

Example of using Recommendation L to realize the proposal in WTO NAMA submission TN/MA/W/119, conformity option a)

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1. Introduction

Discussions in WTO regarding Non-Tariff Barriers (NTB) for electronic goods related to technical regulations for placing products on Members' markets are ongoing as part of the negotiations on Market Access for Non-Agricultural Products (NAMA). Two proposals have been submitted:

- TN/MA/W/119 dated 9 September 2009 by the European Communities and Switzerland
- TN/MA/W/105/Rev.2 dated 15 September 2009 by the United States

Both of these proposals are restricted to requirements for Safety and Electro Magnetic Compatibility of products within their scope. Note that this may not be sufficient for placing products on national markets (radio products generally also need to comply with certain radio requirements, and furthermore environmental requirements are increasingly being applied in some countries).

The WTO NAMA negotiations are still ongoing, thus the outcome is not clear yet.

Recommendation L with its elements for Common Regulatory Objectives (CRO) may usefully be applied to results of the NAMA NTB discussions. It can be applied in two ways:

- Full application of Recommendation L resulting in CROs, i.e. harmonization of technical regulations among a number of Countries to achieve free movement of products complying the CROs;
- Partial application of Recommendation L, i.e. application of the regulatory model in individual countries but with no formal commitment for free movement with other countries.

In order to visualize the complementary aspects of the International Model and ongoing WTO NAMA work on NTB, this document gives two examples of products taken from the proposed CRO in the “Telecom Initiative”, namely “PC” and “IMT-2000”. The proposal given in TN/MA/W/119 is used as reference.

2. Conformity Assessment Options in TN/MA/W/119

Document TN/M;A/W/119 includes alternative ways for Conformity Assessment. These Conformity Assessment procedures are shown in the Annex to this document. The procedure that is relevant for this example – in line with that given in the CROs of the Telecom Initiative – is Option **A** (in blue on the picture).

3. Example – Use of Recommendation L based on the Telecom Initiative for PC and IMT-2000 equipment

3.1. General and Common aspects valid for ICT Equipment

3.1.1. Scope

This Common Regulatory Objective (CRO) is applicable to Information and Communications Technology (ICT) equipment, as defined in Clause 2 (*Note: clause 3.1.2 in this example*).

A CRO is structured in 2 parts:

Part 1: The present document (p.3.1) is Part 1 for all ICT equipment CROs and specifies the common and general requirements needed to satisfy the regulatory objectives of the participating Countries.

Part 2: Part 2 of each ICT equipment CRO specifies, for that type of ICT equipment, the specific requirements needed to satisfy the regulatory objectives of the participating Countries.

The validity of a CRO is only achieved with the full application of Part 1 and Part 2.

Thus, each CRO will allow the corresponding type of ICT equipment, when in compliance with the associated CRO (Part 1 and Part 2), to be placed on the market and, except in cases where licensing is required, be put into service within Countries, which have implemented this CRO.

3.1.2. ICT Equipment

ICT equipment is, in the context of the present document, all equipment specified in clause 2 of the parts 2 of all equipment CROs making reference to this part 1.

3.1.3. References

UNECE TRADE/WP.6/2002/7

An international model for technical harmonization based on good regulatory practice for the preparation, adoption and application of technical regulations via the use of international standards (http://www.unece.org/trade/wp6/major_doc.htm)

WTO/TBT, Art 2.4 and Art 2.6

Agreements on Technical Barriers to Trade

(http://www.wto.org/english/docs_e/legal_e/17-tbt.pdf)

ISO/IEC 17050-1: 2004

Conformity Assessment – Supplier’s declaration of conformity

Part 1: General requirements

ISO/IEC 17050-2: 2004

Conformity Assessment – Supplier’s declaration of conformity

Part 2: Supporting Documentation

ECE/TRADE/C/WP.6/2009/11

A General Market Surveillance Procedure (Draft of 30 September 2009)

3.1.4. Definitions

Applicable definitions are found in:

WTO/TBT, Annex 1

Agreements on Technical Barriers to Trade

(http://www.wto.org/english/docs_e/legal_e/17-tbt.pdf)

ISO/IEC Guide 2:2004

Standardization and related activities - General vocabulary

ISO/IEC 17050-1: 2004

Conformity Assessment – Supplier’s declaration of conformity

Part 1: General requirements

ECE/TRADE/C/WP.6/2009/13

Common Definitions and Terminology in Market Surveillance (Draft of 14 September 2009)

3.1.5. Adoption of a CRO nationally

The Countries that have agreed to a CRO shall submit that CRO to the process used nationally, in order to adopt the whole or parts of the requirements specified in that CRO into their national regulations. The international part of this process is defined in the International model for technical harmonization based on good regulatory practice for the preparation, adoption and application of technical regulations via the use of international standards.

