

THE NATIONAL TELECOMMUNICATIONS AGENCY

RESOLUTION No. 242, OF 30 NOVEMBER 2000

[Approves the Regulation on the Certification and Authorization of Telecommunications Products](#)

THE COUNCIL OF DIRECTORS OF THE NATIONAL TELECOMMUNICATIONS AGENCY – ANATEL, in the exercise of the powers and functions conferred on it by Law No. 9472, of 16 July 1997, and art. 35 of the Regulation of the National Telecommunications Agency, approved by Decree No. 2338, of 7 October 1997,

CONSIDERING the comments arising from Public Consultation No. 209, of 13 January 2000, published in the 17 January 2000 edition of the Government Gazette;

CONSIDERING that, in accordance with the provision of indent I of art. 214 of Law No. 9472, of 1997, it is the duty of Anatel to issue the regulations that replace the regulations, standards, and other rules in force;

CONSIDERING the decision taken in its 141st Meeting, of 29 November 2000,

Resolves:

Art. 1. To approve the attached Regulation on the Certification and Authorization of Telecommunications Products.

Paragraph 1. That for the specific purpose of Conformity Assessment and Authorization, the Regulation referred to in the heading of this article will only enter into legal force beginning 1 June 2001.

Paragraph 2. That the regulatory provisions governing the designation of certification bodies may be applied from the time of the publication of the attached Regulation.

Art. 2. That this Resolution hereby rescinds Anatel Act No. 11,127, of 28 August 2000, published in the 30 August 2000 edition of the Government Gazette, and replaces the Administrative Rulings listed below, thereby invalidating the associated Rules, beginning 1 June 2001:

I – Ministry of Infrastructure SNC Administrative Ruling No. 173, of 21 August 1991, published in the 22 August 1991 edition of the Government Gazette, which approved NGT (General Telecommunications Standard) No. 004/91;

II – Ministry of Communications Administrative Ruling No. 1494, of 7 October 1993, published in the 13 October 1993 edition of the Government Gazette;

III – Ministry of Communications Administrative Ruling No. 1495, of 7 October 1993, published in the 15 October 1993 edition of the Government Gazette;

IV – Ministry of Communications Administrative Ruling No. 1496, of 7 October 1993, published in the 15 October 1993 edition of the Government Gazette;

V – Administrative Ruling No. 10, of 7 April 1992, of the Department of Communications Enforcement of the National Communications Secretariat, published in the 13 April 1992 edition of the Government Gazette;

VI – Administrative Ruling No. 40, of 3 September 1991, of the Department of Communications Enforcement of the National Communications Secretariat, published in the 5 September 1991 edition of the Government Gazette;

VII – Administrative Ruling No. 41, of 3 September 1991, of the Department of Communications Enforcement of the National Communications Secretariat, published in the 5 September 1991 edition of the Government Gazette;

VIII – Administrative Ruling No. 48, of 27 September 1991, of the Department of Communications Enforcement of the National Communications Secretariat, published in the 2 October 1991 edition of the Government Gazette.

Art. 3. That Resolution No. 47, of 7 August 1998, published in the 11 August 1998 edition of the Government Gazette, is hereby rescinded.

Art. 4. That the present Resolution shall enter into force on the date of its publication.

RENATO NAVARRO GUERREIRO
President

ANNEX TO RESOLUTION NO. 242, OF 30 NOVEMBER 2000

**REGULATION ON THE CERTIFICATION AND AUTHORIZATION OF
TELECOMMUNICATIONS PRODUCTS**

TITLE I

GENERAL PROVISIONS

Chapter I

Purpose and General Principles

Art. 1. The present Regulation establishes the general rules and procedures related to the certification and authorization of telecommunications products, including --

I – the assessment of the conformity of telecommunications products with the technical regulations issued or adopted by Anatel; and

II – the requirements concerning the authorization of telecommunications products herein prescribed.

