

Taller de Validación sobre Conformidad e Interoperabilidad para los países Miembros de COMTELCA

Tegucigalpa, Honduras, 7-9 Diciembre 2015

procedimientos para la definición, implementación y administración de acuerdos de reconocimiento mutuo



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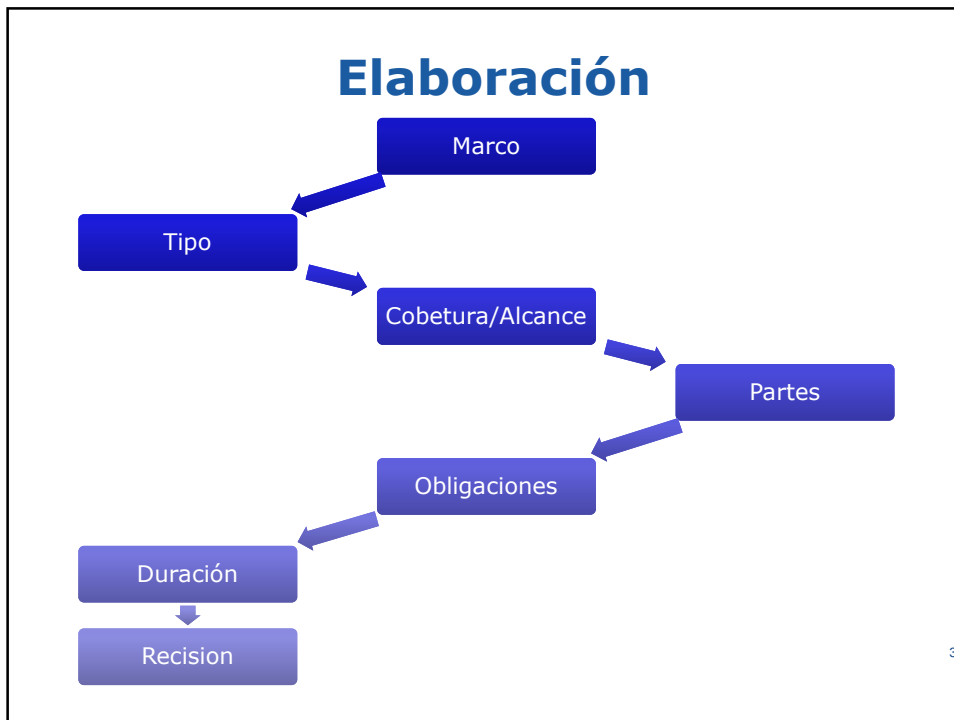
Agenda de la Presentación

1) Procedimientos para:

- **Elaboración**
- **Aplicación**
- **Gestión de ARM**

2) Ejemplo de un ARM





Elaboración

▪ Obligaciones dimanantes de un MRA

➤ Individuales

- Reconocimiento de la equivalencia de los resultados
- Reconocimiento de los organismos de evaluación de la conformidad
- El mantenimiento de los compromisos de confidencialidad
- Aceptación de responsabilidades civiles y jurídicas
- Establecimiento e participación en la gestión de ARM

➤ Colectivas

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Elaboración

▪ Duration and Disestablishment of MRAs

- Implementation dates and duration
- MRA can be disestablished in response to technological, regulatory or political changes – conditions to be specified in the MRA.



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Aplicación de un ARM

- Evaluación de conformidad
- Preparación de la fase de aplicación previa
- Creación de confianza y puesta en marcha
- **Determinación del alcance – Requisitos Técnicos y fases**
- Identificación de contactos
- Intercambio de información
- Identificación del anfitrión y el depositario de las firmas del ARM
- Nombramiento de las autoridades de designación
- Nombramiento de las autoridades de reglamentación
- Identificación de los organismos de acreditación
- Notificación de los organismos de evaluación de la conformidad
- Reconocimiento de los organismos de evaluación de la conformidad
- Creación de una comisión mixta
- Programa de seguimiento y control
- Experiencia adquirida de la aplicación de los ARM vigentes

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Aplicación de un ARM

- **Preparacion de la fase de aplicación previa**
 - Review, amend or develop legislation, regulations and procedures. It would take time and political will to make changes
 - Parties should cooperate in above processes to streamline implementation
- **Cobertura y Alcance**
 - Full coverage or limited coverage to gain experience and confidence