For each CRO, Countries shall inform the UNECE Secretariat about any legal marking requirements to be met in their territory for each type of ICT equipment covered by the CRO.

3.1.6. Placing on the market and putting into service

Countries having adopted a CRO into their national regulation shall allow the placing on their market and putting into service of ICT equipment, which comply with the requirements of that CRO, related to the aspects of Safety and Electro Magnetic Compatibility.

In the cases where licensing is required, e.g. individual frequency or special service conditions for mobile base stations, the Country will announce the UNECE, prior to subscribing the corresponding CRO. The UNECE shall immediately (within 1 month) inform all other Countries, which have notified the use of that CRO, and all Countries that are on their way to implementing that CRO.

3.1.7. Reference to standards

Preferably the reference should be done directly to the relevant international or regional standards identified in each CRO, but a Country may have national regulations requiring that the international or regional standards referenced in the "Reference to Standards" part of "Specific Aspects..." of each adopted CRO are national standards. Such Countries shall ensure that the international or regional standards are transposed into national standards (without any changes), and that this process is done in due time. If translations into its national language are needed, the Country shall ensure that the translations are done in due time. The Country shall recognize references by suppliers to the international or regional standards as equivalent to their corresponding national standards.

These measures are not needed in countries where reference to the standards can be done directly.

3.1.8. Compliance

Compliance with each CRO shall be demonstrated as stated below:

- The supplier shall prepare a Supplier's Declaration of Conformity (SDoC). It shall contain the elements described in IEC/ISO 14050-1.
- The supplier shall reference the CRO in the SDoC.
- The supplier shall keep the SDoC and the documentation demonstrating evidence of conformity with the CRO available for market surveillance purposes in the Countries having adopted the CRO.

3.1.9. Information provided with ICT equipment

ICT equipment shall be identified by the supplier by means of type, batch and/or serial numbers and by the name of the manufacturer or the person responsible for placing the equipment on the market.

The documentation provided with the ICT equipment shall include information regarding the intended use of the equipment and how to obtain the SDoC if it is not included with the documentation.

3.1.10. Market surveillance

Countries having adopted a CRO are responsible for market surveillance in its territory and have the right to withdraw the corresponding ICT equipment from its national market if they are not in compliance with that CRO.

3.1.11. Protection

Any Country that withdraws equipment from the market, after it has been introduced in the market under the CRO regime, shall declare this action without any time delay to the UNECE, indicating the reasons behind its decision.

The UNECE shall immediately inform all other Countries, which have notified the use of that CRO, and all Countries that are on their way to implementing that CRO.

3.2. Specific aspects of PC Equipment

3.2.1. Scope

This Common Regulatory Objective, CRO, is applicable to PC equipment, as defined in Clause 2 (*Note: clause 3.2.2 in this example*).

A CRO is structured in 2 parts:

- **Part 1:** Part 1 of all ICT equipment CROs specifies the common and general requirements needed to satisfy the regulatory objectives of the participating Countries.
- **Part 2:** The present document is Part 2 of the PC equipment CRO and specifies, for PC equipment, the specific requirements needed to satisfy the regulatory objectives of the participating Countries.

The validity of a CRO is only achieved with the full application of both Part 1 and Part 2.

This CRO specifies the requirements needed to satisfy the regulatory objectives of Countries. Thus, this agreement will allow PC equipment, which is in compliance with this CRO to be placed on the market and be put into service as equipment within Countries that have implemented this CRO.

3.2.2. PC Equipment

Personal Computer (PC) equipment can consist of a central unit for processing, and separate keyboard and Visual Display Unit (VDU). These functions can also be combined into one unit, typically for the case of a portable PC. It can be equipped with one or more ports for external communications.

3.2.3. References

There are no specific references related to this CRO apart from what is given in Part 3.1.3.