Art. 2. The following general principles shall govern the procedures used in the certification and authorization of telecommunications products:

I – assure that the products commercialized or used in the Country are in conformity with the Regulations issued or the rules adopted by Anatel;

II – assure that the suppliers of telecommunications products fulfill the minimum quality requirements established for their products;

III – assure that the telecommunications products commercialized in the Country, particularly those offered directly to the public through commercial establishments, meet minimum quality standards and are adequately adapted to the services for which they are intended;

IV – assure fulfillment of the requirements pertaining to safety and environmental protection;

V – facilitate Brazil's inclusion in international mutual recognition agreements;

VI – promote the equitable treatment of all parties having an interest in the certification and authorization of telecommunications products; and

VII – ensure the confidential treatment of the particular technical information made available, by order of this Regulation, by the interested parties that requires such treatment.

Chapter II

Definitions and Acronyms

Art. 3. For purposes of this Regulation, the following definitions shall apply:

I – Accredited Laboratory means the body accredited by Inmetro, specifically within the scope of telecommunications, to perform tests required for the conformity assessment process and to issue reports, pursuant to the regulations, procedures, and rules governing the certifications and standards in force;

II – Authorization means the exclusive Anatel act through which the Agency, in the manner and cases herein prescribed, recognizes the certifications of conformity or approves the declarations of conformity for telecommunications products;

III – Category I Telecommunications Product mean the terminal equipment intended for use by the general public for purposes of accessing collective interest telecommunications services;

IV – Category II Telecommunications Products mean the equipment not covered by the definition of Category I products but which make use of the electromagnetic spectrum for the transmission of signals, which equipment includes antennas and those products characterized in specific regulations as restricted radiation radiocommunication equipment;

V – Category III Telecommunications Products mean any products or equipment not contained in the definitions of Category I and II products whose regulation is required to --

- a) assure the interoperability of networks that support telecommunications services;
- b) assure the reliability of networks that support telecommunications services; or
- c) assure electromagnetic compatibility and electrical safety.

VI – Certification means the combination of regulated and standardized procedures arising from the issuance of specific Certifications or Declarations of Conformity for telecommunications products;

VII – Certification of Conformity means the document issued in accordance with the rules governing a particular certification system, which indicates the existence of an adequate level of confidence that a duly identified product is in conformity with the regulations issued or adopted by Anatel;

VIII – Conformity Assessment means the activity developed for the purpose of directly or indirectly assessing whether the applicable requirements covering a given product have been met;

IX – Declaration of Conformity means the document that certifies a particular product's conformity, pursuant to the provisions of articles 22 and 23 of this Regulation;

X – Designated Certification Body means the body designated by Anatel, whether accredited or not, that is qualified to implement and direct a conformity assessment process within the specific scope of telecommunications and to issue Certifications of Conformity;

XI – Designation means the act through which Anatel vests Certification Bodies with the duty and authority, in the manner and cases herein prescribed, to coordinate the conformity assessment process and issue certifications of conformity;

XII – International Accreditation Forum – IAF refers to the international forum that convenes the various accreditation bodies and signatories of Memorandums of Understanding and defines the principles guiding the effort for multilateral recognition of the above cited bodies. The aim of the forum is to rationalize the procedures for the multilateral recognition of the certifications executed by certification bodies accredited by signatories to the Forum;

XIII – International Laboratories Accreditation Cooperation – ILAC refers to the international forum intended to support the bodies responsible for the accreditation of testing and evaluation laboratories by providing such bodies with criteria and procedures that assure the reliability of the services performed by such laboratories;

XIV – Mutual Recognition Agreement (MLA), relative to the conformity assessment process, means the agreement signed between nations which is intended to simplify the procedures for assessing the conformity of telecommunications products and, in this way, facilitate trade between the parties. The purpose of such agreement is to formalize the recognition by the

interested parties of the relevant Certification Bodies and to secure mutual acceptance of the activities developed for the purpose of assessing conformity, in accordance with the regulations of the importing parties;

XV – The National Institute for Industrial Metrology, Standardization, and Quality (*Instituto Nacional de Metrologia, Normalização e Qualidade Industrial – Inmetro*) refers to the Brazilian Certification System’s official Accreditation Body;

XVI – Test means the technical operation that consists in the verification of one or more of a given product’s technical characteristics, in accordance with the specific procedures prescribed in the applicable regulations.