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Aplicación de un ARM

- **Reglamentación, estándares, y especificaciones**
 - Decision on set of regulations, standards and specifications to be offered to partners, this list can be amended upon mutual consent
 - Agreement on the list and exchange of information



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Aplicación de un ARM

- **Organismos de Acreditación**
 - Accreditation bodies should be ISO/IEC 17011 compliant and be signatories of ILAC MRA or IAF MLA
 - Parties appoint accreditation bodies within their territories
 - Parties can recognize foreign accreditation bodies if there are no accreditation bodies within their territories



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Aplicación de un ARM

■ Creación de confianza

- Exchange of conformity assessment results without mutual recognition to learn and understand each other's technical requirements and procedures
- Typically 6 to 12 months before formally entering into implementation.

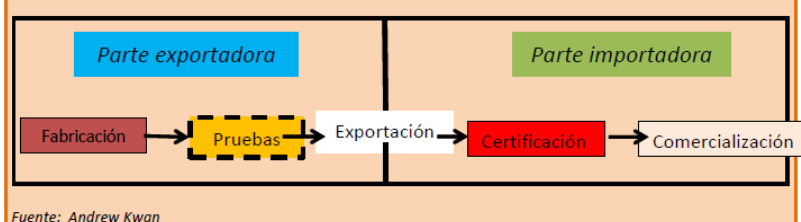


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Aplicación de un ARM

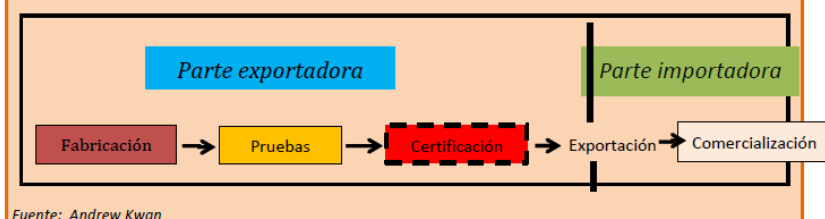
Determinación el Alcance

Figura 4: Fase 1 – Aceptación mutua de los informes de pruebas



Fuente: Andrew Kwan

Figura 5: Fase 2 – Aceptación mutua de las certificaciones



Fuente: Andrew Kwan

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Aplicación de un ARM

- **Identificación de contactos e de lo anfitrión del ARM**
 - MRA stakeholders include designating authorities, regulatory authorities, accreditation bodies, conformity assessment bodies and equipment manufacturers
 - To coordinate and facilitate implementation, each party has to nominate a contact person
 - In the regulatory sector, MRA hosts should be identified



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Aplicación de un ARM

- **Nombramiento de las autoridades de reglamentación**
 - Typically the regulatory authority is the regulator of the party
 - The regulatory authority may delegate this task to a competent body
 - One regulator should be nominated unless equipment under coverage is regulated under different regulatory authorities



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Aplicación de un ARM

■ Nombramiento de las autoridades de designación

- One or more designating authorities can be nominated and it is recommended to nominate only one designating authority
- Regulatory authority can assumed the role of designating authority

■ Identificación de los organismos de acreditación

- One or more accreditation bodies appointed within a party's territory
- Recognized accreditation bodies in foreign territories



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Aplicación de un ARM

■ Notificación de los OEC

- Party A of an MRA which has designated a conformity assessment body (cab) accredited to conduct conformity assessment meeting requirements of Party B, will notify the regulatory authority of Party B of this designation along with documentation and a request for recognition by Party B of this cab



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Aplicación de un ARM

■ Reconocimiento de los OEC

- If regulatory authority of Party B is satisfied with designation by Party A, it will notify the designating authority of Party A with its recognition
- Response to recognition requests typically within 3 months
- The recognized cab from Party A will be permitted to send conformity assessment results to regulatory authority of Party B



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Aplicación de un ARM

■ Creación de una comisión mixta

- Establish Joint Committee co-chaired by personnel from both parties
- Membership should include all MRA stakeholders
- Meets regularly or at the request of either parties



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Aplicación de un ARM

■ Programa de seguimiento y control

- Establish programs to monitor designated conformity assessment bodies to ensure their accreditations are up to date
- Establish programs to audit equipment tested or certified by designated conformity assessment bodies