3.2.4. Definitions

There are no specific definitions related to this CRO apart from what is given in Part 3.1.4.

3.2.5. Product requirements

This CRO covers the legitimate regulatory objectives for PC equipment.

The objectives cover:

- Safety;
- Electromagnetic Compatibility.

3.2.6. Reference to standards

PC equipment shall be held to be compliant if they comply with each of the standards listed below. The version of the standard listed is valid at the time of publication of this CRO. Subsequent versions of the listed standards are accepted unless otherwise stated by Countries having agreed on this CRO.

Conformity requirements can be found in the standards where the technical requirements are defined, or in separate standards.

A. SAFETY

CENELEC EN 60950-1:2001 (IEC60950-1:2001 (Modified)) National deviations/ amendments to IEC 60950-1	Information technology equipment – Safety – Part 1: General requirements National deviations or amendments valid in countries that participate in the CRO
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B. ELECTROMAGNETIC COMPATIBILITY

CENELEC EN 55022:2006 (CISPR 22:2005 (modified)) FCC Part 15.109 Class B	“Information technology equipment – Radio disturbance characteristics – Limits and methods of measurement ” Additional for emissions above 1 GHz: “Radio Frequency Devices; Unintentional Radiators; Radiated emission limits”
IEC 61000-3-2:2006	For equipment with AC mains power: “Electromagnetic compatibility (EMC) – Part 3-2: Limits – Limits for harmonic current emissions (equipment input current ≤16 A per phase)”
IEC 61000-3-3:1995 with Amendments	For equipment with AC mains power: “Electromagnetic compatibility (EMC) – Part 3-3: Limits – Limitation of voltage changes, voltage fluctuations and flicker in public low-voltage supply systems, for equipment with rated current ≤16 A per phase and not subject to conditional connection”

CENELEC EN 55024:1998
(Alt: CISPR 24:1997)

“Information technology equipment – Immunity
characteristics – Limits and methods of measurement”

3.3. Specific aspects of IMT-2000 Equipment

3.3.1. Scope

This Common Regulatory Objective, CRO, is applicable to IMT-2000 equipment, as defined in Clause 2 (*Note: clause 3.3.2 in this example*).

A CRO is structured in 2 parts:

- **Part 1:** Part 1 of all ICT equipment CROs specifies the common and general requirements needed to satisfy the regulatory objectives of the participating Countries.
- **Part 2:** The present document is Part 2 of the IMT-2000 equipment CRO and specifies, for IMT-2000 equipment, the specific requirements needed to satisfy the regulatory objectives of the participating Countries.

The validity of a CRO is only achieved with the full application of both Part 1 and Part 2.

This CRO specifies the requirements needed to satisfy the regulatory objectives of the Countries. Thus, this agreement will allow IMT-2000 equipment which is in compliance with this CRO to be placed on the market and be put into service as equipment within Countries that have implemented this CRO.

3.3.2. IMT-2000 equipment

International Mobile Telecommunications-2000 (IMT-2000) is defined by a set of interdependent ITU Recommendations. IMT-2000, also known as the Third Generation Mobile Systems, provides a framework for worldwide wireless access by linking the diverse system of terrestrial and/or satellite based networks.

3.3.3. References

In addition to the references in Part 3.1.3 of this CRO, relevant references are given in the ITU-T Recommendations for IMT-2000.

3.3.4. Definitions

In addition to the references in Part 3.1.4 of this CRO, applicable definitions are found in ITU-T Recommendations for IMT-2000.

3.3.5. Product requirements

This CRO covers the legitimate regulatory objectives for IMT-2000 equipment.

The objectives cover:

- Safety, including Electromagnetic Fields;
- Electromagnetic Compatibility.

3.3.6. Reference to standards

IMT-2000 equipment shall be held to be compliant if they comply with each of the standards listed below. The version of the standard listed is valid at the time of publication of this CRO. Subsequent versions of the listed standards are accepted unless otherwise stated by Countries having agreed on this CRO.

Conformity requirements can be found in the standards where the technical requirements are defined, or in separate standards.

