

## Conformity and Interoperability Training for SADC Region on Type Approval Testing for Mobile Terminals, Homologation Procedures and Market Surveillance

Tunis-Tunisia, 14-18 December 2015

### Market Surveillance and Enforcement

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### Market Surveillance

#### Purpose

- To ensure the ICT products placed on the market comply with all the requirements set out in the relevant legislation and regulations
- To ensure that ICT products placed on the market do not cause electromagnetic interference, harm the public telecommunications network, and endanger health, safety or any other aspect of protection of public interests
- To take necessary action (e.g. prohibitions, withdrawals, recalls) to stop the circulation of products that do not comply with all the requirements set out in the relevant legislation and regulations, to bring the products into compliance and to apply sanctions.



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## Market Surveillance

### Key Stakeholders

- Regulators
- Accreditation Bodies (ABs)
- Conformity Assessment Bodies (CABs)
- Manufacturers, importers, vendors and service providers



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## Market Surveillance

### Market Surveillance activities – *Regulators*

- Market surveillance mandates in place in legislation and regulations
- Processes and procedures in place to conduct market surveillance
- Monitor appointed/recognized Accreditation Bodies to ensure continued ISO/IEC 17011 compliance



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## Market Surveillance

### Market Surveillance activities – *Regulators(cont'd)*

- Monitor designated/recognized Certification Bodies (CBs) to ensure their continued compliance with ISO/IEC 17065
- Ensure that the designated/recognized CBs conduct appropriate market surveillance activities in accordance with ISO/IEC 17065



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## Market Surveillance

### Market Surveillance activities – *Regulators(cont'd)*

- Specify additional market surveillance tasks for designated/recognized CBs such as:
  - Conduct audit of X % of equipment they certified annually
  - CBs may use the following criteria to select audit samples:
    - past history of compliance
    - whether the sample comes from a new applicant
    - whether the sample is based on new technology
    - popularity of the technology
    - price of the sample relative to the average price of similar technology
    - potential harm to the network or people as a result of non-compliance



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## Market Surveillance

### Market Surveillance activities – *Regulators(cont'd)*

- Specify additional market surveillance tasks for designated/recognized CBs such as (cont'd):
  - CBs to have a plan that demonstrates how they intend to ensure that the minimum audit requirement of equipment certified by the CB will be met
  - CBs to notify their regulators by January 31 of each calendar year of all audits conducted in the previous calendar year.



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## Market Surveillance

### Market Surveillance activities – *Regulators(cont'd)*

- Specify additional market surveillance tasks for designated/recognized CBs such as (cont'd):
  - CBs to work with certificate holders to resolve cases of non-compliance to the extent possible. If the case of non-compliance cannot be resolved, the CB refers it to the regulator
  - CBs to report to their regulators of the resolutions of non-compliance and the non-compliant cases



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## Market Surveillance

### Market Surveillance activities – *Regulators(cont'd)*

- Monitor designated/recognized testing laboratories to ensure their continued compliance with ISO/IEC 17025
- Conduct audits on ICT equipment on the market based on
  - selective criteria
  - Complaints and incidence driven



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## Market Surveillance

### Market Surveillance activities – *Regulators(cont'd)*

- Liaise with border control department to track ICT equipment imported in their territories
- Consult with foreign regulators to share and discuss market surveillance results and experience



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## Market Surveillance

### Market Surveillance activities – *Accreditation Bodies*

- Maintain compliance with ISO/IEC 17011 by peer assessment as set out by ILAC for testing laboratories and IAF for certification bodies
- Ensure that the conformity assessment bodies which they had accredited remain compliant by reassessment and on-site surveillance according to ISO/IEC 17025 for testing laboratories and ISO/IEC 17065 for certification bodies



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## Market Surveillance

### Market Surveillance activities – *Conformity Assessment Bodies (CABs)*

- CBs to maintain compliance with ISO/IEC 17065
- CBs to conduct appropriate market surveillance activities in accordance with ISO/IEC 17065
- CBs to conduct specific tasks as requested by the regulators
- Testing laboratories to maintain compliance with ISO/IEC 17025



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## Market Surveillance

### Market Surveillance activities – *Manufacturers*

- To ensure that equipment sold in the regulator's territory continues to meet the applicable standards throughout its entire life cycle.
- To provide audit samples to the regulator and CB on a timely basis



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## Market Surveillance

### Audits

- Regulators, CBs and manufacturers conduct audits according to the regulators' requirements
- Audits can be random or targeted based on complaints or past surveillance results
- Audit samples may be obtained from:
  - the manufacturer
  - the domestic representative of a manufacturer or supplier
  - the importer or distributor
  - the marketplace



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## Market Surveillance

### Consultations on Market Surveillance Intelligence and Experience

- Sharing of information and consulting with other countries which have a market surveillance and enforcement program in place.
- Countries within the same region, sharing a common language and perhaps common spectrum management and frequency assignments for services
- Heads-up notice, or advance warning from collaborative partners on compliance problems with technologies and products which may have early deployment in a particular country or region.



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## Market Surveillance

### Consultations on Market Surveillance Intelligence and Experience (cont'd)

- Alert the collaborative partners to the potential for non-compliance of such products or technologies when they are deployed more broadly and therefore can be targeted for inspection and audit.
- The Administrative Cooperation Group on R&TTE (ADCO) is example of collaborative group in the European Community
- ADCO has MoU with the Federal Communication Commission (USA) and Industry Canada (Canada)



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## Market Surveillance

### Import Monitoring

- Regulators need to have a method to track the equipment imported into their territories.
- **“HS Code”** is a 6-digit standardized numerical method of classifying traded products developed and maintained by the World Customs Organization



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## Market Surveillance

### Import Monitoring

- A regulator through the appropriate department in its territory can assign the HS Code to the ICT equipment and through its customs department can monitor the ICT equipment which is imported into its territory.
- HS Codes can be used by the regulator to stop the equipment from entering its territory if the equipment is determined to be non-compliant



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## Enforcement

- **Revocation of certification , registration**
- **Recall**
- **Monetary penalties**
- **Forfeiture**
- **Border control**

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## Market Surveillance and Enforcement

Thank you

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