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Aplicación de un ARM

■ Experiencia adquirida de la aplicación de los ARM vigentes

- Time taken to develop and implement MRA is longer than expected
- It is useful and beneficial to share assessors for accreditation
- It is necessary to establish program to monitor conformity assessment bodies
- Parties report good results and benefits from implementation
- It is expedient and useful to develop a Framework MRA for a region such as the Inter-American MRA for the America



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Gestión de un ARM

Comisión
Mixta

Organización
y Seguimiento
de los OEC

Gestión de los
datos

Terminación y
retirada de un
ARM

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Gestión de un ARM

■ Comisión Mixta (Comité de Expertos)

- Work by consensus
- Facilitate implementation
- Assist in dispute resolution
- Facilitate sharing of information
- Coordinate training and information programs to support implementation
- Sharing of results on the monitoring and surveillance of conformity assessment bodies



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Gestión de un ARM

- **Update and surveillance by accreditation bodies of conformity assessment bodies**
 - Surveillance activities
 - Reassessment (comprehensive as initial accreditation) visits
 - Responds to claims and complaints on accredited conformity assessment bodies
 - Extension of scope of accreditation



St Augustine, Trinidad and Tobago, 2-4 December 2014

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Gestión de un ARM

- **Management of data**
 - Information gathered prior to implementation, variation to the operation of the MRA and prior to termination of the MRA has to be compiled, organized and stored by each party
 - Parties can delegate this task to other organizations or join together to channel the information to one organization



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Gestión de un ARM

- **Termination and withdrawal from an MRA**
 - Remedial measures include
 - Contesting competence of a conformity assessment body and
 - Referral of any matter to the joint committee
 - Criteria for termination to be determined by both parties during development of the MRA
 - Parties which terminates its participation should ensure that after termination it continues to give effect to conformity assessment results accepted prior to termination



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ARM para Evaluación de la conformidad de Equipos de telecomunicaciones

MRA between governments

Uno Ejemplo

- Marcos y Contenidos de un ARM para equipos de Telecomunicaciones



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ARM para Evaluación de la conformidad de Equipos de telecomunicaciones

Marco

- **Cobertura:**
 - Equipment subject to mandatory telecommunication requirements
- **Alcance:**
 - Telecom, EMC and Electrical Safety
- **Fases:**
 - Phase I - acceptance of test results
 - Phase II - acceptance of equipment certification
- **Organismos de Evaluación de la Conformidad (OEC):**
 - Testing laboratories
 - Certification bodies
- **Competencia de los OEC:**
 - Determined using ISO/IEC Standards 17011, 17025, plus appropriate technical regulations



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Contenido

1	•Preamble
2	•Purpose of the agreement
3	•General Provisions
4	•Definitions and Interpretations
5	•Scope
6	•Designating Authorities
7	•Designation of CABs and Appointment of Accreditation Bodies
8	•Reconocimiento de OEC y aceptación Mutua de resultados
9	•Verification of CABs
10	•Commencing the Agreement and Initiating: Phase I or II
11	•Information Exchange
12	•Joint Committee
13	•Additional Provisions
14	•Confidencialidad
15	•Preservation of Regulatory Authority
16	•Tasas
17	•Amendment and Termination of Agreement
18	•Final Provisions

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MRA for Conformity Assessment of Telecommunications Equipment

Contents (cont'd)

- I. Appendix A
 - A. Common Requirements
 - B. Designation of Testing Laboratories
 - C. Designation of Certification Bodies
- II. Appendix B – Phase I procedures for mutual recognition of testing laboratories as CABs and mutual acceptance of test results
 - A. Scope
 - B. Designation and Recognition of CABs
 - C. Participation in Phase I Procedures
 - D. Transition Periods
 - E. Mutual Acceptance of Test Reports
 - F. Processing of Applications
 - G. Suspension of Mutual Recognition and Acceptance Obligations



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MRA for Conformity Assessment of Telecommunications Equipment

Contents (cont'd)

- III. Appendix C – Phase II procedures for mutual recognition of certification bodies as CABs and mutual acceptance of equipment certifications
 - A. A-G Same as above, except change Phase I to Phase II and testing to certification
- IV. Annexes I – Annexes IV
 - [Annex I](#) – List of the Technical Regulations for Each Participating Country
 - [Annex II](#) – List of Name and Address of Each Designating Authority and Accreditation Body for Each Participating Country
 - [Annex III](#) – List of Name and Address of Each CAB Designated by Each Participating Country
 - [Annex IV](#) – List of Name and Address of Each CAB or MRAs by AB Recognized by Each Participating Economy



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MRA for Conformity Assessment of Telecommunications Equipment

Contents (by paragraph)

Preamble

- Trade facilitation measure in support of the WTO Agreement on Technical Barriers to Trade (TBT) obligations.
- The agreement is not legally binding; however, it does infer certain rights and responsibilities for participating countries.
- Parties may exchange letters if useful.