A. SAFETY, INCLUDING ELECTROMAGNETIC FIELDS

EN 60950-1:2001 (IEC60950-1:2001 (Modified))	Information technology equipment – Safety – Part 1: General requirements
National deviations/ amendments to IEC 60 950-1	National deviations or amendments valid in countries that participate in the CRO
EN 60950-22:2006 (IEC 60950-22:2005 (Modified))	Information technology equipment - Safety - Part 22: Equipment installed outdoors
ICNIRP (April 1998)	Guidelines for limiting exposure to time-varying electric, magnetic, and electromagnetic fields (up to 300 GHz) – International Commission on Non-Ionizing Radiation Protection, Health Physics, Vol. 74, No. 4, April 1998
IEEE C95.1 - 2005	Standard for safety levels with respect to human exposure to radio frequency electromagnetic fields, 3 kHz to 300 GHz
CENELEC EN 62311:2008 (IEC 62311:2007 (Modified))	Assessment of electronic and electrical equipment related to human exposure restrictions for electromagnetic fields (0 Hz - 300 GHz)
CENELEC EN 50360:2001	Product standard to demonstrate the compliance of mobile phones with the basic restrictions related to human exposure to electromagnetic fields (300 MHz – 3 GHz)
CENELEC EN 50371:2002	Generic standard to demonstrate the compliance of low power electronic and electrical apparatus with the basic restrictions related to human exposure to electromagnetic fields (10 MHz – 300 GHz) – General public
FCC OET Bulletin 65 (2001)	Supplement C: Evaluating compliance with FCC guidelines

CENELEC EN 50385:2002

for human exposure to radiofrequency electromagnetic fields: Additional information for evaluating compliance for mobile and portable devices with FCC limits for human exposure to radiofrequency emissions

Product standard to demonstrate the compliance of radio base stations and fixed terminal stations for wireless telecommunication systems with the basic restrictions or the reference levels related to general public exposure to radio frequency electromagnetic fields (110 MHz – 40 GHz)

B. ELECTROMAGNETIC COMPATIBILITY

EN 301 489-1 V1.8.1

Electromagnetic compatibility and Radio spectrum Matters (ERM); ElectroMagnetic Compatibility (EMC) standard for radio equipment and services; Part 1: Common technical requirements

3GPP TS34.124

For mobile terminals and ancillary equipment: "Electromagnetic compatibility (EMC) requirements for Mobile terminals and ancillary equipment"

3GPP TS25.113

For base stations and repeaters: "Base station and repeater ElectroMagnetic Compatibility (EMC)

FCC Part 15.207 (2008)