XVII – Testing Laboratory means the body, whether accredited or not, specifically within the scope of telecommunications, that is qualified to perform the tests required for the conformity assessment process and to issue reports, as prescribed in the regulations, procedures, and rules governing the certifications and standards in force;

XVIII – Telecommunications means the transmission, emission, or reception by wire, radio waves, optical means, or any electromagnetic process of symbols, characters, signals, written matter, images, sounds, or information of any kind;

XIX – Telecommunications Product means the equipment, apparatus, device, or element comprising a medium that is necessary or sufficient for the realization of a telecommunication;

XX – Third Party means the person or body that acts independently of telecommunications manufacturers, suppliers, service providers, or potential buyers of a given product;

Chapter III

Implementation of Certification and Authorization

Art. 4. For purposes of this Regulation, all Telecommunications Products classified under Categories I, II, and III are subject to certification and authorization.

Stand-alone Paragraph. Anatel may issue acts listing the Category I, II, and III telecommunications products that shall be subject to regulation.

TITLE II

Applicable Regulations and Certification Rules

Art. 5. Anatel has the duty to issue the certification regulations and rules which are to be observed in the certification and authorization processes herein prescribed.

Paragraph 1. The regulations shall specify the requirements to which the products must conform and may set forth the procedures necessary for the performance of tests.

Paragraph 2. The certification rules shall prescribe the procedures and requirements necessary for directing the conformity assessment process, to which procedures the certification bodies are required to adhere.

Paragraph 3. The certification rules referred to in the paragraph above shall be issued by Anatel by means of official acts.

Art. 6. Anatel may, at any time, modify the certification regulations and rules and set forth provisions concerning the need to adapt the products and equipment, regardless of whether these are in use or not, as well as the procedures and terms that must be observed for purposes of fulfilling such determinations.

Stand-alone Paragraph. All modifications in the certification regulations and rules shall be announced by Anatel through the means commonly employed for such purpose and prescribed in the specific regulatory provisions.

Art. 7. In the event Anatel has issued no certification regulations or rules, it shall be the duty of the Agency to deliberate on the suitability and feasibility of the conformity assessment and authorization, for which purpose the following precepts must be observed:

- I – the principles prescribed in art. 2 of this Regulation;
- II – the impact of the implementation of the product or equipment in the services for which it is intended;
- III – the contribution made by the use of the product or equipment in the fulfillment of universal service goals and the modernization of telecommunications services; and
- IV – the international experience with the use of the product or equipment.

Art. 8. Anatel may, at its discretion, require that field tests be performed on the product or equipment for the purpose of gathering data intended to assist the Agency in rendering a decision on the suitability or feasibility of the certification.

Art. 9. In the event Anatel renders a favorable decision in regard to the implementation of the conformity assessment process, pursuant to art. 7, the Agency may --

I – require that field and laboratory tests be performed;

II – establish, on the basis of references, the requirements or technical rules to be applied in the conformity assessment process; and

III – initiate studies on the issuance of Regulations governing the product or equipment and establish the conditions to be fulfilled in the conformity assessment and authorization of the product, which conditions shall be executed in the manner set forth in Title IV of this Regulation.

Stand-alone Paragraph. The standards prescribed in indent II must include --

a) national and international technical standards;

b) regulations applicable to the product in other countries or regions;

c) regulations issued by Anatel for similar products; or

d) manufacturer specifications.

Art. 10. If the immediate application of the standards prescribed in indent II of art. 9 is not possible, Anatel shall, on a case-by-case basis, establish the specific conditions to be applied.

