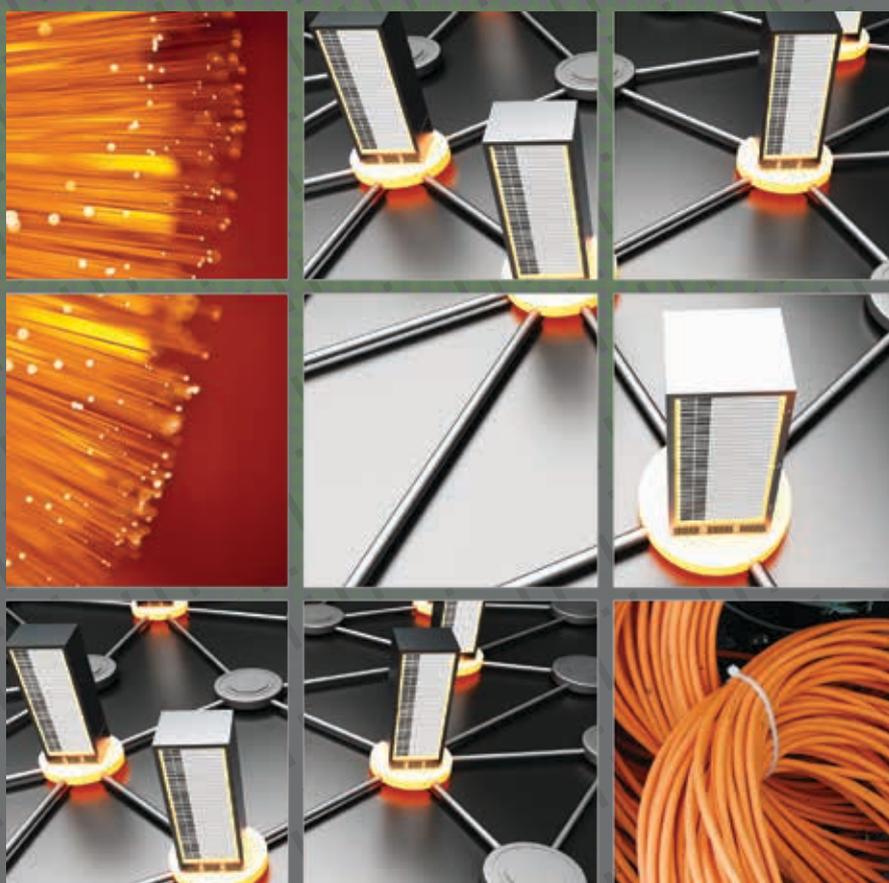


INFRASTRUCTURE

Guidelines for the development IMPLEMENTATION AND MANAGEMENT OF MUTUAL RECOGNITION ARRANGEMENTS/AGREEMENTS (MRA) ON CONFORMITY ASSESSMENT OF TELECOMMUNICATIONS EQUIPMENT



O C T O B E R 2 0 1 3
Telecommunication Development Sector



**Guidelines for the development,
implementation and management of a
Mutual Recognition
Arrangement/Agreement (MRA) on
conformity assessment of
telecommunication equipment**

October 2013



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Foreword

The World Telecommunication Development Conference (WTDC-10) instructed the BDT Director, in collaboration with ITU sectors, to assist developing countries in building their capacity to perform conformance testing of equipment and systems. To this end, we have prepared a set of guidelines for the development, implementation and management of mutual recognition agreements (MRAs) on conformity assessment and are organising capacity building events to assist developing countries to establish a conformance and interoperability infrastructure.

The coordinated work of ITU in the field of conformance and interoperability has already made valuable complementary resources available, such as the BDT *Guidelines for Developing Countries on Establishing Conformity Assessment Test Labs in Different Regions* and the *Feasibility Study for Conformance Testing Centre*.

I have no doubt that this report on the development, implementation, and management of mutual recognition arrangements/agreements (MRAs) on conformity assessment will help to support policy makers, regulators, manufactures, service providers and ultimately all ICT users.

Many issues, challenges, questions and possibilities have been addressed in this report; it offers an overview of the technological changes and administrative challenges that all ITU member countries are facing and outlines the possible future trends in light of developments in the area of mutual recognition agreements.

The trends outlined here, in addition to the current BDT work on defining country specific needs for conformance and interoperability infrastructure are part of ITU's work towards promoting best practices and making them available to the world and especially to developing countries.

I hope that the guidance, milestones and timeframes set out in this report will support and guide our membership, and in the long run, greatly benefit their citizens.



Brahima Sanou

Director

Telecommunication Development Bureau

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1 MRA introduction and overview

1.1 Purpose – What is a Mutual Recognition Arrangement/Agreement on conformity assessment?

A Mutual Recognition Arrangement/Agreement on conformity assessment – herein after referred to as an MRA – is a voluntary arrangement/agreement (procedures and processes) between parties for recognition of conformity assessment results for telecommunication equipment. A party is a body (private or public) that chooses to join an MRA.

Parties to an MRA select “Arrangement” or “Agreement” for their MRA depending on their legal and administrative requirements (section 1.3):

- A Mutual Recognition Agreement is a formal legal commitment between parties for recognition of conformity assessment results for telecommunication equipment. It deals with regulatory requirements and it is referred to in the text as “regulatory MRA”. Often such agreements are made bilaterally, regionally or multilaterally between two or more governments.
- A Mutual Recognition Arrangement is a voluntary arrangement between parties for recognition of conformity assessment results for telecommunication equipment. It deals with non-regulatory requirements and it is referred to in the text as “non-regulatory MRA”. An example of a mutual recognition arrangement is amongst accreditation bodies to mutually recognize the conformity assessment results from accredited conformity assessment bodies.

Participating parties are obliged to implement the processes and procedures to support the MRA for mutual benefit. The procedures and processes contain in these guidelines apply to both a Mutual Recognition Arrangement and a Mutual Recognition Agreement.

An MRA does not undermine regulatory authority within the jurisdiction of the parties. To implement the MRA certain procedures must be followed. These apply to distinct bodies identified in the MRA as:

- A party that agrees to participate in the MRA.
- Designating authority: a government authority or duly accepted competent body appointed by a party for the purpose of designating a conformity assessment body to perform conformity assessment procedures under the MRA.
- Accreditation body: a body that is responsible for assessing and recognizing 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 another party’s telecommunication requirements under the MRA.
- Joint committee: a committee of the parties established for the purpose of managing initiation and implementation of the MRA and dealing with on-going adjustments and any other matters related to the smooth operation of the MRA, including future changes and adjustments.
- Regulatory authority: an entity with legal authority responsible for telecommunication requirements.

Certain functions such as *designation, accreditation* and *recognition* are typically carried out by one or more organizations within the territory of a party.¹

For example they can promote the establishment of C&I programmes within a region or sub-region. They can provide a vehicle for sharing of costly resources such as accreditation, certification and testing services and expertise amongst regional and sub-regional MRA parties thereby avoiding unnecessary duplication of services and leading to more efficient use of scarce resources. MRAs can also play a useful role in promoting transparency in regulatory systems since regulatory technical requirements are posted on the MRA host database.

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

- information on the steps necessary to establish and implement the MRA;
- identification of areas for management and technical information to be recorded to facilitate operation and maintenance of the MRA, including:
 - basic procedures and processes;
 - distribution of data;
 - the identification of the functions and the delegations of the entities responsible for carrying out these functions.

Recorded information will provide each party with a reference of key decisions and action for on-going operation of the MRA. This will provide some measure of continuity in the event of changes to personnel or organizations over the course of operation of the MRA.

1.2 Benefits of MRAs

A number of important benefits accrue from MRAs. MRAs on conformity assessment are intended to promote efficiency and sharing of conformity assessment resources and to streamline the flow of products amongst participating parties which may include UN/ITU Member States, government agencies and departments, private sector organizations such as testing laboratories, certification bodies and accreditation bodies. MRAs provide for the recognition of competence of third parties to carry out national regulatory/type approval processes such as mandatory testing and certification, or testing and certification of products conforming to non-regulatory requirements. MRAs have the potential to reduce the cost of carrying out testing and/or certification due to facilitating integrated manufacturing, testing and certification for target markets, which in addition can significantly reduce time to market. In the regulatory sector they permit obtaining the required national certificates for products locally by manufacturers, help avoid rejection of consignments of products and eliminate redundant procedures. In the non-regulatory case they provide a basis for sharing of testing and certification services among parties with the establishment of trust based on agreed credentials and usually evidenced by a formal certification process.

A further benefit of MRAs is that they promote transparency in market access. For example in MRAs dealing with regulated products they constrain the parties to follow the agreement which spells out in detail the procedures for market access. This has a major impact on removal of predatory and non-transparent procedures which may favour national industries and deny national treatment to other signatory parties thereby damaging the competitive edge of those parties in that marketplace. Estimates of savings obtained through MRAs are based on the elimination of re-testing, re-shipment to destination

¹ MRAs can potentially play a number of useful roles in the ITU Conformance and Interoperability (C&I) testing programme: www.itu.int/en/ITU-T/C-I/Pages/default.aspx

marketplaces for certification, and removal of the need for local staff of the originating party to be present in the destination marketplace to handle the interface with testing laboratories, accreditation and certification bodies.

MRAs dealing with regulated products have most meaning when there is a regulatory system in place in the marketplaces of the signatories, specifying among other things mandatory technical requirements and procedures for products to be legally in the marketplace. Therefore an additional side benefit of such MRAs is to raise the awareness of the need for and benefits of a regulatory system which prevents harmful interference amongst deployed systems and prevents both network harm and harm to persons using or working with telecommunication products and systems. Such regulatory systems may also be said to reflect the value system of the society in which they are deployed since they specifically address safety of life and interference-free service delivery to the marketplace.

