

**Purpose**

This contribution continues the discussion of developing a guideline document on market surveillance of telecommunications equipment that will capture the APEC TEL economies best practices in this area. This will allow for better and enhanced market surveillance collaboration among participating economies.

The draft market surveillance guidelines contained in this contribution is based on Canada's contribution presented at APEC TEL 41 May 2010 and the discussion that took place on that subject.

# **MARKET SURVEILLANCE GUIDELINES FOR TELECOMMUNICATIONS EQUIPMENT**

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## 1. General

It is the responsibility of manufacturers, importers, distributors and vendors to ensure that telecommunications equipment deployed in the marketplace of APEC TEL economies complies with applicable regulations.

This document provides guidelines for the development of market surveillance (MS) procedures that will allow Regulatory Authorities (RAs) and Certification Bodies (CBs) to verify that the telecommunications equipment deployed in the marketplace is compliant. This document also analyzes the different factors that come to play in market surveillance. This document does not address issues or activities related to enforcement.

## 2. Legislative provisions

Before adopting any MS procedures, Regulatory Authorities of APEC TEL economies should ensure that they have the legislative provisions in their Acts and Regulations to authorize them to carry out market surveillance activities, such as the right to request or purchase samples for testing and the right to take enforcement action for non-compliance with regulatory requirements.

## 3. Definitions

**“Certificate holder”**: For the purpose of this document, Certificate holder includes holders of telecommunications equipment certificates issued by a recognized CB or an RA.

**“Certification”**: The procedure by which a recognized CB or the RA gives written assurance that a product, process or service conforms to specified requirements.

**“Equipment”**: For the purpose of this document, equipment means a product or device that is authorized with a unique model number.

**“Telecommunications Equipment”**: For the purpose of this document, telecommunications equipment means radio equipment, broadcasting equipment, interference-causing equipment or terminal attachment equipment.

**“Market Surveillance”**: as described in this document, is an activity conducted to assess the compliance of regulated equipment deployed in the marketplace to applicable technical standards and labelling requirements.

**“Mutual Recognition Agreement/Arrangement (MRA)”**: The framework agreement that facilitates trade by streamlining conformity assessment procedures for a wide range of telecommunications equipment. This is achieved by the mutual recognition by the importing parties, of the competence of conformity assessment bodies and the acceptance of their test reports and/or certifications which show that a product conforms to the requirements of the importing party.

**“Responsible Party”**: A generic term for an entity such as the certificate holder, manufacturer, testing laboratory, certification body, supplier, distributor, service provider or importer that is responsible for the telecommunications equipment. The responsible party is the party which responds to inquiries, provides test samples, test reports, and/or quality control data upon request by the RA.

**“Specific Absorption Rate” or “SAR”**: A measure of the rate at which radio frequency (RF) energy is absorbed by the human body when exposed to a radio-frequency electromagnetic field. It is defined as the power absorbed per mass of tissue and has units of watts per kilogram (W/kg).

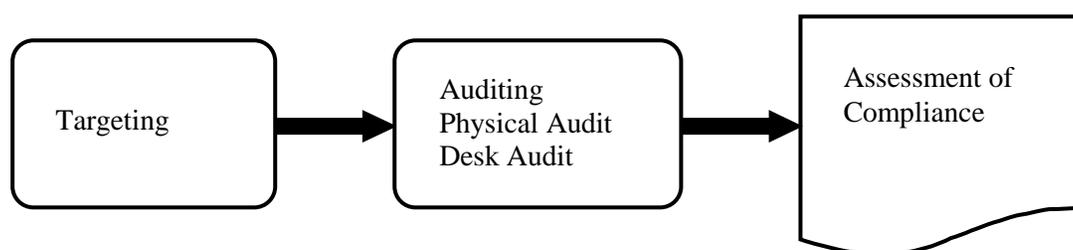
## 4. Market Surveillance

Market surveillance is conducted to assess the compliance of regulated telecommunications equipment deployed in the marketplace with applicable technical standards and markings during the entire life cycle of the equipment.

MS is also an essential tool in promoting the continued compliance of regulated equipment by:

- i. taking measures to check that products meet the established requirements;
- ii. requiring actions to be taken to bring non-compliant products into compliance; and
- iii. ensuring that sanctions are applied when necessary.

Market surveillance consists of three components: Targeting, Auditing, and Assessment of Compliance.