TITLE III

Basic Structure of the Certification and Authorization Process

Chapter I

Bodies Responsible for Product Certification and Authorization

Art. 11. The following agents are involved in the telecommunications product certification and approval processes referred to in art. 4 of this Regulation:

I – the Superintendence for Radio Frequencies and Enforcement of Anatel;

II – Designated Certification Bodies; and

III – Testing laboratories.

Chapter II

Mutual Recognition Agreements

Art. 12. As an integral component of the conformity assessment system adopted by Anatel, the Agency may sign Mutual Recognition Agreements (MLA) connected with the conformity assessment of telecommunications products for the purpose of extending recognition to certification bodies and testing laboratories.

Paragraph 1. The procedures regarding conformity assessments and the test reports issued by the Certification Bodies and the testing laboratories respectively, as set forth in this article, must be implemented and developed in accordance with the regulations prepared by Anatel or the rules by it adopted, which procedures and reports should be written in Portuguese but may, optionally, be written in English or Spanish.

Paragraph 2. The scope of the MLA signed by Anatel shall be limited to the procedures on conformity assessment.

Paragraph 3. In the event the pertinent MLA involve the recognition of testing laboratories, these must be recognized by the Designated Certification Bodies.

Paragraph 4. The MLA may contemplate the recognition of Certification Bodies that also act as testing laboratories.

Paragraph 5. In implementing the MLA, the concepts and definitions established in the ISO/IEC standards shall be considered, and a transition period shall be observed, during which the Brazilian Government shall evaluate the entities designated by foreign governments in regard to the aspects related to their conformity with the regulations in effect, as well as the procedures adopted by such entities.

Art. 13. Anatel shall recognize the certifications of telecommunications products performed by foreign Certification Bodies in those cases in which there exist Mutual Recognition Agreements signed between the Brazilian Accreditation Body and the specific foreign Accreditation Body, whose terms of recognition shall be incorporated in Memorandums of Understanding negotiated between the Certification Bodies of the interested parties.

Stand-alone Paragraph. The foreign Certification Bodies recognized by means of the agreements referred to in the heading of this article shall be considered eligible for designation by Anatel.

Chapter III

Designation of Certification Bodies by Anatel

Art. 14. Anatel shall designate Certification Bodies to direct the telecommunications product certification processes.

Art. 15. The designation of a Certification Body shall occur by means of an administrative proceeding launched at the request of such body, which shall be responsible for signing a term of responsibility and an agreement mandating that it perform the proposed activities on the basis of the standards prescribed in Annex I involving the suitability, technical requirements, and procedures of such activities. The designation shall be formalized by means of an Act issued by Anatel.

Art. 16. Anatel shall designate certification bodies that fulfill one of the following requirements:

I – the body is accredited by Inmetro to certify telecommunications products;

II – the body is a non-profit entity established in Brazil that has the technical and administrative capacity necessary to direct the conformity assessment process for telecommunications products, as defined in Annex I of the present Regulation; or

III – the body is a foreign certification body recognized through a Mutual Recognition Agreement.

Art. 17. The act formalizing the designation of the Designated Certification Body shall indicate the types and classification of the products subject to the designation, as well as the regulation that must be complied with for purposes of the certification of each product, and such act shall, further, adhere to the requirements and procedures prescribed in Annex I of the present Regulation, so as to demonstrate that the designated institution has --

I – adequate technical capacity to perform the duties assigned to it;

II – adequate qualification that permits it to perform such duties with independence; and

III – good legal standing that demonstrates that it is a legally constituted entity with legal representation.

Paragraph 1. In the act of designation, or at any time, Anatel may require the Designated Certification Body to apply for accreditation before Inmetro. Failure to comply with such condition may result in the withdrawal of such Certification Body's designation.

Paragraph 2. The requirement prescribed in the paragraph above must be fulfilled within the term and under the conditions established by Anatel.

Art. 18. The entities applying for designation must submit a Quality Manual, in fulfillment of the requirements established in Annex I, as well as their

certification programs and all procedures applicable to the certification process, pursuant to the specific certification rules.