It is important to note that regulatory requirements have no interoperability objectives *per se* nor does meeting them substantially advance the likelihood of achieving widespread interoperability in a particular marketplace. The focus of the MRA is both on sharing of testing and certification resources and to advance the likelihood of interoperability.

Experience shows that MRAs, by virtue of sharing ideas and observing best practices of other authorities, also reduce diversity of procedures and methods for compliance assurance thereby producing additional cost savings especially for equipment suppliers dealing with diverse foreign markets. MRAs are in fact a significant step towards achievement of the ultimate goal of the supplier community, namely, “one test, done once, valid worldwide”. It is also worth noting that the World Trade Organization (WTO) Agreement on Technical Barriers to Trade strongly encourages WTO Members to engage in such agreements².

Benefits from one example of a working MRA for telecommunication products, the APEC TELMRA, include:

For manufacturers:

- an opportunity to test and certify products one time to the requirements of multiple markets and ship products without further conformity assessment;
- increase certification efficiency for products exported to foreign markets, thus increasing export opportunities for small and medium-sized enterprises (SMEs); and
- decreasing time-to-market for companies manufacturing telecommunication equipment with shorter and shorter product life cycles, thus maximizing export opportunities and allowing for rapid reinvestment in research and development for next-generation technologies.

For conformity assessment bodies:

- Allowing conformity assessment bodies (CABs) to increase the value of their service by offering their clients a substantially wider portfolio, including testing and certifying products for multiple markets.

For regulators:

- reduction of regulatory resources required to certify terminal attachment and radio equipment;
- an opportunity to reallocate a portion of these former certification costs to other areas;
- a potential stepping stone towards further harmonizing of technical requirements and of regional and national conformity assessment systems; and

² www.wto.org/english/tratop_e/tbt_e/tbt_e.htm

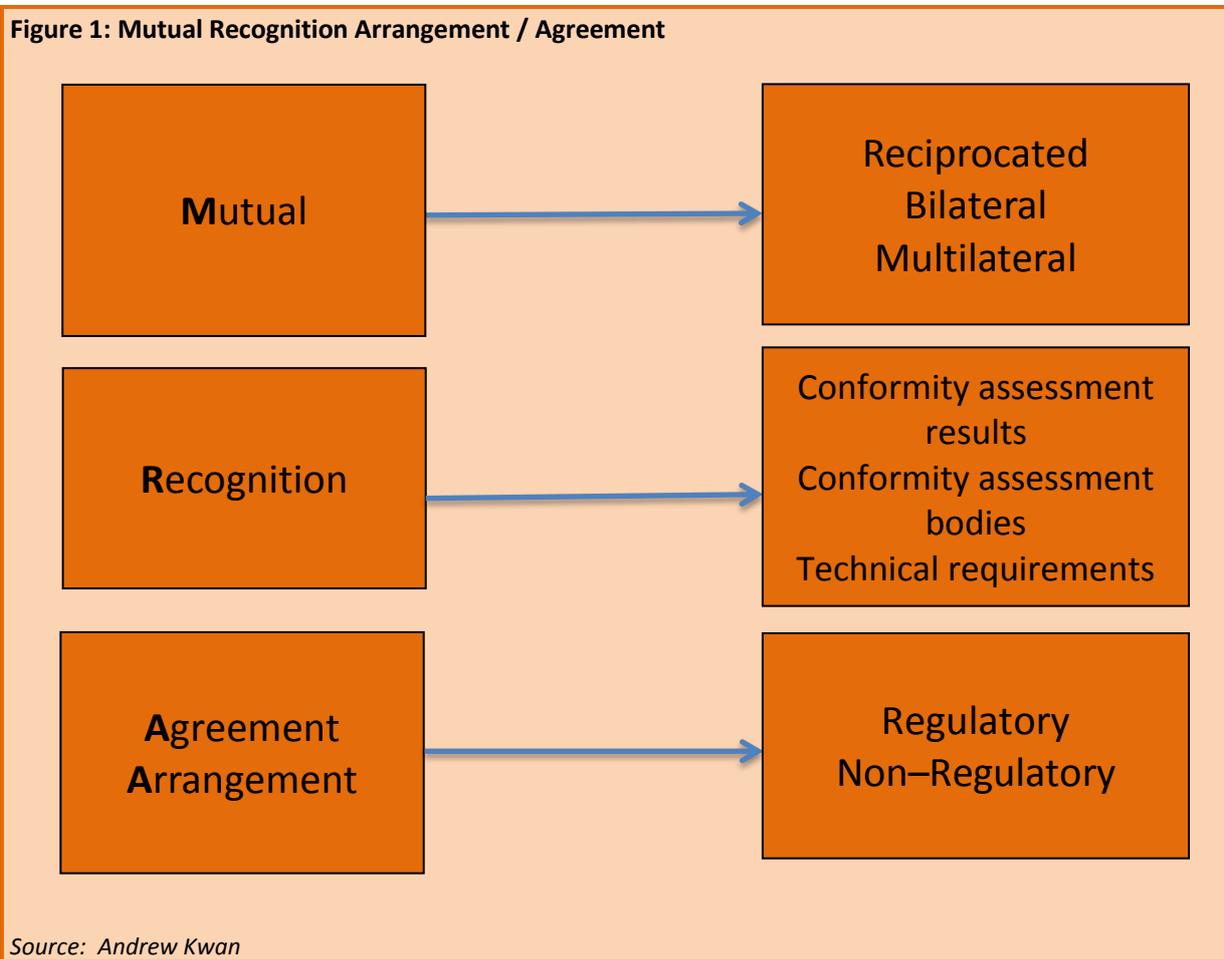
- access to a pool of knowledge about the latest global trends and experiences regarding conformity assessment and regulatory systems.

For consumers:

- increasing consumer access to the widest variety of available technology;
- faster access to equipment at a lower cost; and
- speeding the development of telecommunication and Internet infrastructure.

1.3 Types of MRAs

There are two usages of the abbreviation MRA in common use today – a Mutual Recognition Agreement and a Mutual Recognition Arrangement. These two similar sounding terms embody significantly different legal interpretations. Figure 1 provides a simple pictorial illustration of the MRA terminology explaining the meaning of the words mutual, recognition, agreement and arrangement in this context.



In general, an agreement is deemed to be a legally binding instrument and therefore may require a high level of approval and ratification within a party.

A Mutual Recognition Arrangement is deemed to be non-binding and approval and ratification procedures may be vested with lower level agencies and officials in the case of governments, or in designated representatives of private sector parties participating in an MRA, as decided by the parties³.

In recent years for government purposes many countries have gone exclusively to Mutual Recognition Agreements for formal commitments among themselves and with other countries especially where regulatory requirements are involved.

In the case of private sector parties, there are now many examples worldwide of the use of mutual recognition arrangements to frame and manage cooperative work amongst the parties.

1.4 Initial steps to establish an MRA

The initial step in MRA establishment is to have an agreed framework and descriptive text for the MRA to which the signatories will eventually affix their indication of approval and acceptance. This stage of development requires a forum, acceptable to the intended signatory parties, and with adequate credentials and trust by the parties, within which the MRA text can be developed. Fortunately there are a number of good examples of such forums and MRA texts which they have developed and which have been in successful operation for a number of years. These forums would also be able to identify certain necessary institutional arrangements for operation of the MRA such as an appropriate host organization for the repository of signatories and technical information concerning the products which are the focus of the MRA APEC-TEL MRA – Asia-Pacific Economic Cooperation⁴.

A party has two basic obligations as a signatory to an MRA:

1. To establish conditions that support confidence in the competence of its designated conformity assessment bodies to test or assess conformity and certify to requirements of another party, including confidence that:
 - physical standards of measurement are maintained to a high degree of accuracy and are traceable to international standards;
 - instruments in laboratories and testing facilities are properly calibrated; and
 - 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.
2. To recognize the conformity assessment bodies designated by another party's designating authority.

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 test results and certifications under the MRA will generally be carried out by regulatory authorities in the territory of each party where mandatory requirements are involved (regulatory MRA), or by duly authorized competent bodies whose credentials are accepted by the MRA parties where voluntary standards are the focus (non-regulatory MRA). In all cases the parties have a general obligation to ensure that the regulatory authorities or duly authorized competent bodies are empowered to meet these obligations.

³ http://en.wikipedia.org/wiki/Mutual_recognition_agreement

⁴ www.apec.org/Groups/SOM-Steering-Committee-on-Economic-and-Technical-Cooperation/Working-Groups/Telecommunications-and-Information/APEC_TEL-MRA.aspx

The following sections of this document describe the actions that should be taken by each party to implement the MRA. Some actions may be delegated to trusted competent bodies acceptable to the MRA signatories.

2 Attributes of an MRA

2.1 Designation

Designation is the nomination by a designating authority of a conformity assessment body as competent to perform conformity assessment activities under the terms of an agreement or arrangement.

A designating authority is a body with authority to designate, monitor, suspend designation, or withdraw designation of conformity assessment bodies under its jurisdiction.

A testing laboratory or certification body to be designated should be legally identifiable as to name and geographical location.