1. Purpose of Agreement

- To provide for the mutual acceptance of other parties' CA results for a wide range of telecommunications equipment subject to mandatory requirements

2. General Provisions

- Introduces and brings into the agreement the designating and monitoring procedures in Appendices A, B and C



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MRA for Conformity Assessment of Telecommunications Equipment

Contents (by paragraph)

3. Definitions and Interpretations

- Introduces ISO/IEC Guide definitions and key definitions
- Technical regulations - means mandatory requirements

4. Scope

- agreement applies to the Technical Regulations listed by each participating party in ANNEX I – applies to network terminal attachment and other telecommunication equipment. Coverage includes Telecom equipment, EMC and Electrical Safety.



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MRA for Conformity Assessment of Telecommunications Equipment

Contents (by paragraph)



5. Designating Authority (DA)

- A government entity that designates, lists, verifies competence of, limits and withdraws designation of Conformity Assessment Bodies (CABs) within its jurisdiction.
- An independent accreditation body may be appointed to determine competence of CABs. The DAs and ABs will be listed in ANNEX II by each party.

6. Designation of CABs and Appointment of ABs

- Each DA (listed in ANNEX II) may designate CABs to perform conformity assessment activities to the other party's requirements.
- Designations must follow the procedures in Appendix A
- Mutual recognition agreements between accrediting bodies may be used, provided they follow Appendix A

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MRA for Conformity Assessment of Telecommunications Equipment

Contents (by paragraph)

7. Recognition of CABs and Mutual Acceptance of the Results of Conformity Assessment Procedures

- Under the procedures specified for Phase I and Phase II, a party (Regulatory Authority) will recognize CABs and accept the results performed by those CABs.

8. Verification of CABs

- Parties have the right to contest a CABs technical competence following due process procedures.
- The Joint Committee may become involved to assist in resolving the differences.



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MRA for Conformity Assessment of Telecommunications Equipment

Contents (by paragraph)

9. Commencing the Agreement and Initiating Participation in Phase I or Phase II Procedures

- Commencement date
- Each party must provide the other parties with certain information (Some countries may accomplish this through an exchange of letters.)

10. Information Exchange

- Technical regulations are listed in Annex I for each party. Changes to regulations must be publicly available.
- DA and AB (Annex II), designated CABs (Annex III), recognized CABs (Annex IV) must be kept current



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MRA for Conformity Assessment of Telecommunications Equipment

Contents (by paragraph)

11. Joint Committee

- Joint party established consisting of representatives from each party

12. Additional Provisions

- Each party will endeavor to use international standards as a basis for its technical regulations

13. Confidentiality

- A party, in accordance with applicable laws, will protect proprietary information.

14. Preservation of Regulatory Authority

- Each party retains all authority under its laws to interpret and enforce its technical regulations governing equipment covered by this Agreement.



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MRA for Conformity Assessment of Telecommunications Equipment

Contents (by paragraph)

15. Fees

- The parties will ensure that any fees charged will be non-discriminatory, transparent, and reasonable

16. Amendment and Termination of Agreement

- May be amended by mutual written consent of the participating parties
- A party may terminate its participation by giving 6 months notice

17. Final Provisions

- Agreement is inclusion of Appendices A-C and Annexes I-IV, with appendices taking precedence in cases of inconsistencies



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MRA for Conformity Assessment of Telecommunications Equipment

Contents (by paragraph)

Appendix A - Designation and Monitoring Requirements for CABs

- Specifies designation and monitoring rules for testing labs and certification bodies

A. Common Requirements

- DA may appoint Accreditation Bodies (AB) provided certain conditions are met, which includes the use of the relevant international standards/guides; i.e. ISO/IEC 17011, 17025 & 17065
- DAs encouraged to harmonize designation procedures
- ABs encouraged to participate in agreements between accreditation bodies



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MRA for Conformity Assessment of Telecommunications Equipment

Contents (by paragraph)

Appendix A - (continued)