Art. 19. In the event the designation is withdrawn, Anatel shall notify the parties responsible for submitting the product authorization applications that have a signed service contract with the particular Body whose designation has been withdrawn and establish a term for such parties to sign a new contract, on the basis of the existing guidelines, with another Certification Body.

Stand-alone Paragraph. If, as a result of the cases prescribed in the heading of this article, it is found that no other Designated Certification Body capable of replacing the Body subject to the withdrawal described above exists, the conformity assessment shall be performed in the manner used for the issuance of a Declaration of Conformity and have legal effect for a term of two years from the withdrawal of the designation.

TITLE IV

Certification and Authorization Procedures

Chapter I

Conformity Assessment, Procedures, and Verification

Art. 20. The conformity assessment process of a given product in relation to the regulations issued by Anatel or by it adopted constitutes the initial phase of such process and is aimed at obtaining the authorization of such product.

Stand-alone Paragraph. The issuance of an authorization document is required for purposes of the commercialization and use, within the Country, of the products classified under Categories I, II, and III herein described.

Art. 21. For purposes of demonstrating conformity assessment before Anatel, the interested party must, while observing the objectives of the authorization request and the applicable regulations, submit one of the following documents:

- I – a Declaration of Conformity;
- II – a Declaration of Conformity with an accompanying test report;
- III – a Certification of Conformity based on type-approval tests;
- IV – a Certification of Conformity based on specific tests and periodic assessments of the product; or

V – a Certification of Conformity with an accompanying quality system assessment.

Art. 22. The Declaration of Conformity prescribed in Annex IV is the conformity assessment document applicable to home-made products intended for individual use, which does not grant the right to authorize the commercialization of the product in the Country.

Art. 23. The Declaration of Conformity with accompanying test reports prescribed in Annex V is the conformity assessment document applicable in exceptional cases in which the designated certification bodies establish terms of greater than three months for the commencement and completion of the process for issuance of the certification of conformity, not including the period required to perform tests, as a result of which cases Anatel shall undertake to direct the necessary conformity assessments.

Stand-alone Paragraph. The rule prescribed in the heading of this article shall apply when no designated and qualified certification bodies exist to direct the conformity assessments and in the case set forth in art. 65.

Art. 24. The Certification of Conformity based on type-approval tests prescribed in Annex VI is the conformity assessment certification document that applies to Category III Telecommunications Products.

Art. 25. The Certification of Conformity with accompanying tests and periodic assessments of the product prescribed in Annex VII is the conformity assessment certification document applicable to Category II Telecommunications Products.

Art. 26. The Certification of Conformity with an accompanying quality system assessment prescribed in Annex VIII is the conformity assessment certification document applicable to Category I Telecommunications Products.

Art. 27. The certification regulations and rules issued by Anatel may require that given products, as a result of their unique characteristics and the specific ends for which they are used, have the verification of their conformity formalized by means of procedures different than those prescribed in Annexes IV and VIII of the present Regulation, which procedures will, in such cases, be subject to specific treatment under the certification rules.

Chapter II

Authorization

Art. 28. The following parties are defined as interested or responsible parties and considered legitimate for purposes of requesting the authorization of particular products by Anatel:

- I – the product manufacturer;
- II – the supplier of the product in Brazil;
- III – the natural or juridical person that applies for the authorization of the telecommunications product for individual use.

Paragraph 1. If the interested party is a natural person, such person must have full legal capacity, whereas if such party is a juridical person, it must be legally constituted under Brazilian law.

Paragraph 2. Foreign juridical persons interested in the authorization of products must have a commercial representative legally constituted in Brazil with the capacity to assume, within the territorial boundaries of the Country, all responsibilities associated with such products' commercialization and the related customer service.

Art. 29. The application for product authorization must include the following documents:

- I – a certificate or declaration of conformity, in accordance with the provisions prescribed in the previous Chapter, demonstrating the product's conformity;
- II – proof of payment of the chargeable fees, in accordance with Annex II of this Regulation;
- III – a user manual for the product, written in Portuguese;
- IV – the interested party's registration information, for which purpose it must use its own form;
- V – proof that the interested party is legally established according to Brazilian law or that it has a commercial representative established in Brazil, in a manner that permits such party to assume responsibility for the product's quality and supply and any technical assistance related thereto within the national territory.