The testing laboratory or certification body should be accredited to local or foreign requirements for which it seeks designation or recognition, in accordance with the latest edition of ISO/IEC 17025, "General requirements for the competence of testing and calibration laboratories"⁵, or ISO/IEC 17065, "Conformity assessment -- Requirements for bodies certifying products, processes and services"⁶. Accreditation can be obtained from an appointed national accreditation body or a recognized foreign accreditation body.

Designation procedure

Designation is obtained by submission of the following types of documents to the appropriate designating authority:

- (a) signed application;
- (b) covering letter;
- (c) copy of the accreditation certificate proving that the testing laboratory or certification body has been accredited to the latest edition of ISO/IEC 17025 or ISO/IEC 17065
- (d) copy of the scope of accreditation.

The applicant should list the standards or specifications for which designation or recognition is sought. These standards or specifications must be included in the scope of accreditation.

The application will be evaluated by the designating authority on a first-come, first-served basis.

2.2 Accreditation

Accreditation is a procedure by which a duly appointed authoritative body gives formal recognition that a body or person is competent to carry out specific tasks.

⁵ www.iso.org/iso/catalogue_detail.htm?csnumber=39883

⁶ www.iso.org/iso/catalogue_detail?csnumber=46568

2.3 Recognition

Recognition is the acceptance of a designated conformity assessment body by a regulatory authority in the case of a regulatory MRA or duly authorized competent body in the case of a non-regulatory MRA.

When an application for designation to technical requirements is successful, the designating authority will notify the appropriate MRA party authority of the designation so that recognition of the testing laboratory or certification body may take place.

If more information is required by the designating authority to make a decision, the testing laboratory or certification body will be contacted.

Following the granting of recognition by the appropriate MRA party authority, the designating authority will issue a letter confirming that the conformity assessment body has been recognized. The confirmation letter will state the standards or specifications for which recognition has been granted. The conformity assessment body (testing laboratory or certification body) will be added to the list of recognized conformity assessment bodies maintained by the designating authority.

All documents submitted to the designating authority in support of a conformity assessment body designation or recognition will be retained on file.

2.4 Retaining designation or recognition

Designated or recognized conformity assessment bodies should maintain their accreditation status. The designating authority will require designated or recognized conformity assessment bodies to provide evidence of their accreditation status and scope upon request.

Designated or recognized conformity assessment bodies should inform the designating authority, in writing, of any changes that may affect their continued compliance with this procedure and ability to carry out the activities for which they were designated or recognized. This includes changes in:

- (a) business address and contact;
- (b) accreditation scope and status; or
- (c) subsequent reassessments.

A conformity assessment body should not advertise its designation or recognition status for activities that are outside of the scope of its designation or recognition.

2.5 Suspension or withdrawal of designation or recognition

When a recognized conformity assessment body is the subject of an investigation for non-compliance with this procedure, or in situations where a formal review process exists such as in an MRA through a joint committee, a recognition suspension may be issued to the conformity assessment body until the formal review process is completed. The conformity assessment body is required to take immediate corrective action to the designating authority's satisfaction. Where it is found that a recognized conformity assessment body does not comply with the requirements of this procedure, the recognition may be withdrawn. Such action will, however, take place only after full consultation between the designating authority, the affected conformity assessment body and the appropriate MRA party authority, as applicable.

If a conformity assessment body's recognition is suspended or withdrawn by a signatory party, the designation will also be suspended or withdrawn by the designating authority.

Conformity assessment bodies whose recognition has been suspended or withdrawn will be removed from the list of recognized conformity assessment bodies.

A conformity assessment body whose designation or recognition has been suspended or withdrawn should stop advertising its designation and recognition.

2.6 Dispute resolution

In the case where a dispute arises between parties concerning compliance with the agreed principles, criteria, scope and substance of an MRA the matter should be referred to the joint committee (section 5.1) for resolution. The joint committee will then establish a timetable for resolution of the dispute and provide recommendations to the parties after careful examination of the matter and determination of a solution. Disputes can largely be avoided by ensuring that the criteria for non-compliance is abundantly clear to the extent possible and by relationship building among the representatives of the parties through frequent communications.

Since by definition the benefits of an MRA are “mutual” and “confidence building” is an elemental part of the process, this foundation of trust provides a reliable basis for avoidance of disputes in all but the most extreme cases. In such cases the ultimate instrument for resolution is for the aggrieved party to invoke withdrawal from the MRA.

3 Development of an MRA

3.1 Framework for MRAs

An MRA can be established between two parties. These MRAs are identified as bilateral MRAs. Each of these bilateral MRAs contains specific attributes, technical and administrative requirements as agreed to by the two parties.

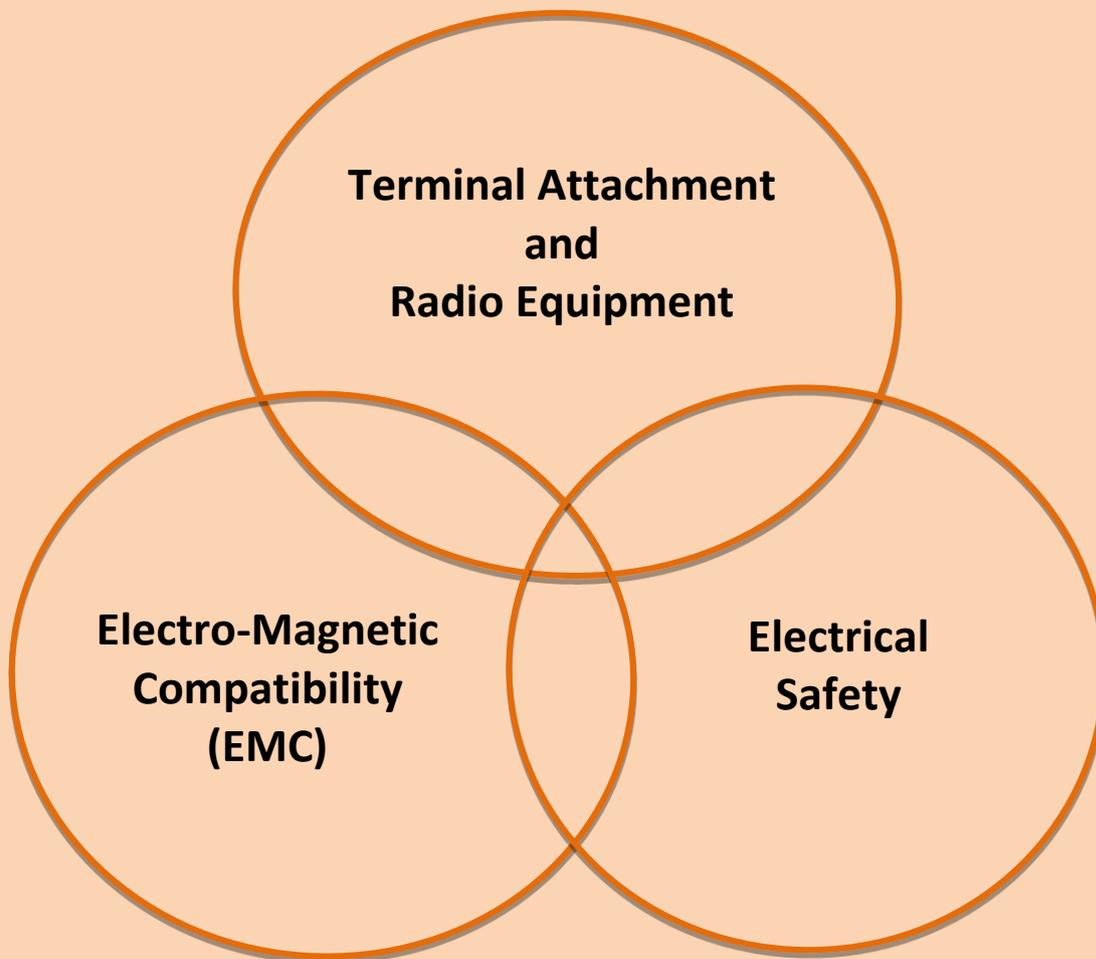
When three or more parties wish to establish MRAs, they could develop framework MRAs. These MRAs are identified as multilateral MRAs. These parties are normally located within a geographic region or belong to a trading block and they share similar economic and technical interests. A framework MRA promotes and expedites the development of MRAs. Parties which endorse a framework MRA agree to develop and implement MRAs based on the framework MRA.

A bilateral MRA can be established based on a framework MRA along with specific technical and administrative requirements as agreed by the two parties. Many bilateral MRAs can be established based on one framework MRA.

3.2 Coverage and scope

An MRA on conformity assessment is concerned with the mutual recognition of conformity assessment results of telecommunication equipment which covers terminal attachment equipment (equipment which connects to the telecommunication network) and radio equipment. The coverage also includes Electro Magnetic Compatibility (EMC) and electrical safety which apply to the telecommunication equipment.

Figure 2: MRA coverage for telecommunication equipment



Source: Andrew Kwan

The parties to an MRA mutually recognize the conformity assessment results of telecommunication equipment meeting the requirements of the other parties. These requirements are listed in the scope of an MRA. In general the scope of an MRA has two parts: technical regulations and equipment.

Scope of technical regulations

The technical regulations are concerned with equipment connected to the telecommunication network or other telecommunication regulation. Where terminal attachment or other telecommunication regulation pertains, an MRA applies to the technical regulations concerning conformity assessment, including electromagnetic compatibility (EMC) and electrical safety.

Equipment scope

The equipment scope covers terminal attachment (equipment attached to the telecommunication network such as telephones, modems, fax machines etc.) and other equipment subject to telecommunication regulation of each party, including wire and radio equipment, and terrestrial and satellite equipment, whether or not connected to a telecommunication network.