**Figure 4.0: The Three Components of Market Surveillance**

#### **4.1 Targeting**

The criteria used to select equipment for assessment of compliance should be such that it maximizes the chances of finding non-compliant equipment. The following are some criteria which may be considered:

- Complaints from competitors;
- Complaints from users;
- Information about the findings of other APEC TEL economies;
- Products employing new technologies;
- Past history of compliance;
- Popularity of a product (mass deployment);
- Price of the sample relative to the average price of similar technology;
- Potential harm/impact to network or people due to non-compliance.

#### **4.2 Auditing**

##### **4.2.1 Types of audits**

There are two types of audits that can be used for MS:

- i. Physical audits, and
- ii. Desk audits

Physical audits involve testing the equipment to verify compliance with the technical regulatory requirements of a specific Economy, while desk audits involve reviewing the equipment's technical brief in order to verify the quality of work performed by a CAB (CB or testing laboratory). Desk audits do not require any testing facility; however, if a non-compliance is found, a physical audit may be performed.

For physical audits a typical sample size is:

certain percent of equipment certified by each CB or RA;

The percentage of sample size for physical audit can be varied for different types of telecommunications equipments or product certification schemes in different Economies.

Targeting and auditing are typically conducted by CBs and by the RA of the Economy. In cases where the RA has certified the equipment, it should follow the same market surveillance process as applied to recognized CBs.

#### 4.2.1 Obtaining samples

There are various ways in which MS authorities can obtain samples. For example:

- i. Samples can be obtained from the manufacturer or the certificate holder of the certified product and should be samples drawn at random from production. Provision of samples upon request can be made a condition for the certification of the product.
- ii. In addition, RAs may audit samples obtained from the marketplace. These samples will typically be purchased and tested at the expense of the party conducting the surveillance.

### 4.3 Assessment of Compliance

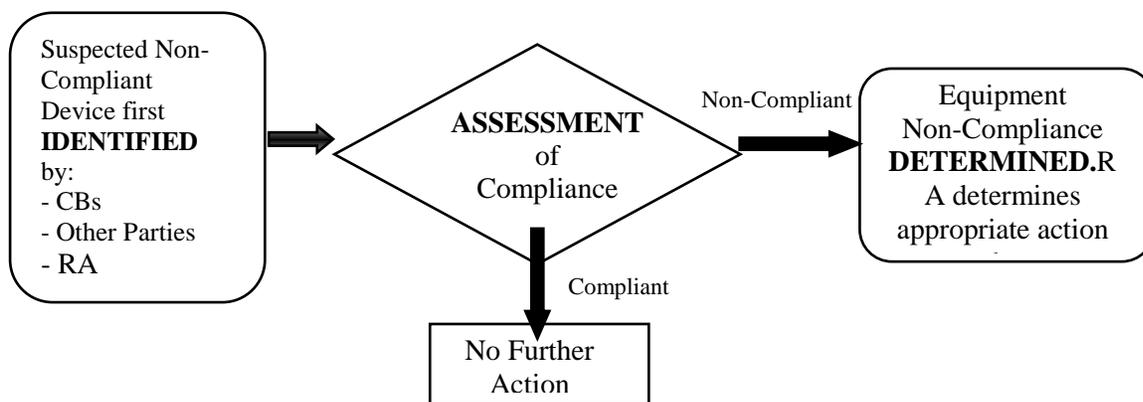
Tests conducted need not cover all parameters but should as a minimum cover those which have potential to cause interference, network harm or which may exceed limits for radiofrequency exposure.

#### 4.3.1 Process

If the results of the audit indicate that the subject equipment is non-compliant, the CB, or RA if the RA has conducted the surveillance, should work with the responsible party with the aim of resolving the non-compliance. The responsible party may be required to submit additional information such as data from the manufacturer's quality control program, as well as an action plan. It may be appropriate to test additional samples to confirm the non-compliance.

#### 4.3.2 Notification of Non-compliance to the RA

The CB, in accordance with applicable procedures specified by the Economy, should notify the RA as soon as non-compliance is found. If it is not resolved in accordance with applicable RA procedures, the RA may take further action to declare that the equipment is non-compliant and cannot be used or sold in its territory.



### **Figure 4.3.2.1 Sequence flow from non-compliance identification to determination**

#### **5. Market Surveillance of Products Sold on the Internet**

It should be conducted by CABs, DA or RAs in each economy and can be especially useful Internet buyers may not know the regulatory restrictions of some telecommunications equipment and it is often not clear where the equipment can be legally marketed and used. Once an Internet site promoting the selling of a non-approved or non-compliant product is identified, actions can be taken by the government.