Paragraph 1. In cases in which the product is not intended for direct sale to consumers, the manual prescribed in indent III may be written in English or Spanish.

Paragraph 2. The requirement prescribed in indent III does not apply to the products specified in art. 22.

Art. 30. The provisions established in the Consumer Protection and Defense Code (*Código de Proteção e Defesa do Consumidor*) apply to the commercial relationships that fall within the scope of the present Regulation.

Art. 31. Anatel shall deny the authorization of products when --

I – the existence of a defect of form is identified in the certification or declaration of conformity;

II – the certification of conformity is issued by an undesignated certification body;

III – the certification of conformity is issued by a Designated Certification Body whose designation has been suspended or withdrawn;

IV – the certification or declaration of conformity is issued on the basis of regulations other than those applicable to the product and which are in force in the Country.

Art. 32. The product authorization subject to the certification of conformity may not be used by third parties when --

I – the product is produced in a manufacturing plant other than the one subject to evaluation, specifically in those cases involving a Certification of Conformity with an accompanying Quality System assessment; or

II – the product is distributed in Brazil by a supplier other than the one that applied for the authorization and, in which case, this circumstance would have the effect of jeopardizing the duties prescribed in art. 29, indent V, of the present Regulation.

Art. 33. In the case set forth in art. 9 of this Regulation, Anatel shall assign the Designated Certification Body, which will direct the authorization process in accordance with the conditions established by the Agency.

TITLE V

Validity and Identification of the Authorization

Chapter I

Authorization Validity and Procedure

Art. 34. The term of validity for product authorizations shall be --

I – indefinite for products approved by means of a Certification of Conformity;

II – two years for products approved by means of a Declaration of Conformity issued exceptionally in the cases set out in art. 23, as well as the authorizations performed pursuant to art. 33; and

III – five years for products approved by means of a Declaration of Conformity issued on the terms and conditions specified in indent I of art. 21.

Stand-alone Paragraph. Amendments to the product authorizations shall not result in the modification of their terms of validity.

Art. 35. The responsible party must notify the Certification Body of any modifications in the production plan or process.

Paragraph 1. The Certification Body shall evaluate the impact of such modifications and determine whether new tests will be required.

Paragraph 2. If it is determined that new tests must be performed, the Certification Body must issue a new certification of conformity, which must be authorized by Anatel.

Art. 36. In cases of modifications in the products subject to a Declaration of Conformity, the party holding the authorization must undertake the process for issuance of a new Declaration of Conformity.

Stand-alone Paragraph. The requirement prescribed in the heading of this article does not apply if the modifications do not result in changes in the relevant technical characteristics, as verified through tests performed within the technical limits prescribed in this Regulation.

Art. 37. The obligations prescribed in articles 35 and 36 extend to the users of products, which users shall have the duty to undertake the issuance of a new product authorization whenever such users are responsible for the modification or adjustment of a particular product.

Art. 38. The withdrawal or suspension of the authorization shall not result in the prohibition of a particular product's use by users who already make legal and appropriate use of such product, as defined by Anatel, provided such use does not result in modifications in the technical regulations applicable to such product.

Paragraph 1. In cases of modifications in the applicable technical regulations which do not require the adjustment of the product in use, the provisions established in the heading of this article shall apply.

Paragraph 2. In the event the modifications in the applicable technical regulations require adjustment of the product in use, it shall be the duty of the user to perform the adjustments considered mandatory under the terms of art. 6 of this Regulation.

Chapter II

Identification of the Authorization

Art. 39. Authorized products shall have Anatel's identification seal legibly and indelibly affixed to them, pursuant to the model and instructions contained in Annex III of this Regulation, including the authorization number and the bar-code identifier, and according to the specific rules for assembling the Anatel name.