3.3 Identification of parties to the MRA

The main purpose of an MRA is to expedite and promote the trade of telecommunication equipment. Parties intending to develop and implement MRAs should consider the following situations:

- Parties which belong to a geographic region sharing common economic and other interests.
- Parties which belong to a trading block sharing common trade interests.
- Parties which have similar or common interests in telecommunication standards and related conformity assessment procedures.
- Parties that have the availability of or access to, the necessary technical resources to sustain their commitment and allow them to meet their obligations under the MRA.

3.4 Obligations under an MRA

In developing a MRA, it should be clear what are the individual obligations of a party that is a signatory, and what are the obligations of all the parties collectively.

Obligations of an individual party to the MRA may include recognizing the equivalence of conformity assessment results from an approved conformity assessment body under the provisions of the MRA; promotion of government and public awareness of the equivalence of the results; maintaining confidentiality commitments; and acceptance of legal and liability responsibilities.

Collective obligations may include establishing and participation in MRA management mechanisms, such as joint committees; using common complaints and appeals processes; undertaking peer evaluations and surveillance and/or re-assessment activities; using an agreed format and data repository for conformity assessment results (e.g. test reports) and certificates (for example, a single online database with copies of all mutually recognized certificates); and agreeing on the design and conditions of use for some form of common logo or mark of mutual recognized conformity under the MRA.

3.5 Duration and disestablishment of a MRA

MRAs can have specific implementation dates and durations, especially when they may be being used as a pre-cursor to regulatory harmonization between the parties. In these cases it may be appropriate to signal to the market the expected period of time that the MRA is expected to be operational.

MRAs may also be disestablished from time to time in response to economic, technological, regulatory or political changes. As a significant amount of market acceptance and trade may have been established because the MRA it may be appropriate for the parties to consider what will happen if the MRA is disestablished. This may include agreeing on a suitable transitional period and whether the parties may have residual obligations for products that were accepted on the basis of MRA provisions.

3.6 Examples of some MRAs on conformity assessment

During the 1990s, many parties have successfully established and implemented MRAs on conformity assessment. Examples of bilateral MRAs are:

- United States/European Union MRA⁷;

⁷ <http://transition.fcc.gov/oet/ea/mra/apec.html>

- Australia/European MRA⁸;
- Canada/Switzerland MRA⁹.

An example of a framework MRA is the Asia Pacific Economic Cooperation (APEC) Mutual Recognition Arrangement for Conformity Assessment of Telecommunications Equipment (APEC TEL MRA, 1998) developed by the Telecom Working Group of APEC. All 21 economies of APEC have endorsed the APEC TEL MRA and a number of economies have implemented bilateral MRAs based on the APEC TEL MRA¹⁰.

Examples of these MRAs are:

- United States/Japan MRA¹¹;
- Singapore/Vietnam MRA¹²;
- Korea/Canada MRA¹³;

Another example of a framework MRA is the Inter-American Mutual Recognition Agreement for Conformity Assessment of Telecommunications Equipment (CITEL MRA, 1999)¹⁴ by the *Comisión Interamericana de Telecomunicaciones* (CITEL) of the Organization of American States (OAS). All 34 Member States of the OAS have endorsed the CITEL MRA and a number of Member States have implemented bilateral MRAs based on the CITEL MRA. Examples of these MRAs are:

- United States/Mexico MRA¹⁵;
- Mexico/Canada MRA¹⁶;

Parties to the above mentioned MRAs reported that good progress was made in the implementations of the MRAs and with anticipated results. For example, the APEC TEL MRA was endorsed by all 21 APEC economies. More than two thirds of the 21 APEC economies are participating in Phase 1 procedures (mutual recognition of testing laboratories and test results) and at least six economies are participating in Phase 2 procedures (mutual recognition of certification bodies and equipment certification).

⁸ www.innovation.gov.au/industry/tradepolicies/mra/pages/ecaustmra.aspx

⁹ www.ic.gc.ca/eic/site/mra-arm.nsf/eng/nj00022.html

¹⁰ www.apec.org/groups/som-steering-committee-on-economic-and-technical-cooperation/Working-groups/telecommunications-and-Information/apec_tel-mra.aspx

¹¹ <http://gsi.nist.gov/global/index.cfm/l1-4/L2-16>

¹² www.apec.org/groups/som-steering-committee-on-economic-and-technical-cooperation/working-groups/telecommunications-and-Information.aspx

¹³ www.ic.gc.ca/eic/site/mra-arm.nsf/eng/nj00018.html

¹⁴ [www.ic.gc.ca/eic/site/mra-arm.nsf/vwapi/citel_mra.pdf/\\$file/citel_mra.pdfdeveloped](http://www.ic.gc.ca/eic/site/mra-arm.nsf/vwapi/citel_mra.pdf/$file/citel_mra.pdfdeveloped)

¹⁵ <http://gsi.nist.gov/global/index.cfm/l1-4/l2-16/l3-266>

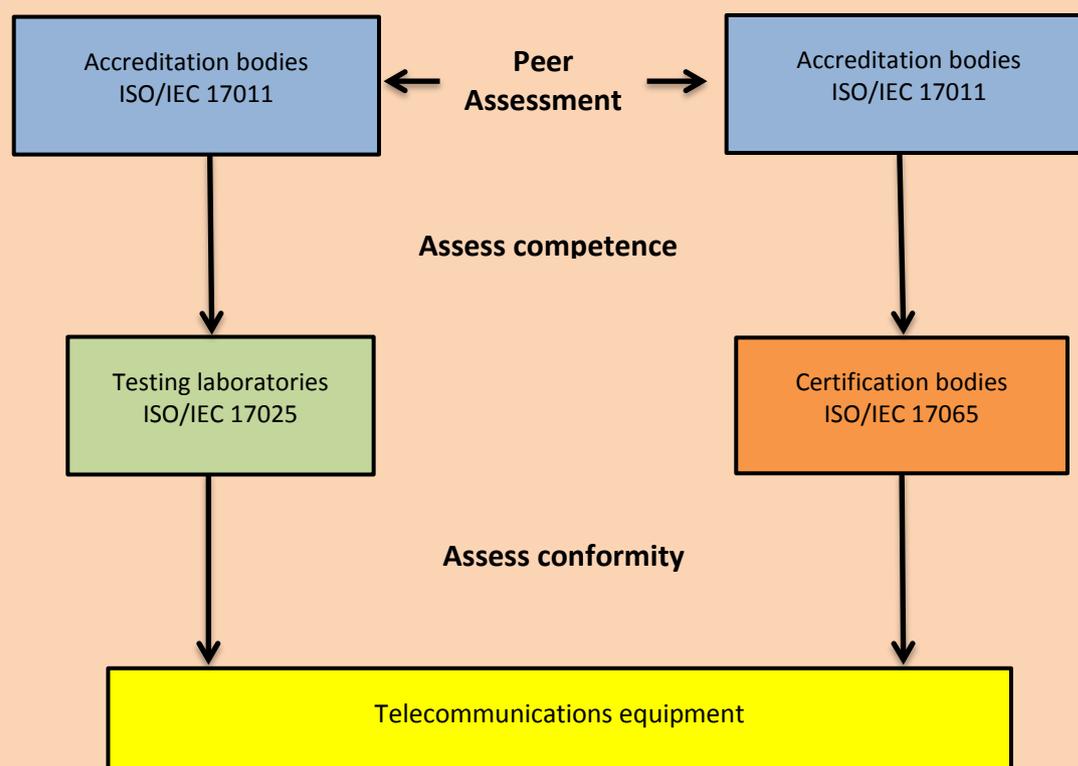
¹⁶ www.ic.gc.ca/eic/site/mra-arm.nsf/eng/nj00100.html

4 Implementation of an MRA

4.1 Conformity assessment

MRAs on conformity assessment of telecommunication equipment are concerned with the mutual recognition of conformity assessment bodies (testing laboratories and certification bodies) and the mutual acceptance of conformity assessment results (test reports by testing laboratories and certifications by certification bodies). The requirements for conformity assessment bodies and accreditation bodies are shown in Figure 3.

Figure 3: Conformity assessment of telecommunication equipment



Source: Andrew Kwan

4.2 Pre-implementation preparation

In order to ensure smooth and orderly development and implementation of MRAs, parties have to pay special attention to legislation, regulation, coverage, standards and specifications, and accreditation.

Legislation, regulations and procedures

Parties to an MRA have to accept the conformity assessment results prepared by the conformity assessment bodies designated by their partners and recognized by themselves. Typically a party will only accept conformity assessment results prepared by its designated domestic conformity assessment bodies. In order to implement the MRA, a party has to review its legislation, regulations and procedures to ensure that it is able to accept conformity assessment results from foreign conformity assessment bodies designated by its partners. If necessary, a party has to amend or develop new legislation, regulations and procedures so that it can accept conformity assessment results from foreign designated conformity assessment bodies. Experience has shown that it would take time and in some cases the political will to make these changes.

Since the parties will be engaging in new or amended administrative procedures such as designation procedures, recognition procedures and accreditation procedures, the parties should develop sets of consistent procedures required for the MRA in order to streamline the implementation.

Coverage

The parties have to decide on the coverage before implementation. They can start with limited coverage and extend it to more or full coverage when they gain experience and confidence from the implementation of the MRAs.