#### **6. Collaboration with Affected Parties**

When as a result of performing market surveillance there is a finding of non-compliance, before taking any action, it is important to give information and advice to the affected parties, such as the manufacturer, importer or retailer. If the affected party is cooperative, a good practice would be to give the party the opportunity to correct the finding and potentially avoid or minimize RA sanctions.

#### **7. Sharing Non-public Information**

Any collaboration amongst APEC TEL economies in the area of market surveillance may include the sharing of non-public information. Some examples of information, which may be non-public information, are:

- MS test results
- Product complaints
- Data related to volume of products manufactured and distributed.

In order to permit the sharing and exchange of such information, the parties involved should protect the non-public information in a manner that is consistent with applicable legislation or regulations. The information exchanged should only be used by the parties for the purpose of market surveillance and not for any other purpose. Some APEC TEL economies may require entering into special arrangement (i.e. MoU) in order to allow for the sharing of non-public information.

## **Appendix A: List of Acronyms and Abbreviations**

APEC - Asia Pacific Economic Cooperation

CAB – Conformity Assessment Body

CB – Certification Body

MRA – Mutual Recognition Agreement/Arrangement

MS – Market Surveillance

RA – Regulatory Authority

RF – Radio Frequency

SAR – Specific Absorption Rate

## **Appendix B: References**

ISO/IEC 17065 General Requirements for Bodies Operating Product Certification Systems

ISO/IEC 17025 General Requirements for the competence of testing and calibration laboratories

## **Appendix C: Responses to the Questionnaire on Market Surveillance of Telecommunications Equipment**

### **Introduction**

At the MRA Task Force Meeting in May 2010, the MRA TF approved a proposal from Canada to send a questionnaire to all the APEC economies regarding their market surveillance activities. The purpose of the questionnaire was to collect information on the current market surveillance practices in the area. The information gathered, will be used to develop a guideline or a best practices document for the APEC economies.

Between TEL 49 and TEL 50, MRATF collected updated market surveillance information from member economies again in Aug 2014.

### **Purpose**

The purpose of this survey is to develop a market surveillance guideline based on the collected information.

### **Report on Market Surveillance Activities of APECTEL economies**

The questionnaire, on which this report is based, was divided into four market surveillance (MS) aspects for telecommunications equipment:

- 1) Overall MS Framework
- 2) Testing
- 3) Enforcement
- 4) Collaboration

The following table shows updated the responses of MS from the different economies:

	Overall MS Framework	Testing	Enforcement	Collaboration
<b>Brunei Darussalam</b>	<ol style="list-style-type: none"> <li>1) Brunei does not have in place a MS program for telecommunications equipment.</li> <li>2) Brunei is interested in developing a MS guideline document.</li> <li>3) The RA does not have the mandate to carry out MS activities but it is interested in implementing a MS program.</li> <li>4) Authority for Info-communications Technology Industry of Brunei Darussalam is in charge of the MS of telecommunications equipment.</li> <li>5) The RA do have legal authority to take action when non-compliant equipment is identified.</li> </ol>	Currently Brunei does not test equipment for MS purposes due to we do not have resources and we do not have test equipment.	1) In the case of non-compliance of a product, early approach is to give notification for equipment removal from sales premises, warning will be issued if failure to comply which later will result in legal action to be taken.	<p><b>Present Collaboration</b></p> <p>Brunei does not share MS information with other economies.</p>
<b>Canada</b>	Market surveillance in Canada is an activity conducted to assess the compliance of regulated equipment deployed in the Canadian marketplace with the applicable Industry Canada (IC) technical standards, technical specifications and markings throughout the equipment's entire life cycle. These requirements are designed to prevent radiocommunication interference, protect Canadian	<p><b>1) Testing samples criteria</b></p> <p>(a) the manufacturer's history of compliance;</p> <p>(b) whether the sample comes from a new applicant;</p> <p>(c) whether the sample is based upon new technology;</p> <p>(d) popularity (mass deployment) of the technology;</p>	<p>Enforcement Actions include issuance of tickets; charges; injunctions; suspension or revocation of licenses and forfeiture of equipment.</p> <p>Injunctions, issued by the Federal Court, are initiated by IC inspectors contacting the Department of Justice through an</p>	<p><b>Present Collaboration</b></p> <p>Canada shares some MS information with other economies.</p> <p><b>Future Collaboration</b></p> <p>Canada is interested in the exchange of MS information, including non-conformity information.</p>