Paragraph 1. For products that are so small such that it is impractical to place the label and authorization identification code on them, the authorization label and the identification code and bar-code identifier must be placed in the operating manual provided to the user and, optionally, on the product's packaging

Paragraph 2. The interested party must seek Anatel's express authorization to apply the provision prescribed in the paragraph above.

Paragraph 3. In cases of the withdrawal or suspension of the authorization, the party responsible for the product must, immediately following publication of the acts of withdrawal or suspension, discontinue the use of the Anatel name as well as the commercialization of the product and all publicity or advertising thereof.

Art. 40. The right to use the authorization identification may not be transferred or granted to third parties, except in cases of the continued use of such identification resulting from successions recognized by Anatel.

Chapter III

Suspension and Withdrawal of the Authorization

Section I

Suspension and Withdrawal of the Certification of Conformity by the Certification Body

Art. 41. The Designated Certification Body responsible for the issuance of the Certification of Conformity may withdraw or suspend the legal validity of the certification by it issued, in accordance with the provisions set out in this Chapter.

Art. 42. The legal validity of the Certification of Conformity shall be suspended by the Designated Certification Body when --

I – the interested party fails to undertake adjustments in the certified products mandated as a result of the modification or issuance of regulations that are applicable to such products under the terms of art. 6.;

II – following certification of the product, the interested party fails to fulfill any of the clauses specified in the monitoring contract governing the periodic

assessment of the product or the maintenance of the manufacturer's Quality System, as established with the Designated Certification Body;

III – the interested party uses the Certification of Conformity for purposes of giving publicity to characteristics of the product not submitted to assessment; or

IV – the interested party, through the employment of any means of promotional publicity, leads third parties to conclude that a product other than the one actually bearing the certification has been certified.

Art. 43. If within one hundred and eighty (180) days the adjustments prescribed in the stand-alone paragraph of art. 6 have not been implemented, or if a new certification process has not been performed or, additionally, a well-founded showing accepted by the Designated Certification Body presented, the Certification of Conformity shall be subject to withdrawal.

Art. 44. The Designated Certification Body must notify Anatel and the interested party within a maximum of 10 days of its decisions regarding the withdrawal or suspension of the legal validity of the Certification of Conformity for those telecommunications products subject to authorization.

Section II

Suspension of the Authorization by Anatel

Art. 45. Anatel shall suspend the legal validity of an authorization whenever it verifies irregularities related to the certification or authorization process of a particular product which are not contemplated in any of the cases prescribed in art. 49 of this Regulation.

Stand-alone Paragraph. The act of suspension of the authorization shall be given the same publicity as that given to the act granting the authorization.

Art. 46. The authorization shall be suspended in the following cases:

I – the failure to modify the product specifications in an adequate and timely manner following a determination mandating the adjustment of such product to the new regulations issued by Anatel;

II – the use or commercialization of the product with modifications that do not fulfill the obligations prescribed in articles 35 and 36 of the present Regulation;

III – the suspension by the Designated Certification Body of the legal validity of the Certification of Conformity; and

IV – any irregularity identified by Anatel in the certification or authorization process.

Stand-alone Paragraph. The recurrence of the acts prescribed in this article shall result in the withdrawal of the authorization.

Art. 47. The party having an interest in the authorization shall be notified of the suspension of such authorization's legal validity by any means of correspondence bearing proof of receipt.

Paragraph 1. The act of suspension must be based on a well-founded showing, indicating the measures that the notified party is to take and specifying the term of the suspension, which shall extend for up to one hundred and eighty (180) days.

Paragraph 2. The suspension shall remain in effect until such time as the measures prescribed in the act of suspension and the term specified in the paragraph above have been fulfilled.

Paragraph 3. The failure to implement the measures prescribed in the act of suspension referred to in paragraph 1 in an adequate and timely manner shall be cause for the withdrawal of the authorization, notwithstanding any other penalties prescribed in the applicable regulations.

