

Mutual Recognition Arrangement for Equivalence of Technical Requirements (MRA-ETR)

INTRODUCTION

In response to the APEC Leaders declaration to further reduce transactional costs throughout the region, Ministers agreed at TELMIN 6 that a mutual recognition arrangement (MRA) be developed and implemented to facilitate the recognition of equivalence of technical requirements.

The APEC TEL Mutual Recognition Arrangement for Conformity Assessment of Telecommunications Equipment was endorsed by the APEC Telecommunications Ministers in June 1998 and came into effect on July 1, 1999 as the first such multilateral arrangement in the telecommunications sector.

Amongst participating economies, experience has shown the MRA for Conformity Assessment has provided reduced costs and greater efficiency in the conformity assessment process while reducing the time to market for new products and technologies.

The MRA for Conformity Assessment facilitates the recognition of each other's conformity assessment results. The MRA for Equivalence of Technical Requirements facilitates the recognition of equivalent technical and provides for a further reduction in the costs of conformity assessment.

TELMIN8 endorsed this arrangement on October 31, 2010. Upon which an economy elects to implement the MRA for ETR they should notify the APEC TEL WG Chair.

DEFINITIONS

A "Party" means an APEC member economy that chooses to implement this arrangement by notifying the APEC TEL WG Chair.

“Technical Requirements” means the elements of Parties’ Technical Regulations that form the criteria against which conformity assessment of equipment is conducted.

“Equivalent / Equivalence” (of Technical Requirements), means that two or more Parties’ requirements have the same outcome. Compliance equipment with one Party’s requirements is deemed to meet those of the other Party or Parties.

“Regulatory Authority” means an agency responsible for telecommunications requirements within an Economy.

PURPOSE OF THE ARRANGEMENT

The MRA for Equivalence of Technical Requirements builds upon the *MRA for Conformity Assessment of Telecommunications Equipment* (hereafter referred to as the MRA for Conformity Assessment) to further streamline conformity assessment for a range of telecommunications and telecommunications-related equipment and thereby facilitate trade among the Parties. Clause 4.4 of the MRA for Conformity Assessment states that: *“This Arrangement does not constitute an acceptance of the standards or technical regulations of a Party by the other Parties, or mutual recognition of the equivalence of such standards or technical regulations”*. This MRA for Equivalence of Technical Requirements builds on the MRA for Conformity Assessment by defining a process for the recognition of equivalent standards or technical requirements

The benefits of recognizing equivalent technical requirements for equipment manufacturers are a reduction of costs, specifically those associated with:

- the production of multiple equipment variants for different economies;

- the need for multiple tests or equipment approvals;
- loss of sales through the excessive effort required to accessing smaller markets;
- time to market.

Benefits to consumers are reduced purchase costs and a greater range of equipment being available.

For Parties participating in the MRA the regulator in the importing party is responsible for making the determination of equivalence. To minimize the workload of the regulator the burden of justifying equivalence is placed on the requestor.

GENERAL PROVISIONS

1. This Arrangement is voluntary.
2. This is an economy-to-economy Arrangement.
3. By notifying the APEC TEL WG Chair of its readiness to implement this MRA, a Party is only agreeing to consider requests for recognition of equivalence from other participating regulators.
4. The receiving Party agrees to review and make a determination of equivalence or specify why a standard is not equivalent.

SCOPE

This Arrangement may be applied to any technical requirements, including any associated administrative arrangements if desired by a Party.

PROCEDURES FOR RECOGNITION OF EQUIVALENCE

The procedures that Parties will use to recognise equivalent technical requirements are set forth in Appendix A, *Procedures for Recognition of Equivalence of Technical Requirements*.

All requests for consideration of equivalence shall be made via the Regulatory Authority of the requestor. That Regulatory Authority shall ensure that requests are accurate in terms of the information contained about the Party's own technical requirements and that requests are justified and include supporting documentation and analysis.

A Party has the right to reject submissions that are not justified or adequately supported.

A Party will consider the equivalence of one or more other Parties' technical requirements upon receipt of a formal request.

A Party will ensure that its **Regulatory Authority**:

- a) has a procedure to review and accept/reject requests as promptly as possible after receipt and to advise the Party of its preliminary decision within 90 calendar days of the request;
- b) takes appropriate steps to make public a list of the technical requirement(s) deemed equivalent;
- c) has a system in place to notify other Parties when technical requirements recognised as equivalent are to be amended, replaced or withdrawn;
- d) upon receipt of advice from another Party's that a technical requirement recognised as equivalent is to be amended or replaced, takes appropriate measures to review the status of that requirement and either continue or withdraw recognition.

Where a Regulatory Authority's rules and procedures require any new technical requirement to be subjected to a process of stakeholder review or consultation before being authorised, an equivalent technical requirement of another Party will be treated equally to any of the Regulatory Authority's own technical requirements.