	Overall MS Framework	Testing	Enforcement	Collaboration
	<p>public telecom networks and ensure the safety of users and of personnel at telecommunications facilities.</p> <p>Market surveillance activities in Canada involve three components: targeting, auditing, and assessment of compliance.</p> <p>Certification Bodies (CB) and IC conduct annual targeting and auditing for a small sample of regulated equipment. The onus is placed on CBs to work with certificate holders to resolve cases of suspected non compliance to the extent possible. If the CB is unable to resolve a case of suspected non-compliance, the case is referred to IC for resolution.</p>	<p>(e) price of the sample relative to the average price of similar technology; and (f) potential harm/impact to network or people due to non-compliance.</p> <p><b>2) Sample size</b> The number of samples to be audited by the CB in a given year is based on a minimum of 5 % of the total number of products certified and a minimum of 1% of the products certified subject to SAR. This 1 % SAR audit can be part of the 5 % audit in if the audited equipment requires testing for both radio and SAR parameters.</p> <p><b>3) Frequency of audits</b> Audits are conducted continually throughout the year, with the total cumulative goal of 5% and 1% minimum for SAR of the number of products certified/registered by the entity.</p> <p><b>4) Verification of non-compliance</b></p>	<p>affidavit including a report of non-compliance. They can be used to stop the infraction. When receiving an injunction responsible parts are legally obligated to honor it. An injunction can be also accompanied by the suspension (temporary) or revocation (permanent) of a radio authorization (given by the Minister of Industry).</p> <p>A revocation is applied when either the infraction continued, it is deliberate or harms others; or if a suspension did not change the situation, or if the infraction is part of a criminal activity. Forfeiture and equipment seize are done, through entry warrant due to infractions to the Acts and regulations.</p>	

	Overall MS Framework	Testing	Enforcement	Collaboration
		<p>In the case a non-compliant equipment is found, additional samples are evaluated if it is a SAR non-compliance. For other non-compliance conditions, a decision is made on a case by case basis.</p> <p><b>SAR testing, testing facilities and cost of testing</b>  1% of the equipment is tested for SAR. The RA in charge of MS has specific SAR testing facilities. The cost of the testing of all MS is covered by the entity that runs the tests (i.e. either the RA or CB). The responsibility of the cost does not depend on the compliance of the device.</p> <p><b>Notification:</b> In the case of non-compliance, Industry Canada takes enforcement actions:</p> <ol style="list-style-type: none"> <li>1) Notifies affected stakeholders and tries to resolve non-compliance.</li> <li>2) Issues Public notice to all affected parties (including the</li> </ol>		

	Overall MS Framework	Testing	Enforcement	Collaboration
		<p>general public) when a wireless device is determined to be non-compliant with RF exposure requirements and the responsible parties have not taken sufficient action (such as a voluntary recall, for example) within 15 days of Industry Canada's written notification to these parties.</p>		
<b>China</b>	<ol style="list-style-type: none"> <li>1) It has a MS program for telecommunications equipment in place.</li> <li>2) It is interested in developing a MS guideline document.</li> <li>3) The RA has the mandate to carry out MS activities.</li> <li>4) The RA has legal authority to take action when non-compliant equipment is identified.</li> </ol>	<ol style="list-style-type: none"> <li><b>1) Testing samples criteria</b> China conducts testing for the purpose of MS in accordance with relevant laws and regulations.</li> <li><b>2) Sample size</b> China's MS procedures do not specify a sample size.</li> <li><b>3) Frequency of Audits</b> Audits are conducted randomly.</li> <li><b>4) Verification of non-compliance</b> In the case a non-compliant equipment is found, normally one more sample of the same model is tested to verify compliance.</li> <li><b>5) SAR testing, testing facilities and cost of testing</b></li> </ol>	<p>Enforcement actions are taken in accordance with relevant laws and regulations.</p>	<p>No answer for present and future collaboration</p>