Regulations, standards and specifications

Prior to implementation, a party has to assess and decide the set of regulations, standards and specifications it will offer to its partners and will accept the conformity assessment results of telecommunication equipment meeting these standards and specifications. The parties to an MRA will exchange the sets of regulations, standards and specifications and come to an agreement on the sets before the implementation of the MRA.

Accreditation bodies

One of the key elements of the MRA is the requirement that a conformity assessment body has to be accredited by accreditation bodies to meet international standards, namely, ISO/IEC 17025 for testing laboratories and ISO/IEC 17065 for certification bodies. A party should ensure that it has accreditation bodies in its territory so that it can appoint them as accreditation bodies to accredit conformity assessment bodies in its territory. If a party does not have any accreditation bodies in its territory, it can recognize foreign accreditation bodies.

In order to meet the MRA requirements, the appointed accreditation bodies have to be compliant with ISO/IEC 17011¹⁷. Furthermore it may be appropriate to require these accreditation bodies to be a member of the Mutual Recognition Arrangement (MRA) of the International Laboratory Accreditation Cooperation (ILAC), in relation to acceptance of test reports, and the Multilateral Recognition Arrangement (MLA) of the International Accreditation Forum (IAF) for the acceptance of product certificates.

4.3 Confidence building and start-up

The key feature of the MRA is the mutual recognition by one party of conformity assessment results prepared by conformity assessment bodies of the other party. Each party has to have confidence in the work of the conformity assessment bodies of the other party and be willing to accept the conformity assessment results of conformity assessment bodies from the other party.

Each party may not have knowledge and experience on the competence of the conformity assessment bodies of the other party before the implementation of the MRA. Therefore it is useful for the two parties to enter into a confidence building period during which time they exchange conformity assessment results. The confidence building period which is typically 6 to 12 months will allow the parties to learn each other's technical requirements and to review the conformity assessment results. Mutual recognition of conformity assessment results is not required during this period. The confidence building period can be extended if required and the parties can formally enter into the implementation of the MRA at the end of the confidence building period.

¹⁷ www.iso.org/iso/catalogue_detail?csnumber=29332.

The parties will advise each other in writing of their intention to enter into the MRA. This notification of intention will vary from party to party depending on their regulatory and legal requirements.

4.4 Identification of scope – technical requirements and phases

Each party has to assess and determine the set of its technical requirements, including technical regulations, standards and specifications which it will offer to the other party. Each party will agree to accept the conformity assessment results prepared by conformity assessment bodies from the other party of telecommunication equipment meeting its set of technical requirements. Both parties have to agree to these sets of technical requirements which may need adjustments if there are disagreements.

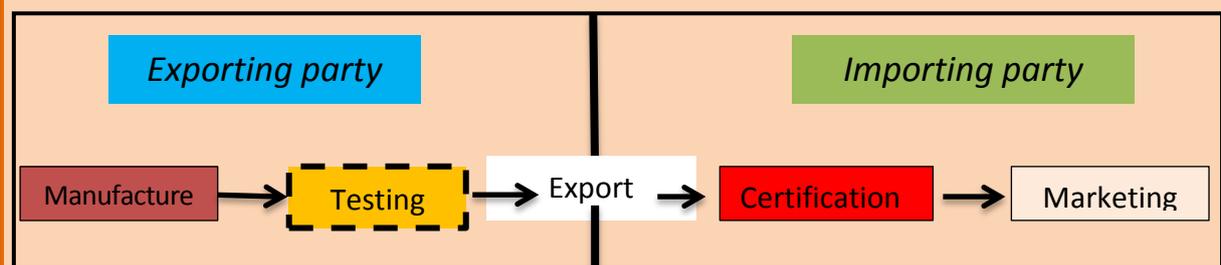
The two main conformity assessment procedures required by regulatory authorities or manufacturers are:

- test reports for certification or self- declaration;
- certification.

The MRA on conformity assessment addresses the above procedures by dividing them into phases, namely:

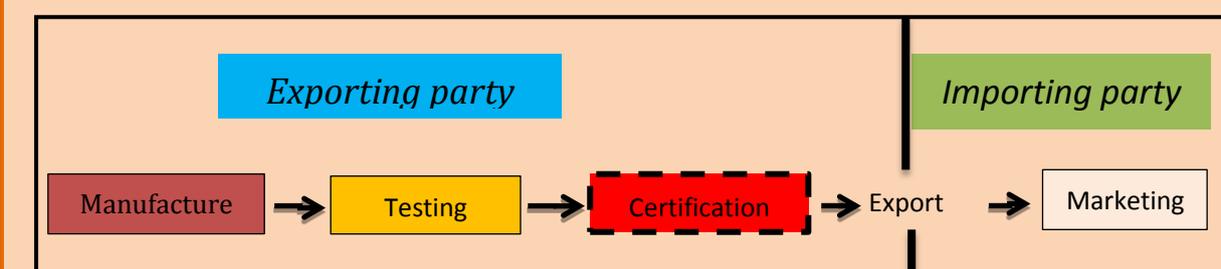
- **Phase 1** – Mutual recognition of testing laboratories and mutual acceptance of test reports prepared by the testing laboratories.
- **Phase 2** – Mutual recognition of certification bodies and mutual acceptance of certification prepared by the certification bodies.

Figure 4: Phase 1 – Mutual acceptance of test reports



Source: Andrew Kwan

Figure 5: Phase 2 – Mutual acceptance of certification



Source: Andrew Kwan

Parties can choose to implement the phases of the MRA one at a time or both together. Typically the parties will implement Phase 1 and after gaining experience and confidence with the Phase 1 procedure, they will then proceed to implement the Phase 2 procedure.

4.5 Identification of contacts

A number of stakeholders from the parties are engaged in the implementation of the MRA. They include the designating authority, the regulatory authority, the accreditation body, the conformity assessment bodies and the equipment manufacturers. During the implementation of the MRA, these stakeholders will need to from time to time contact one another and it is important that these exchanges are focused and expedited without undue delays. Each party therefore has to nominate a contact point so that all official communications during the MRA implementation will be conducted between these contact points.

4.6 Information exchange

To ensure a smooth and successful implementation of the MRA, each party should have a thorough knowledge of the other party's technical regulations, standards, specifications and administrative procedures. Before the implementation of the MRA the two parties should exchange information on technical regulations, standards, specifications and administrative procedures. In order to provide adequate coverage, it is suggested that each party holds at least one information workshop in the other party's territory in order to cover as many stakeholders as possible. Parties should inform their MRA partners as soon as possible if they have made changes to their technical regulations, standards, specifications and administrative procedures.

4.7 Identification of MRA host and repository of signatories

Depending on the legal and regulatory requirements of each party, parties to an MRA should identify an entity (MRA host) which is responsible for the overall implementation of the MRA. If required, the MRA will be signed by the respective MRA hosts.

If the bilateral MRA is based on a framework MRA, there will be a requirement for the parties to the bilateral MRA to notify the entity which developed the framework MRA so that all parties which have endorsed the framework MRA are aware of this bilateral MRA. For example, parties to a bilateral MRA which is based on the CITELE MRA have to notify the CITELE secretariat of this bilateral MRA and the CITELE secretariat will in turn notify all CITELE members.

4.8 Nomination of designating authorities

Each party may nominate one (or more) designating authority. To minimize confusion, it is recommended that each party nominate only one designating authority. Each party should ensure that the designating authorities nominated have the authority and competence to act as designating authorities.

4.9 Nomination of regulatory authorities

Typically the regulatory authority (section 7.1) is the regulator of the party. The regulatory authority may delegate this task to a competent body. In this case, the party should ensure that the delegated competent body has the authority and competence to act as a regulatory authority. Only one regulatory authority should be nominated unless the equipment under coverage is regulated under different regulatory authorities.

4.10 Identification of accreditation bodies

A party should appoint one or more accreditation bodies within its territory to accredit conformity assessment bodies within its territory. If there is no accreditation body within its territory, a party can designate conformity assessment bodies located in its territory and accredited by accreditation bodies not within its territory. For both cases, the accreditation bodies have to be ISO/IEC 17011 compliant.

4.11 Notification of conformity assessment bodies

In a normal MRA implementation by parties A and B, a conformity assessment body from party A requests accreditation from the accreditation bodies located in party A or outside of party A to conduct conformity assessment of equipment meeting the requirements of party B. If the accredited result is positive, the conformity assessment body will submit the accreditation report along with the requirements listed by party B to the designating authority of party A for designation. If the designating authority of party A designates this conformity assessment body, it will notify the regulatory authority of party B of this designation and send this designation along with the appropriate documentation with a request for recognition of this conformity assessment body by the regulatory authority of party B.

4.12 Recognition of conformity assessment bodies

Continuing with the scenario in 4.11, the regulatory authority of party B will review the designation by party A and if necessary, request clarification or additional information from the designating authority of party A. If it is satisfied with the designation, it will recognize this conformity assessment body and notify the designating authority of party A of its recognition. The regulatory authority is required to respond to the recognition request within a fixed period of time, typically 3 months. The conformity assessment body from party A recognized by the recognition authority of party B will now be permitted to send conformity assessment results to the regulatory authority of party B for the appropriate conformity assessment.

4.13 Formation of a joint committee

A joint committee (section 5.1) should be established during the implementation of the MRA. This joint committee should be co-chaired by personnel from both parties. Its membership should include all the stakeholders from both parties. The joint committee should meet on a regular basis or at the request of either party.

4.14 Monitor and surveillance programmes

Each party to an MRA should establish programmes to monitor the conformity assessment bodies it has designated to ensure that their accreditations are up to date and to audit the equipment tested or certified by its designated conformity assessment bodies.