B. Designation of Testing Laboratories (TL)

- A party may use one or more Designating Authorities or Accrediting Bodies to determine the competence of a laboratory to test equipment to the other party's technical regulations
- The DA or AB must be capable of meeting of ISO/IEC 17011
- The TL must be accredited to ISO/IEC 17025 to the appropriate scope and technical regulations
- The DA may require the TL to demonstrate competence through: Regional AB MRA, peer evaluations, proficiency testing or comparison between testing laboratories
- Each TL will have a 6 character identifier



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MRA for Conformity Assessment of Telecommunications Equipment

Contents (by paragraph)

Appendix A - (continued)

C. Designation of Certification Bodies (CB)

- A party may use one or more Designating Authorities or Accrediting Bodies to determine the competence of a body to certify equipment to the other party's technical regulations
- The DA or AB must be capable of meeting of ISO/IEC 17011
- The CB must be accredited to ISO/IEC 17065 to the appropriate scope and technical regulations using a team of technical experts to determine competence for each type of equipment and discipline.
- The CB must also be accredited to ISO/IEC 17025 and be capable of testing equipment for which it approves
- Sub-contracting per ISO/IEC 17065 permitted
- CB must establish an acceptable market surveillance program in accordance with ISO/IEC 17065
- Each CB will have a 6 character identifier established by the DA



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MRA for Conformity Assessment of Telecommunications Equipment

Contents (by paragraph)

Appendix B - Phase I Procedures for Mutual Recognition of Test Labs and Mutual Acceptance of Test Reports

1. Scope

- Specifies the procedure for mutual recognition of TLs and the acceptance of test reports relating to the technical regulations identified in ANNEX I for Phase I for each party

2. Designation and Recognition of CAB

- The DA of the exporting party accredits and designates CABs as being competent to test equipment subject to the technical requirements of the importing party listed in ANNEX I.
- The importing party (RA) upon receipt of the exporting parties designation will evaluate and recognize CABs in a fair and transparent manner. The Joint Committee may be used for the review process in cases of dispute.



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MRA for Conformity Assessment of Telecommunications Equipment

Contents (by paragraph)

Appendix B - (continued)

3. Participation in Phase I Procedures

- Details the appropriate ANNEXES that each party needs to complete

4. Transition Periods

- Establishes a procedure to build confidence with the aid of familiarization and training among participating parties



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**MRA for Conformity Assessment of
Telecommunications Equipment**
Contents (by paragraph)

Appendix B - (continued)

5. Mutual Acceptance of Test Reports

- Establishes a procedure for the fair and transparent handling of test reports by recognized CABs.

6. Processing of Applications

- Establishes timetable for processing applications

7. Suspension of Mutual Recognition and Acceptance Obligations

- Establishes procedure for suspension of MRA



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**MRA for Conformity Assessment of
Telecommunications Equipment**
Contents (by paragraph)

**Appendix C - Phase II Procedures for Mutual Recognition
of CBs and Mutual Acceptance of Equipment Certifications**

1. Scope

- Specifies the procedure for mutual recognition of CBs and the acceptance of approval of equipment meeting the technical regulations identified in ANNEX I for Phase I for each party

2. Designation and Recognition of CABs

- The DA of the exporting party accredits and designates CBs as being competent to approve equipment subject to the technical requirements of the importing party listed in ANNEX I. Consistent with paragraph 5.3 of the MRA, the DA may appoint an AB to accredit the CB for the procedures in Appendix A.



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MRA for Conformity Assessment of Telecommunications Equipment

Contents (by paragraph)

Appendix C - Phase II Procedures for Mutual Recognition of CBs and Mutual Acceptance of Equipment Certifications

2. Designation and Recognition of CABs(cont'd)

- The importing party (RA) upon receipt of the exporting parties designation will evaluate and recognize the CB in a fair and transparent manner. The Joint Committee may be used for the review process in cases of dispute.

3. Participation in Phase II procedures

- Details the appropriate ANNEXES that each party needs to complete

4. Transition Periods

- Establishes a procedure to build confidence with the aid of familiarization and training among participating parties



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MRA for Conformity Assessment of Telecommunications Equipment

Contents (by paragraph)

Appendix C - (continued)

5. Mutual Acceptance of Equipment Certifications

- Establishes a procedure for the fair and transparent handling of equipment certification produced by a recognized CBs.

6. Suspension of Mutual Recognition and Acceptance Obligations

- Establishes procedure for suspension of MRA



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Gracias!