	Overall MS Framework	Testing	Enforcement	Collaboration
		China tests equipment for RF exposure but does not have an established percentage of testing for SAR. The RA in charge of MS has specific SAR testing facilities. There is no answer regarding who covers the costs for SAR testing in China, however, the responsibility of the cost does not depend on the compliance of the device.		
<b>Hong Kong- China</b>	<ol style="list-style-type: none"> <li>1) It does not have a MS program for telecommunications equipment.</li> <li>2) It is interested in developing a MS guideline document.</li> <li>3) The RA has the mandate to carry out MS activities.</li> <li>4) The RA has legal authority to take action when non-compliant equipment are identified.</li> </ol>	There is currently no market surveillance scheme in force. However, subject to the request of the Regulatory Authority, OFTA, foreign certification bodies (FCBs) recognized under the APEC TEL MRA shall perform post-certification surveillance activities for products certified by them. Local certification bodies recognized by OFTA act on complaints and carry out tests on certified products which are suspected to cause interference with licensed services or don't comply with relevant standards. OFTA will also hire third party testing services to do compliance testing of	Enforcement actions such as raid operation will be conducted from time to time to seize illegal telecommunications equipment, which do not comply with technical specifications, particularly the band plan of Hong Kong or equipment that are being used without valid license. As to the equipment manufactured to standards prescribed by the Telecommunications Authority (TA), but subsequently found to be non-compliant, the manufacturers or vendors will be warned	<p><b>Present Collaboration</b> As MS is not mandatory in Hong Kong, presently, the country does not share any information regarding MS with other economies.</p> <p><b>Future Collaboration</b> Hong Kong is interested in sharing MS information with other economies although it may not have the relevant information to exchange with.</p>

	Overall MS Framework	Testing	Enforcement	Collaboration
		<p>samples of certain telecommunications equipment or equipment modules on an ad hoc basis against relevant standards. OFTA will use the test results to facilitate regulatory considerations, such as determining whether the equipment concerned should be exempted from licensing or governed by a new licensing regime.</p> <p>Hong Kong did not answer if the regulator has test facilities to test SAR.</p>	<p>and requested to resolve the compliance problem, and perhaps recall the products. If the equipment concerned is a certified one, the certification body responsible for certifying the product is also required to follow up with the manufacturer/vendor. Most often, OFTA would not take enforcement actions against manufacturers/vendors concerned, unless they do not resolve the problem to OFTA's satisfaction by a specified date.</p>	
<b>Indonesia</b>	<ol style="list-style-type: none"> <li>1) It has MS program for telecommunications equipment.</li> <li>2) Ministry of Communication and Information Technology has issued a ministerial decree concerning post market surveillance in March 2012</li> <li>3) It is interested in developing a MS guideline document.</li> <li>4) The RA and/or CB have the mandate to carry out MS activities.</li> </ol> <ol style="list-style-type: none"> <li>1) 4) The RA has legal authority to take action when</li> </ol>	<p>Indonesia test equipment for MS purposes since 2013 but it test equipment for major parameter of technical requirements. However, it does not test equipment for electrical safety, EMC and SAR compliance with a reason that local CBs do not have testing capabilities for electrical safety, EMC and SAR measurements.</p> <p>Testing samples criteria:</p> <ol style="list-style-type: none"> <li>(a) the manufacturer's history of compliance;</li> </ol>	<p>Action taken for non-compliance ranges from:</p> <ol style="list-style-type: none"> <li>1) request for correctional measures from the supplier/manufacturer, to</li> <li>2) suspension or revocation of certification or</li> <li>3) recall of equipment.</li> </ol> <p>Further, legal action would include fine not more than Rp. 200 Million (US\$ 16,667) or</p>	<p>Present Collaboration</p> <p>Presently, the country does not share any information regarding MS with other economies.</p> <p>Future Collaboration</p> <p>Indonesia is interested in sharing MS information with other economies.</p>

	Overall MS Framework	Testing	Enforcement	Collaboration
	non-compliant equipment is identified.	(b) whether the sample comes from a new applicant; (c) new technology; (d) popularity; (e) significant price difference; and (f) potential harm/impact to network or people due to non-compliance 2) Sample size 1) The number of samples to be audited by the RA/CB in a given year is 3 units.	a jail term of not more than 2 years or both.	
<b>Japan</b>	Japan MIC has in place a Market Surveillance (MS) program for telecommunications equipment. MIC have the mandate to carry out market surveillance activities?	MIC tests equipment for the purpose of market surveillance. Random sampling so as not to cause bias of category and Certification Body. Audits conducted once a year. The percentage of equipment is tested for specific absorption rate (SAR) compliance differs from year to year. In FY2013, MIC tested 17% of the surveyed equipment for SAR.	The Radio Law provides the following enforcement actions. - The Minister may order those who have been given the technical regulations conformity certification to report on the specified radio equipment. - The Minister may prohibit a certified dealer from affixing the mark. - The Minister may order a certified dealer to take measures to improve. - etc.	MIC doesn't share market surveillance information with other economies. MIC has interest in market surveillance activity exchange of information, including non conformity information
<b>Korea</b>	It has a MS program for broadcasting and	Testing samples criteria Korea conducts MS	Enforcement actions are taken on a case by	Korea shares diverse information about MS