4.15 Experience from implementation of existing MRAs

A number of parties and private sector entities have implemented MRAs. The following information is based on the experience gained from their implementations of the MRAs on conformity assessment:

- The time taken to develop and implement the MRA had been longer than expected for various reasons such as:
 - the time taken to obtain authority to develop and to implement MRAs;
 - the time taken to develop or amend legislation, regulations and procedures required to implement the MRA;
 - the lack of political will at the beginning of MRA process.
- Assessors from one party to an MRA are very useful to the accreditation bodies when they begin the process to accredit conformity assessment bodies to perform conformity assessment on equipment meeting the requirement of the other party to the MRA.
- It is necessary for each party to establish a programme to monitor conformity assessment bodies
- It is absolutely necessary to establish and to continue a dialogue between the stakeholders.

- It takes some time to establish and learn the implementation process. Once the implementation is running smoothly, all the parties report good results and benefits from the implementation.
- It is expedient and very useful to develop a framework MRA for a region. A framework MRA streamlines the development and implementation of MRAs in a region.

5 Management of an MRA

5.1 Joint committee

Since MRAs are established between and among cooperative parties often involving complex technologies, procedures and processes it is essential to establish a forum for discussion between the parties. Such a forum is called a joint committee. Therefore a party to an MRA should:

- contribute to the establishment and operation of the joint committee;
- accept the consensus decisions of the joint committee.

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. The joint committee may also assist in dispute resolution under the terms of the MRA.

The joint committee facilitates sharing of information during the early stages of the MRA implementation when there is a natural learning phase. It provides an opportunity to ensure that the formulation of the MRA is appropriate to the interests and priorities of the parties and facilitates consultation with stakeholders on a number of important subjects including the following:

- Regulatory issues concerning testing and acceptance of test results or certifications and acceptance of certificates.
- How designation and recognition of domestic and foreign conformity assessment bodies under the terms of the MRA will be conducted.
- Requirements for assessment of the competence of conformity assessment bodies to test (Phase 1) or certify (Phase 2) a product to a party's technical specifications or regulations.
- How information will be disseminated on a party's technical regulations and specifications and their proper interpretations.
- Whether there should be an exchange of letters to establish legally binding obligations under the MRA. Where an MRA exists participation is not binding except where agreed by the parties. However certain parties may wish to enter into legally binding obligations between or among themselves through exchange of letters incorporating such an MRA, or through such other means as they deem necessary.
- Training and information programmes required to support the operation of testing laboratories (Phase 1) and approval processes (Phase 2).
- Setting criteria for determining competence of conformity assessment bodies.
- What system will be established for accepting domestic and foreign conformity assessment bodies.
- What programmes will operate to monitor conformity assessment bodies and products in the marketplace.

5.2 Update and surveillance of accreditation bodies and conformance assessment bodies (CABs)

The mechanism to provide assurance to parties that the competence of a testing laboratory or certification body (CABs) is of a high standard is achieved through the process of accreditation to the relevant ISO/IEC standards. This assurance can be achieved through a mechanism of regular surveillance and reassessment visits, enhanced where appropriate by other surveillance activities and, in the case of laboratories, regular participation in proficiency testing. International trade relies on certificates and reports issued by accredited conformity assessment bodies. Confidence in accreditation is obtained by a transparent system of control over the accredited conformity assessment bodies and an assurance given by the accreditation body that the accredited conformity assessment body fulfils the accreditation criteria. These processes and procedures mentioned briefly here are presented in detail in the ISO/IEC 17011 standard.

In the context of an MRA it is important that the parties use comparable ways of conducting surveillance and reassessment by accreditation bodies, especially because of the multilateral nature of MRAs.

Therefore the accreditation body shall have an established and documented programme for carrying out periodic surveillance activities and surveillance visits at sufficiently close intervals to ensure that the accredited organization continues to comply with all accreditation criteria.

Surveillance activities include aspects such as:

- enquiries from accreditation bodies on aspects concerning the accreditation;
- declarations by accredited conformity assessment bodies with respect to their operations;
- requests for documents and records (on paper or electronic media) from accredited conformity assessment bodies, including updates from quality manuals;
- assessing the conformance assessment bodies' performance including proficiency testing;
- witnessing the performance of accredited conformity assessment bodies;
- assessing the implementation of the quality system (or part of the quality system) of accredited conformity assessment bodies.

Note that surveillance activities may be carried out at any time.

In addition to the above described surveillance activities the accreditation body shall undertake surveillance or reassessment visits. Reassessment visits may take the place of surveillance visits.

Such on-site visits shall be conducted in a non-discriminatory way and irrespective of the geographical location of the accredited conformity assessment body with respect to the office of the accreditation body.

The first surveillance visit should be carried out no later than 12 months from the date of initial accreditation.

In deciding on the interval of the surveillance visits and activities at any particular accredited conformity assessment body after the first reassessment, the accreditation body may take into account the performance of that conformity assessment body in previous visits and activities.

An accreditation body may consider conducting surveillance visits without prior notice or with short notice only (less than two weeks) as a mechanism to lower the frequency of visits.

The accreditation body should have predetermined criteria describing the relation between the performance of the accredited conformity assessment body and the frequency of the surveillance visits and other surveillance activities.

The competence of the accredited conformity assessment body does not have to be checked in practice in all areas of accreditation at every surveillance visit. Changes in technical personnel and changes in equipment may indicate that additional checking by the accreditation body is needed.

The accreditation body should aim at assessing a representative sample of the accredited activities, covering all areas of competence, during the period between two reassessments or between accreditation and the first reassessment. It is therefore appropriate that the accreditation body makes a surveillance assessment plan for such a period. This is of special importance in multidisciplinary organizations.

Extensions of the scope of accreditation however shall always be checked if new technical expertise is required.

If an accreditation body receives any written claims or complaints creating doubts concerning an accredited organization it will carry out surveillance activities (inquiries) or even extraordinary surveillance visits in the shortest possible time.

Reassessment of conformity assessment bodies is also required so that assurance may be had that the requirement for continuing compliance is being met. In contrast to surveillance, reassessment is as comprehensive as the initial accreditation and has the function of a check of the compliance with all the accreditation criteria.

5.3 Management of data

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:

1. prior to implementation;
2. variation to the operation of the MRA; and
3. 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 organizations. The information compiled is to be submitted to the body responsible for hosting the database of signatories and the technical information pertaining to the MRA and to all other parties to the MRA.

Under the MRA technical regulations and specifications means those technical requirements, legislative and regulatory provisions, and administrative arrangements pertaining to the products that are the subject of the MRA. This information will necessarily include the following:

- legislation, codes or regulations;
- administrative arrangements such as operating procedures, decision and appeals procedures;
- definitions and terminology;
- standards and Recommendations;
- technical specifications requiring to be met;
- criteria for acceptance or rejecting conformity assessment bodies, test reports and certification applications.

Ultimately proper functioning of the MRA depends on the maintenance of a high level of trust in the exchange of information on conformity assessment bodies and in the rigor of the accreditation process. It will not be sufficient for the sound working of the MRA for the parties to simply exchange the names of conformity assessment bodies they intend to designate. Furthermore, it is essential that the information should be exchanged as much as possible in a standardized 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 designating authority officers responsible for the designation process;
- name and address of the accreditation body and contact person responsible for accreditation of the conformity assessment body;
- name, address details of the conformity assessment body and the contact point within the conformity assessment body for MRA matters;
- detailed scope of conformity assessment designation;
- date of conformity assessment body 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.

5.4 Record of notifications and changes

There are number of events that will occur during the life of an MRA that will require notification of the parties and creation of a record of the event.

The most frequently occurring notification will be due to changes in listed technical requirements in the scope of the MRA. These will include the addition of new technical requirements to those listed in the scope, changes to features and technical requirements, changes related to lists of designated and recognized conformity assessment bodies including new listings and delisting, and changes to key contact information and personnel in the parties. These will be submitted to and recorded by the appropriate trusted body in the territory of the parties which will also most likely provide hosting of the database of signatories to the MRA. The record of notification of variations and changes to information will include such elements as:

- variation type;
- specific variation to information;
- officer responsible for submitting variation;
- date variation submitted.

5.5 Termination and withdrawal from an MRA

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

- A party will advise other parties in writing of its intention to terminate participation in the MRA with a previously agreed notice period.
- 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.

Termination of the MRA 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 MRA provides for a number of remedial measures including:

- contesting competence of a conformity assessment body; and
- referral of any matter to the joint committee.

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

The basis of the decision to implement an MRA in the first place and the formal authority which lent it credentials to authorize the MRA should be expected to use that same authority to terminate the MRA if and when required. For example a cooperative government to government agency in the territory of the parties, in the case of an MRA dealing with regulatory requirements, or a forum or consortium of private

sector bodies in the case of voluntary requirements. The MRA text would therefore provide a section for such authorization signatures.

6 Consultation and training

6.1 Consultation

Consultation is a key element of any MRA activity. In particular during the preparation of an agreed text for the MRA it is essential to ensure that all implicated parties are engaged in discussion. If for example the parties decide to take advantage of existing MRA texts and agree to adopt them directly, it is important that there is a thorough review of the text and that the language of the text is appropriate to the relevant regimes of the parties. This discussion would normally take place amongst delegated representatives of the parties implicated in implementation of the MRA in the operational phase.

As regards consultation, a party will ensure that:

- MRAs are established within its jurisdiction to consult as necessary to ensure the maintenance of confidence in conformity assessment procedures and to ensure that all technical regulations and/or technical specifications are identified and are satisfactorily addressed;
- interested persons, including manufacturers within other parties, have access to the relevant part of any new or amended technical regulations in advance of their adoption, unless prohibited by law.