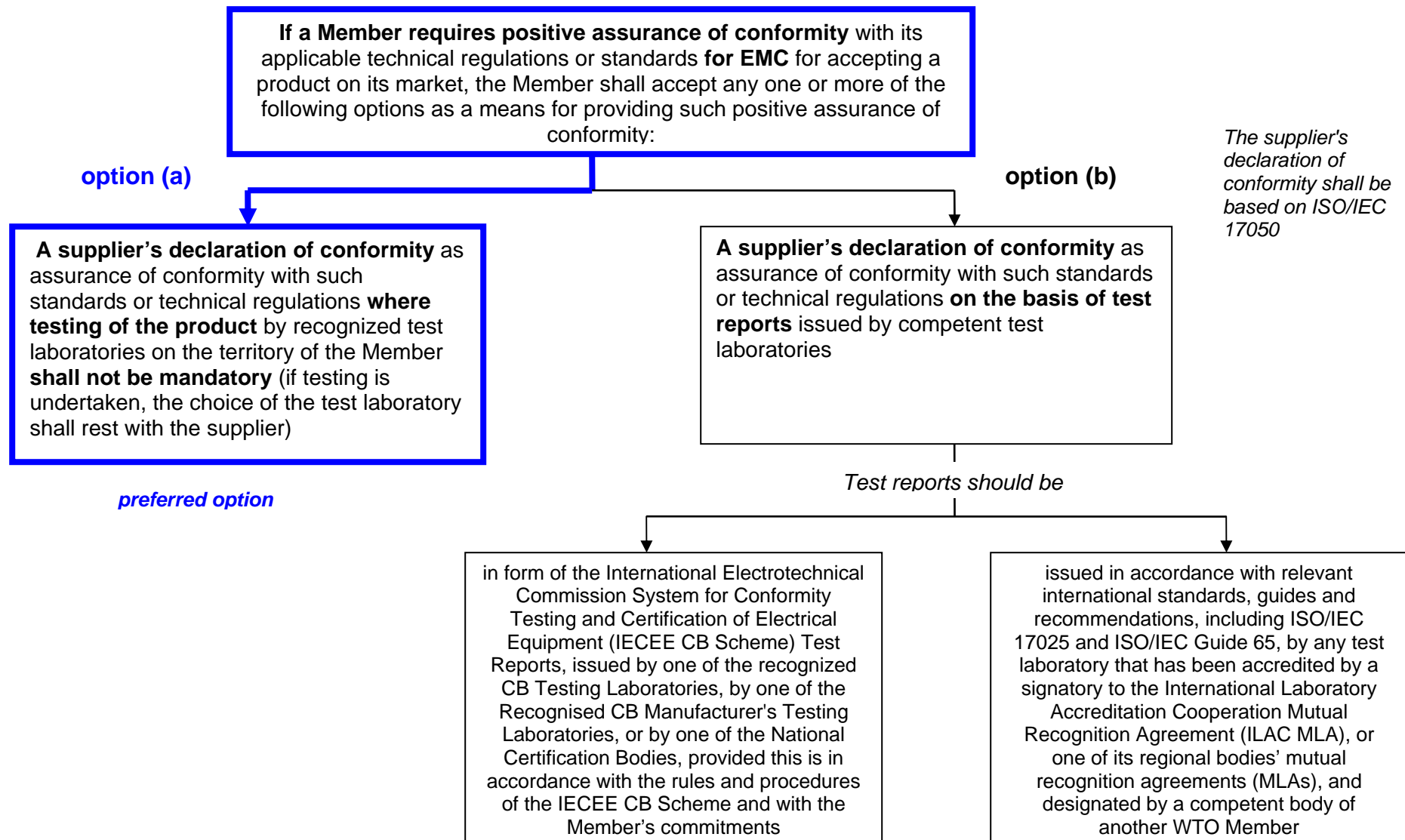
Radio Frequency Devices; Intentional Radiators; Conducted limits

FCC Part 15.209 (2008)

Radio Frequency Devices; Intentional Radiators; Radiated emission limits

Annex

Conformity Assessment Procedures for Electromagnetic Compatibility in TN/MA/W/119



Members shall not require mandatory third-party certification and developed country Members shall endeavor to accept supplier's declaration of conformity

Conformity Assessment Procedures for Safety in TN/MA/W/119

The supplier's declaration of conformity shall be based on ISO/IEC 17050

If a Member requires positive assurance of conformity with its applicable technical regulations or standards **for Safety** for accepting a product on its market, the Member shall accept any one or more of the following options as a means for providing such positive assurance of conformity:

A supplier's declaration of conformity as assurance of conformity with such standards or technical regulations **where testing of the product** by recognized test laboratories on the territory of the Member **shall not be mandatory** (if testing is undertaken, the choice of the test laboratory shall rest with the supplier)

option (a)

preferred option

A supplier's declaration of conformity as assurance of conformity with such standards or technical regulations **on the basis of test reports** issued by competent test laboratories

option (b)

A certificate as assurance of conformity with such standards and technical regulations issued by a conformity assessment body approved for that purpose

option (c)

Developed Members shall not require a certificate as positive assurance of conformity

Test reports should be

in form of the International Electrotechnical Commission System for Conformity Testing and Certification of Electrical Equipment (IECEE CB Scheme) Test Reports, issued by one of the recognized CB Testing Laboratories, by one of the Recognised CB Manufacturer's Testing Laboratories, or by one of the National Certification Bodies, provided this is in accordance with the rules and procedures of the IECEE CB Scheme and with the Member's commitments

issued in accordance with relevant international standards, guides and recommendations, including ISO/IEC 17025 and ISO/IEC Guide 65, by any test laboratory that has been accredited by a signatory to the International Laboratory Accreditation Cooperation Mutual Recognition Agreement (ILAC MLA), or one of its regional bodies' mutual recognition agreements (MLAs), and designated by a competent body of another WTO Member

Member may accept certificates issued by any conformity assessment body that the Member deems competent, or otherwise approves. Conformity assessment bodies in the territory of any other Member are accorded treatment no less favourable than conformity assessment bodies in the Member's own territory