they suppliers provide specific samples that fulfil the requires of the RA but send to the markets products with a lower quality, the certification and homologation management system is capable to provide the necessary information to prevent this action in conjunction with the Market Surveillance. The same database can also be made available to the Customs officials so they can identify counterfeit, substandard and unauthorized products and take the necessary actions to prevent their access to the market, as show in the picture bellow.

² <http://legislacao.anatel.gov.br/portarias-de-sancoes/794-portaria-789>

³ <http://sistemas.anatel.gov.br/sgch>



Conclusions

As ICT becomes more and more present in people's life allowing social and economic development, the complexity associated with the supply-demand chain of products grows exponentially.

The market of telecommunication/ICT products, mainly those destined to customers is heavily and negatively affected by counterfeit, substandard and unauthorized products. Demanding positive actions from all stakeholders.

Anatel is collaborating with ITU-D SG2 Question 4 aiming at increasing ICT conformity and interoperability in developing countries. Therefore details of the Brazilian case study on conformity assessment will be presented in the coming meetings.