6.2 Training

Arrangements for training are the responsibility of each party.

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

- Assessor training for those involved in assessing the capability of designated conformity assessment bodies.
- Training in regulations and procedures for designating 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 and standards but which are fundamental to acceptance of conformity assessment bodies by regulators and affected parties.
- Internal filing procedures and documentation preparation for applications.
- Administration procedures for acceptance or rejection of test data.
- Corrective action procedures.
- Establishment of fee schedules for services and fee collection.

Assessor training may be available through regional conformity assessment bodies such as AFRAC¹⁸, IAC¹⁹, IAAC²⁰, and APLAC²¹.

¹⁸ www.intra-frac.com/

¹⁹ www.iaconsortium.org

²⁰ www.iaac.org.mx/English/Index.php

²¹ www.aplac.org/

7 MRA stakeholders

7.1 Regulatory authorities and standards bodies

Regulatory authorities

The MRA requires certain procedures to be put in place to facilitate acceptance of conformity assessment results. Regulatory authorities may carry out one or more than of the functions relevant to the MRA. For instance in some parties they may also act as a designating authority. Where the regulatory authority 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:

- amend regulations and procedures where necessary;
- provide training and information programmes that will allow designating against its requirements and conformity assessment bodies to satisfy its requirements;
- set up a system depending on the organizational structure of the party for accepting domestic and foreign conformity assessment bodies under the terms of the MRA;
- set up a monitoring programme for both conformity assessment bodies and for market surveillance;
- set up criteria for determining the competence and accepting conformity assessment bodies.

The authority of a regulator to set and manage technical requirements within its jurisdiction is assured under the MRA.

Standards bodies

Technical standards referenced in MRAs may be of three types – *de facto*, *de jure* or *proprietary*. In the case of MRAs dealing with conformity to national technical regulations the standards would normally be of the *de jure* type. The standards body in this case would be the national regulatory authority which would most likely adopt or adapt international standards such as ITU Recommendations, ISO and IEC standards for this purpose.

In the case of MRAs dealing with conformity to voluntary standards the standards bodies sourcing these standards could include all three types referred to above. A wide range of *de facto* and *proprietary* standards bodies are in operation worldwide.

7.2 Designating authorities

A designating authority is an entity which is responsible for designating competent conformity assessment bodies according to MRA procedures. For regulatory MRAs, the designating authority is a government body or an entity delegated by government to be a designating authority. Typically the designating authority is the regulatory authority. For non-regulatory MRA, the designating authority is a duly accepted competent body appointed by a party. It has the authority and competence to perform the following tasks:

- To appoint accreditation bodies.
- To verify competence of the conformity assessment bodies within its jurisdiction.
- To ensure that the conformity assessment bodies are accredited by ISO/IEC 17011 compliant accreditation bodies.
- To designate competent conformity assessment bodies.

- To notify regulatory authorities of its MRA partners of the designation of its conformity assessment bodies and to request recognition of these bodies by these regulatory authorities.
- To list the conformity assessment bodies which it had designated and the designated conformity assessment bodies which are recognized by the regulatory authorities of its MRA partners.
- To monitor and audit the conformity assessment bodies which it had designated.
- To limit designation of its designated conformity assessment bodies when the scopes of accreditation of these bodies had been changed.
- To withdraw designation of conformity assessment bodies under its jurisdiction or within its territory.
- To develop procedures for the designation and notification of conformity assessment bodies.

For regulatory MRAs, the designating authority can only designate conformity assessment bodies under its jurisdiction or within its territory.

7.3 Accreditation bodies

Accreditation is the third-party attestation related to a conformity assessment body conveying formal demonstration of its competence to carry out specific conformity assessment tasks. An accreditation body is an authoritative body that performs accreditation. The authority of an accreditation body is generally derived from government.

For the MRA the accreditation body is usually appointed by the designating authority or the regulatory authority. The appointed accreditation body will have to meet the requirements of ISO/IEC 17011. Internationally the proof of competence with ISO/IEC 17011 is done by peer assessment.

The International Laboratory Accreditation Cooperation (ILAC)²² is the organization which organizes and conducts peer assessment of accreditation bodies which accredit testing laboratories. The MRA requires that the appointed accreditation bodies which accredit testing laboratories are signatories of the ILAC Mutual Recognition Arrangement (ILAC MRA)²³ or are signatories of regional cooperation bodies recognized by ILAC. The European co-operation for Accreditation (EA)²⁴, the Asia Pacific Laboratory Accreditation Cooperation (APLAC) and the Inter-American Accreditation Cooperation (IAAC) are the current ILAC-recognized regions with acceptable MRAs and evaluation procedures

The International Accreditation Forum (IAF)²⁵ is the organization which organizes and conducts peer assessment of accreditation bodies which accredit certification bodies. The MRA requires that the appointed accreditation bodies are signatories of the IAF Multilateral Recognition Arrangements (IAF MLA) IAF MLA . The IAF MLA relies heavily on the MLA of the three regional accreditation groups; the European co-operation for Accreditation (EA), the Pacific Accreditation Cooperation (PAC)²⁶ and the Inter-American Accreditation Cooperation (IAAC), as it is these groups which perform the majority of the peer evaluation activity not the IAF.

²² www.ilac.org/

²³ www.ilac.org/ilacarrangement.html

²⁴ www.european-accreditation.org/

²⁵ www.iaf.nu/

²⁶ www.apec-pac.org/

If there is no accreditation body within its territory, a conformity assessment body can seek accreditation by accreditation bodies outside of its territory. These accreditation bodies have to be signatories of either the ILAC MRA or the IAF MLA and are recognized by the designating authority which designates this conformity assessment body.

7.4 Conformity assessment bodies

One of the key stakeholders of an MRA is the conformity assessment body. The MRA on conformity assessment has two types of conformity assessment body, namely testing laboratories and certification bodies. A testing laboratory or certification body to be designated or recognized should be legally identifiable as to name and geographical location.

The regulatory authority of a party to the MRA will accept the conformity assessment results prepared by a recognized conformity assessment body of the other parties to the MRA. A conformity assessment body has to complete the following steps in order to be a recognized conformity assessment body:

- Obtain accreditation by an appointed accreditation body to perform conformity assessment of equipment meeting the requirements of the party to the MRA. For a testing laboratory it has to be accredited to meet ISO/IEC 17025 and for a certification body, it has to be accredited to meet ISO/IEC 17065. It is important to ensure that the scopes of accreditation match the types of the products and processes that are covered in the MRA. If there is no accreditation body within the territory of the conformity assessment body, it can obtain accreditation from a foreign accreditation body which has to be ISO/IEC 17011 compliant and be recognized by its designating authority.
- After the conformity assessment body had obtained the accreditation it requested, it can apply to its designating authority for designation with the accreditation results along the information as required by its designating authority.
- The designating authority may request additional information or clarification from the conformity assessment body. If it is satisfied with the information provided, the designating authority will designate the conformity assessment body to perform conformity assessment of equipment meeting the requirements of the party to the MRA. It will also notify the regulatory authority of the party and request recognition of this designated conformity assessment body from the regulatory authority.
- The regulatory authority may request additional information or clarification from the designating authority of the other signatory party to the MRA. If it is satisfied with the designation, it will notify the designating authority of its recognition.

8 Procedures for contesting the competence of conformity assessment bodies

8.1 Contesting party

A contesting party is a party that has determined to challenge the technical competence of a conformity assessment body that has been designated to it by another party.

A party may contest the competence of a conformity assessment body in 'exceptional circumstances' only. Each party should ensure that it reaches a common understanding with other parties about what constitutes 'exceptional circumstances'.

Any contest of a conformity assessment body's competence is a serious matter both from the point of view of the implications for the confidence building programme 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 and standards have been misapplied or applied with bias;
- repeated failure to perform testing and assessment procedures as required under the terms of its designation.

Parties should consider the need for a formal procedure for contesting conformity assessment body competence involving recourse to designating authorities and by referral from these to the joint committee.

8.2 Contesting procedures

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:

1. Provide written notice and explanation of contest to the party, including supporting evidence.
2. Establish with the designating authority, accreditation body and conformity assessment body of the party an agreed timetable for responding to the contest.
3. Participate with the party, designating authority and accreditation body in a timely verification of the competence of the conformity assessment body under contest.
4. Provide prompt notice and establish an agreed timetable for the conformity assessment body to provide additional evidence in the event that a contest is verified.
5. Establish an agreed timetable for providing advance notice and a written explanation of the reasons of its intent to limit or withdraw recognition of a conformity assessment body to the designating authority, accreditation body and conformity assessment body.
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.

Any action taken as a result of a contest should not normally be retrospectively applied by the contesting party.

If the result of a contest is to be retrospectively applied the contesting party should provide written notice of its intent to do so in accordance with an agreed timetable established by the parties.

9 A typical MRA operation

9.1 Regulatory MRA

The following is a brief description of a typical MRA operation for the case of a regulatory MRA.

Party A and party B are signatories of a bilateral MRA. They have procedures and processes in place to implement the MRA and have exchanged information on technical regulations, standards and specifications under the MRA coverage. They have also exchanged information on points of contact, designating authorities, regulatory authorities and accreditation bodies. They have also formed a joint committee.