	Overall MS Framework	Testing	Enforcement	Collaboration
	<p>telecommunication equipment in place</p> <p>It is interested in developing a MS guideline document</p> <p>The MSIP(RRA) has the mandate to carry out MS activities</p> <p>The MSIP(RRA) has legal authority to take action when non-compliant is identified</p>	<p>testing and the criteria for selecting samples are a variety of methods:</p> <p>Equipment to protect national Infrastructure network and to ensure the safety of the people, device used in everyday life by the majority of the people, equipment raised a number of or repeated complains, etc.</p> <p>Samples obtaining Samples obtaining for MS to purchase commercially available products under government's budget or to require certificate holders to submit samples.</p> <p>Sampling Inspection Test the product of over 3% from the total conformity assessment amount.</p> <p>Sample size Korea does not have a sample size specified in its MS procedures.</p> <p>Frequency of Audits Audits are conducted throughout the year as time and budget permit.</p>	<p>case basis.</p> <p>-case where conformity assessment is not marked then cancel.</p> <p>-case of when received conformity assessment falsely or in some illegal method then cancel</p> <p>-etc.</p> <p>CB'S perform market surveillance relates to radio wave act(article 58-11,71-2), notification(No 22), etc.</p> <p>The laws of MS are online at <a href="http://www.rra.go.kr">www.rra.go.kr</a></p>	<p>with other economies.</p>

	Overall MS Framework	Testing	Enforcement	Collaboration
		<p>Non-compliance fact checking If non-conformance is identified by market surveillance test results, confirm the fact to the party(receiving party conformity assessment) and collect the consent paper.</p> <p>Appeal acceptance -shall be accepted if receiving party conformity assessment raises the complain on market surveillance test results -judge the validity of test results by applying statistical methods prescribed in “interpretation of CISPR tolerance limits of electromagnetic interference” of the standards of each suite. -the cost (the provision of additional samples and test costs) are borne to complainer in case of the objection.</p>		
<b>Malaysia</b>	<p>1) It does not have a MS program for telecommunications equipment.</p> <p>2) It is interested in developing a MS guideline document.</p> <p>3) The RA has the mandate to</p>	<p>Malaysia does not test equipment for MS purposes but it test equipment for RF exposure. However, it does not test equipment for SAR compliance, being</p>	<p>Enforcement is based on complaints. Action taken for non-compliance ranges from: 1) request for correctional measures from the</p>	<p><b>Present Collaboration</b> Presently, the country does not share any information regarding MS with other economies.</p> <p><b>Future Collaboration</b></p>

	Overall MS Framework	Testing	Enforcement	Collaboration
	<p>carry out MS activities.</p> <p>4) The RA has legal authority to take action when non-compliant equipment is identified.</p>	<p>the reason that the Regulatory Authority does not have any kind of testing facilities and local CBs do not have SAR testing capabilities.</p>	<p>supplier/manufacturer, to</p> <p>2) cancellation of certification or 3) recall of equipment. Further, legal action would include fine not more than RM300 000 (~US\$90 000) or a jail term of not more than 3 years or both.</p>	<p>Malaysia is interested in sharing MS information with other economies.</p>
<b>Philippines</b>	<p>1) It does not have a MS program for telecommunications equipment.</p> <p>2) It is interested in developing a MS guideline document.</p> <p>3) The RA has the mandate to carry out MS activities.</p> <p>4) The RA has legal authority to take action when non-compliant equipment is identified.</p>	<p>Presently, Philippines does not conduct testing for the purpose of MS.</p> <p>The Philippines does not test equipment for RF exposure and the reason is that the country does not have test equipment and knowledgeable personnel to do SAR testing.</p>	N/A	<p>No answer for present and future collaboration</p>
<b>Singapore</b>	<p>1) Singapore has a MS program for telecommunications equipment in place.</p> <p>2) It is neutral with respect to developing a MS guideline document.</p> <p>3) The RA, IDA Singapore has the mandate to carry out MS activities.</p> <p>4) The RA has legal authority to take action when non-compliant equipment is identified.</p>	<p><b>1) Testing samples criteria</b> Singapore conducts testing for the purpose of MS.</p> <p><b>2) Sample size</b> Procedures for MS do not specify a sample size, as MS is done based on complaints and random check.</p> <p><b>3) Frequency of audits</b> Audits are conducted randomly.</p>	<p>Enforcement actions range from warning, financial penalty to suspension and/or cancellation of licenses.</p> <p>Post market surveillance is one of the obligations CABs recognized by IDA have to comply with. When non-compliance is found by CABs, they must immediately</p>	<p><b>Present Collaboration</b> There is no specific arrangement right now.</p> <p><b>Future Collaboration</b> Singapore said the future collaboration will depend on circumstances that it did not clarify.</p>