COMMENCING THE ARRANGEMENT AND INITIATING PARTICIPATION

Those economies that intend to participate in this Arrangement shall notify the APEC TEL Chair that they are prepared to initiate participation.

The notification should include contact information for persons responsible for the activities under this Arrangement and indicate any limitations. Immediately after receiving a notification from a Party, the APEC TEL Chair will disseminate the information received.

INFORMATION EXCHANGE AND MANAGEMENT

The implementation of this Arrangement is reliant upon the effective exchange of current information. The Parties shall:

- a) provide and maintain all information pertaining to their participation in this Arrangement on their Regulatory Authority's web-site MRA page;
- b) ensure that there is a designated contact person or persons with the authority and resources to deal with stakeholder enquiries;
- c) have procedures to ensure the timely and effective delivery of notifications to Parties and stakeholders of changes to technical regulations and requirements, recognitions of equivalence, contact persons and any other information relevant to this Arrangement.

JOINT COMMITTEE

The Parties may establish a Joint Committee, consisting of representatives of each Party. The Joint Committee will meet at the request of any Party to the MRA to assist in the effective implementation of the Arrangement. The Joint Committee will determine its own rules of procedure.

All decisions of the Joint Committee will be made by consensus, unless the Parties mutually decide otherwise. Decisions of the Joint Committee will not erode the Regulatory Authority of a Party.

PRESERVATION OF REGULATORY AUTHORITY

Each Party retains all authority under its laws and regulations to interpret and implement its Technical Regulations governing equipment included within the scope of this Arrangement.

Nothing in this Arrangement will be construed to limit the authority of a Party to determine the level of protection it considers appropriate with regard to safety, the protection of consumers, and otherwise with regards to risks of concern to the Party.

Nothing in this Arrangement will be construed to limit the authority of a Party to take all appropriate measures whenever it ascertains that equipment may not meet the Party's Technical Regulations. Such measures may include carrying out surveillance activities, prohibiting connection of the equipment to the public telecommunications network, withdrawing the equipment from the market, prohibiting their placement on the market, restricting their free movement, initiating an equipment recall, or otherwise preventing the recurrence of such problems, including through a prohibition on imports. If a Party takes such action, it will notify the affected Parties within fifteen days of taking such action, providing its reasons.

AMENDMENT AND TERMINATION OF ARRANGEMENT

This Arrangement may be amended by the mutual, written consent of all the economies which have endorsed this arrangement in accordance with APEC TEL approval processes.

Any Party may terminate its participation in this Arrangement by giving the APEC TEL WG Chair six months notice in writing.

MRA for Equivalence of Technical Requirements
Procedures for Recognition of Equivalence of Technical
Requirements

This document is intended to detail the general procedures for how to implement the MRA for Equivalence of Technical Requirements.

1. A party who would like to request equivalence for a technical requirement analyses two or more economies' technical requirement and generates a proposal comparing and demonstrating the equivalence of the technical requirements of economies under consideration.
 - a. The proposal should clearly identify what equivalence is being requested for.
 - b. The proposal should provide a detailed comparison for each economy's technical requirements for which equivalence is requested.
 - c. The proposal should identify all differences between each economy's technical requirements and justify why the differences are acceptable for all involved economies.
2. Since this MRA is a government to government arrangement, the requesting party should then submit all supporting information to the Regulatory Authority in its own economy.
3. The Regulatory Authority of the requesting party should review the proposal. If it supports the proposal, it should forward the proposal and a brief summary with contact information to all Regulatory Authorities specified in the request and notify the APEC TEL MRA Task Force Chair who will forward the summary of the technical requirements being considered for equivalence to the MRA Task Force and the

Economies involved. For additional details on the request for equivalence, Economies may contact the Regulatory Authorities identified in the summary provided by the APEC TEL MRA Task Force Chair.

4. Economies that are informed through the APEC TEL MRA Task Force Chair and wish to participate in the arrangement should generate a proposal comparing and demonstrating the equivalence of the technical requirements and submit it to the Regulatory Authorities in each economy specified in the request and provide a brief summary to the APEC TEL MRA Task Force Chair.
5. Receiving Regulatory Authorities specified in the request should review and make a determination on equivalence which could be:
 - a. Full equivalence.
 - b. No equivalency and the Regulatory Authority should provide the reasons why there is no equivalence.
 - c. There are differences which are acceptable by the receiving Regulatory Authority.
6. The receiving Regulatory Authorities should notify the requesting economies and the APEC TEL MRA Task Force Chair of the determination. At the next meeting the APEC TEL MRA Task Force Chair will inform the MRA Task Force of the outcome.
7. It would be up to the economies to decide when they would begin their implementation. It is noted that in order to implement this MRA, most economies will have to make changes to their regulations and develop new administrative procedures. Upon the arrangement becoming operational or withdrawal from the arrangement, economies should notify the APEC TEL MRA Task Force Chair who will inform the MRA Task Force at the next meeting.