Conformity assessment body A of party A wishes to be designated by party A to perform conformity assessment (Phase 1 – test reports or Phase 2 – certification) of telecommunication equipment meeting the requirements of party B. It takes the following steps:

1. Conformity assessment body A seeks accreditation by accreditation bodies appointed by the designating authority of party A or by foreign accreditation bodies recognized by party A to

conduct conformity assessment of telecommunication equipment meeting the requirements of party B.

2. If the accreditation of conformity assessment body A is successful, conformity assessment body A sends the accreditation results along with the appropriate information required by designating authority A with its request for designation to designating authority A.
3. Designating authority A may ask for clarification or additional information from conformity assessment body A. If designating authority A is satisfied with the application, it designates conformity assessment body A and notifies the regulatory authority B of this designation along with a request for recognition.
4. Regulatory authority B may ask for clarification or additional information from designating authority A. If the regulatory authority B is satisfied with the designation, it recognizes conformity assessment body A and notifies designating authority A of this recognition.
5. Subsequent to its recognition of conformity assessment body A, regulatory authority B will accept test reports prepared by conformity assessment body A for certification and will accept telecommunication equipment certified by conformity assessment body A.
6. Designating authority A and regulatory authority B will add conformity assessment body A to their list of recognized conformity assessment bodies to be monitored.

The above steps also apply to conformity assessment bodies designated by designating authority B and recognized by the regulatory authority A.

9.2 Non-regulatory MRA

For the non-regulatory MRA case where the focus is on conformance to voluntary standards and interoperability there are a number of reputable organizations such as the Global Certification Forum (GCF)²⁷ which have developed similar sets of processes and procedures to those above. These are private sector, membership driven bodies whose membership may include manufacturers, service providers and observers. Conformity assessment bodies are required to be accredited to the relevant ISO/IEC standards for test labs and certification bodies, or to other sets of robust credentials prescribed by the bodies and trusted by the membership. Their intention, among other goals, is to minimize duplicative testing, reduce time to market, and increase the likelihood of interoperability of devices when deployed in the marketplace. Thus the principles of mutual recognition of competence, trust based on robust credentials, and peer recognition²⁸ based on performance, which is the hallmark of successful MRA schemes are to be found in these non-regulatory MRA operations.

Parties to non-regulatory MRAs which are private sector entities employ attributes similar to the ones found in regulatory MRAs. They may not follow the same steps outlined in 12.1 for the operation of non-regulatory MRAs. However they employ similar steps achieving the same result which is the mutual recognition of conformity assessment bodies and the mutual recognition of conformity assessment results.

²⁷ www.globalcertificationforum.org/

²⁸ www.globalcertificationforum.org/news-events/press-releases/36-rto-feb-2013.html

The following reference provides links to a number of these private sector bodies which have been in successful operation for some years already using the vehicle of MRAs based on strong credentials, mutual recognition of competence for defined scopes of operation, and mutual trust²⁹.

10 Recommendations to develop and implement MRAs

The following recommendations focus on the initial steps needed to prepare for development and implementation of an MRA. Experience has shown that for successful development and implementation of an MRA there needs to be a clear understanding of the specific needs and priorities of the community of potential signatories. In addition there needs to be an appropriate legislative framework in place within each sovereign territory which permits the designation of authorities endemic to an MRA. There also needs to be recognition of the importance of appropriate forums for discussion of all aspects of the MRA amongst the parties from the basic framework text to the operational phase and on-going management of the process.

- Establish an appropriate forum(s) to discuss and develop or adopt a framework MRA for conformity assessment of telecommunication equipment for the region(s).
- Survey the region(s) to identify telecommunication testing labs and their scope of accreditation; certification bodies and their scope of accreditation; testing labs capable of conducting interoperability testing of telecommunication products and systems and their portfolio of capabilities and services.
- Survey the region(s) to identify whether any of the members are already party to existing MRAs that should be taken into account or used as a basis in developing any new MRA. This may include acknowledgment of similar MRAs in other regions, and the consideration of whether relationships need to be formed between regions to enable mutual recognition between MRAs.
- Conduct a survey of the regulatory regimes in the region(s) and identify their coverage e.g. terminal attachment equipment, radio equipment, broadcast equipment, SAR, EMC and electrical safety.
- Survey the region(s) to identify the current state of legislation in telecommunication, broadcasting, radio communications and metrology law and identify if the legislation permits the necessary kinds of delegation of powers and authorities required for operation of an MRA. This delegation requires acceptance of test reports, calibration services, and certificates of compliance of telecommunication equipment from foreign Member States.
- Establish a pilot project in a selected region to put in place an MRA Management System and Database, and host organization to act as a coordinator and information centre for MRA signatories and repository of technical, operational and related sources of information in support of MRA operations.

²⁹ www.itu.int/en/ITU-T/C-I/conformity/Pages/Cschemes.aspx

Appendix 1 – Abbreviations

AB	Accreditation body
APEC TEL	Asia Pacific Economic Cooperation Telecommunications and Information Working Group
APLAC	Asia Pacific Laboratory Accreditation Cooperation
APT	Asia Pacific Telecommunity
ASTAP	Asia Pacific Telecommunity Standardization Program
ATU	African Telecommunications Union
BDT	Telecommunication Development Bureau of the ITU
C&I	Conformance and Inter-operability
CAB	Conformity Assessment Body
CASCO	ISO committee on conformity assessment
CB	Certification Body
CITEL	Inter-American Telecommunication Commission
DA	Designation Authority
EA	European co-operation for accreditation
EC	European Commission
EMC	Electro Magnetic Compatibility
IAAC	InterAmerican Accreditation Cooperation
IAF	International Accreditation Forum
ICT	Information and Communications Technologies
IEC	International Electrotechnical Commission
ILAC	International Laboratory Accreditation Cooperation
ISO	International Organization for Standardization
ITU	International Telecommunication Union
MRA	Mutual Recognition Agreement/Arrangement
NIST	National Institute of Standards and Technology
PAC	Pacific Accreditation Cooperation
PCC.I	Permanent Consultative Commission One
SDO	Standards Development Organization
TBT	Technical Barriers to Trade
TSB	Telecommunication Standardization Bureau of the ITU
WTDC	World Telecommunication Development Conference
WTO	World Trade Organization

Appendix 2 – Definitions

Accreditation body: authoritative body that performs accreditation

NOTE The authority of an accreditation body is generally derived from government.

(ISO/IEC 17000, 2.6)

Accreditation: third-party attestation related to a conformity assessment body conveying formal demonstration of its competence to carry out specific conformity assessment tasks

(ISO/IEC 17000, 5.6)

Attestation: issue of a statement, based on a decision following review, that fulfillment of specified requirements has been demonstrated

(ISO/IEC 17000, 5.2)

NOTE The resulting statement, sometimes referred to as a “statement of conformity”, conveys the assurance that the specified requirements have been fulfilled. Such an assurance does not, of itself, afford contractual or other legal guarantees.

Bilateral MRA: an MRA between two parties.

Certification: third-party attestation related to products, processes, systems or persons

NOTE Certification is applicable to all objects of conformity assessment except for conformity assessment bodies themselves, to which accreditation is applicable.

(ISO/IEC 17000, 5.5)

Conformity assessment body: body that performs conformity assessment services

NOTE 1 Examples include testing laboratories (including the manufacturer’s own in-house testing laboratory or an external independent laboratory) or a product certification body.

NOTE 2 An accreditation body (2.6) is not a conformity assessment body.

(ISO/IEC 17000, 2.5)

Conformity assessment: the process used to show that a product, service or system fulfills specified requirements.

Designating authority: a government authority or duly accepted competent body appointed by a party for the purpose of designating a conformity assessment body to perform conformity assessment procedures under an MRA.

Designation: the act by a designating authority of designating a conformity assessment body to perform Conformity Assessment Procedures under an MRA.

Dispute resolution: a process by which disagreements among the stakeholders may be resolved by appeal to the joint committee.

Joint committee: a committee of the parties established for the purpose of managing initiation and implementation of the MRA and dealing with on-going adjustments and any other matters related to the smooth operation of the MRA, including future changes and adjustments.

Multilateral MRA: an MRA among multiple parties.

Mutual Recognition Agreement: a formal legal commitment between parties for recognition of conformity assessment results for telecommunication equipment.

Mutual Recognition Arrangement: a voluntary arrangement (procedures and processes) between parties for recognition of conformity assessment results for telecommunication equipment.

Party: a body (private or public) that chooses to join an MRA.

Recognition: the acceptance of a designated conformity assessment body by a regulatory authority in the case of a regulatory MRA or duly authorized competent body in the case of a non-regulatory MRA.

Regulatory authority: an entity with legal authority responsible for telecommunication requirements.

Re-testing: a process whereby additional test results may be required to assure a party that a product or service is compliant.

Test results: results produced by a recognized accredited test laboratory for the purposes of demonstrating compliance with specified technical requirements

Appendix 3 – Bibliography

ISO/IEC 17000:2004 Conformity assessment – Vocabulary and general principles

ISO/IEC 17011:2004 Conformity assessment – General requirements for accreditation bodies accrediting conformity assessment bodies

ISO/IEC 17025:2005 General requirements for the competence of testing and calibration laboratories

ISO/IEC 17040:2005 Conformity assessment – General requirements for peer assessment of conformity assessment bodies and accreditation bodies

ISO/IEC 17043:2010 Conformity assessment – General requirements for proficiency testing

ISO/IEC 17065:2012 Conformity assessment – Requirements for bodies certifying products, processes and services

ISO/IEC Guide 68:2002, Arrangements for the recognition and acceptance of conformity assessment results

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