	Overall MS Framework	Testing	Enforcement	Collaboration
		<p><b>4) Testing for RF exposure</b>  This testing is required and performed in Singapore, but not by the RA.</p> <p><b>5) SAR testing, testing facilities and cost of testing</b>  Only mobile phones are tested for SAR. If an equipment is found non-compliant, no more samples of that model is being tested. IDA, the RA does not have testing facilities. All testing is done by private CABs recognized by IDA. It is mandatory for every equipment supplier to provide IDA with the relevant technical specifications of the equipment to be registered for evaluation. Thus, it is the duty of the suppliers to send their equipment for testing. The cost of the test, which does not depend on the compliance of the equipment, is covered by the corresponding manufacturer, dealer or</p>	inform IDA.	

	Overall MS Framework	Testing	Enforcement	Collaboration
		supplier.		
<b>Chinese Taipei</b>	<ol style="list-style-type: none"> <li>1. It has a MS program for telecommunications equipment in place.</li> <li>2. It is interested in developing a MS guideline document</li> <li>3. The RA (NCC) has the mandate to carry out MS activities</li> <li>4. The RA has legal authority to take action when non-compliant equipment is identified.</li> </ol>	<ol style="list-style-type: none"> <li><b>1. Testing samples criteria</b> The NCC conducts MS testing and the criteria for selecting samples are a variety of methods, including but not limited to: <ul style="list-style-type: none"> <li>• random samples,</li> <li>• customer complaints,</li> </ul> <p>The NCC RCBs are also required to perform MS following RCBs' own testing plan.</p> </li> <li><b>2. Sample size</b> The NCC does not have a sample size specified in its MS procedures.  These NCC RCBs will audit a minimum of 5% of the total amount of products they certify in a given year.</li> <li><b>3. Frequency of Audits</b> Audits are conducted throughout the year as time and budget permits.</li> <li><b>4. Verification of non-compliance</b> For non-compliance equipment is found, a</li> </ol>	<p><b>Notification:</b> Notifies affected applicants and tries to resolve non-compliance. Issues Public notice when the non-compliant not be resolved.</p> <p><b>Enforcement Actions:</b></p> <ol style="list-style-type: none"> <li>1) Enforcement actions <ul style="list-style-type: none"> <li>- NCC or CAB to rescind the certificate</li> <li>- Fines</li> <li>- Distributor to recall products</li> </ul> </li> </ol>	Chinese Taipei is interested in sharing MS information with other economies.

	Overall MS Framework	Testing	Enforcement	Collaboration
		<p>decision is made on a case by case basis.</p> <p><b>5. SAR testing, testing facilities and cost of testing</b>  SAR testing is not a mandatory item in MS program.  NCC has annual budget for conduct MS including subcontract SAR testing in CAB. NCC RCBs conducted all testing in their contracted lab and CABS covers the cost of testing.</p>		
<b>Thailand</b>	<ol style="list-style-type: none"> <li>1) Random inspection of documents proving compliance with conformity assessment regime</li> <li>2) Inspection of activities required by conformity assessment regulations (e.g. product labelling, compliance statement in product manual, etc.)</li> <li>3) Inspection/investigation as per customer complaints</li> <li>4) Random inspection of base station according to RF exposure safety standard</li> </ol>	<ol style="list-style-type: none"> <li>1) Testing for conformity assessment (Type approval) : before importing</li> <li>2) Testing for market surveillance : random inspection/testing as per importing lot at importing site prior to be put into market</li> <li>3) investigation/testing as per customer complaints</li> </ol>	<p>The enforcement actions are taken according to present laws:</p> <ul style="list-style-type: none"> <li>- issue warnings</li> <li>- suspension of relevant licenses</li> <li>- fines</li> <li>- taking legal action</li> </ul>	<p>NBTC has granted testing licenses to two domestic third-party laboratories (PTEC and EEI) to conduct compliance testing for telecommunications equipment.</p>
<b>USA</b>	<ol style="list-style-type: none"> <li>1) It has a MS program for telecommunications equipment in place.</li> <li>2) It is interested in developing a MS guideline</li> </ol>	<p><b>1) Testing samples criteria</b>  The US conducts MS testing and the criteria for selecting samples</p>	<p>Enforcement actions are taken on a case by case basis. They may include but are not limited to making the</p>	<p><b>Present Collaboration</b>  The USA shares MS information with other economies.  <b>Future Collaboration</b></p>

	Overall MS Framework	Testing	Enforcement	Collaboration
	<p>document</p> <p>3) The RA (FCC) has the mandate to carry out MS activities</p> <p>4) The RA has legal authority to take action when non-compliant equipment is identified.</p>	<p>are a variety of methods, including but not limited to:</p> <ul style="list-style-type: none"> <li>• random samples,</li> <li>• sample requests based on paper review of applications,</li> <li>• customer complaints,</li> <li>• past experience with applicant,</li> </ul> <p>CB's are also required to perform market surveillance. CBs are given guidance but leeway to setup their own procedures.</p> <p><b>2) Sample size</b> The US does not have a sample size specified in its MS procedures.</p> <p><b>3) Frequency of Audits</b> Audits are conducted throughout the year as time and budget permits.</p> <p><b>4) Verification of non-compliance</b> In the case a non-compliant equipment is found, generally, a second sample is not requested, but it is an option. In some cases grantees will indicate a failing sample is malfunctioning and request to have another sample tested.</p>	<p>responsible parties fix the problem, stopping the marketing of the product, confiscating equipment, monetary sanctions, etc.</p> <p>CB's perform market surveillance in addition to the regulator. The guidelines for CB market surveillance are online at <a href="http://www.fcc.gov/labhelp">www.fcc.gov/labhelp</a> in FCC Knowledge database publication number 610077.</p>	<p>The USA is interested in the exchange of MS information, including non conformity information.</p>

	Overall MS Framework	Testing	Enforcement	Collaboration
		<p><b>5) SAR testing, testing facilities and cost of testing</b></p> <p>The goal is to test for SAR, 1 to 2% of devices granted annually and perform a paper audit of 20%.</p> <p>The RA in charge of MS is the FCC, it has specific SAR testing facilities. For the products the FCC tests, the FCC covers the cost of testing and the responsibility of the cost does not depend on the compliance of the device.</p>		
<b>VIETNAM</b>	<p>1) It has a MS program for telecommunications equipment (in conformity assessment regulation).</p> <p>2) It is interested in developing a MS guideline document.</p> <p>3) The RA has the mandate to carry out MS activities.</p> <p>4) The RA has legal authority to take action when non-compliant equipment are identified</p>	<p><b>1) Testing samples criteria</b></p> <p>Vietnam tests equipment for the purpose of market surveillance.</p> <p>The criteria used to select equipment for MS purposes are based on:</p> <ul style="list-style-type: none"> <li>- Point-check basic, and</li> <li>- Complaints from consumers or requests from competent agencies (e.g. general MS agency for all goods/products).</li> </ul> <p><b>2) Sample size</b></p> <p>Procedures for MS do not specify a sample size.</p> <p><b>3) Frequency of Audits</b></p> <p>Audits will be for validation</p>	<p>1) Enforcement actions range from</p> <ul style="list-style-type: none"> <li>- CAB to withdraw the certificate.</li> </ul> <p>2) Certification Bodies (CB) do perform MS of telecommunications equipments that granted certificates.</p>	<p>Vietnam shares information regarding MS and it is interested in keeping doing so in the future.</p>

	Overall MS Framework	Testing	Enforcement	Collaboration
		of certificates every 12 month scheduled or unscheduled. <b>4) Verification of non-compliance</b> No requirements. <b>5) SAR testing, testing facilities and cost of testing</b> No requirements.		