Art. 48. The suspension of the legal validity of the authorization does not interrupt or suspend the continuity of the term of validity originally prescribed in the product authorization.

Section III

Withdrawal of the Authorization

Art. 49. The authorization shall be withdrawn as a result of --

I – the submission of false or fraudulent declarations or documentary evidence for the certification or authorization process;

II – the ascertainment of a significant and unjustified discrepancy between the results obtained from the tests performed on product samples and the results obtained in subsequent assessments;

III – the commercialization of the product during the time the legal validity of the authorization is suspended or the undertaking of any action that is not in conformance with the official declaration of suspension of the authorization;

IV – the reasons prescribed in the stand-alone paragraph of art. 46 and paragraph 3 of art. 47 of this Regulation; or

V – a request for the withdrawal of the authorization by the party applying for such authorization.

Art. 50. In exercising the prerogative prescribed in art. 6 of the present Regulation, Anatel may, upon a well-founded showing of an imminent risk to the safety of users or the environment, withdraw, at any time, a product authorization.

Stand-alone Paragraph. Upon verification of the case set forth in the heading of this article, Anatel shall give wide publicity thereto and advise the general public of the risks associated with continued use of the particular product.

Art. 51. Anatel shall always maintain a complete list of the suspended or withdrawn authorizations updated and available to the public.

Stand-alone Paragraph. Notwithstanding the provision established in the heading of this article, the official withdrawal of the authorization shall be given the same publicity as that given to the granting of such authorization.

Chapter IV

Renewal of the Authorization

Art. 52. The interested party may submit a request to Anatel for the renewal of the term of validity of the authorization, to which request must be attached proof of payment of the chargeable fees.

Paragraph 1. In the case prescribed in art. 23, the renewal of the authorization shall occur only after the product has been submitted to the procedures established for issuance of the Certification of Conformity.

Paragraph 2. The renewal of the authorization must be requested within, at least, six months of the expiration of its term of validity.

Paragraph 3. Upon expiration of the term prescribed in the paragraph above, the interested party must request a new authorization.

Chapter V

Appeals to the Decisions Rendered by the Certification Bodies

Art. 53. Decisions rendered by the Designated or Accredited Certification Bodies regarding the issuance, renewal, suspension, or withdrawal of Certifications of Conformity may be appealed.

Paragraph 1. In the event a Designated Certification Body already accredited by Inmetro is responsible for conducting the process for issuance of the certification, the appeals should be submitted to the competent body of the National Metrology, Standardization, and Quality System.

Paragraph 2. In the cases prescribed in the paragraph above, final decisions of the competent body of the National Metrology, Standardization, and Quality System may not be appealed to Anatel.

Paragraph 3. In the event a Designated Certification Body not accredited by Inmetro is responsible for conducting the process for issuance of the certification, the appeals should be submitted to Anatel, as set forth in the Agency's Internal Regulation.

TITLE VI

Sanctions

Art. 54. In compliance with the provision of art. 64 of the present Regulation, violators shall be subject to the following sanctions, which shall be applied separately or in combination:

- I – warning;
- II – fine;
- III – suspension of the product authorization;
- IV – withdrawal of the product authorization;
- V – suspension of the designation;
- VI – withdrawal of the designation.

Art. 55. For purposes of the present Regulation, the following actions, by the following entities, shall be subject to the imposition of sanctions:

I – telecommunications service providers --

- a) the use, employment, or connection of products not authorized by Anatel, when such products are subject to authorization under the terms of art. 4, including the activation of terminal equipment not authorized by Anatel; or
- b) the inappropriate use or modification of the technical characteristics of the product that leads to the operation of such products in a manner that does not conform with the technical characteristics on which the authorization is based.

Penalty: The penalties prescribed in the licensing contracts or terms of permission or authorization, notwithstanding the application of specific regulations governing the imposition of sanctions.

II – value added service providers --

- a) the use, employment, or connection of products not authorized by Anatel, when such products are subject to authorization, under the terms of art. 4; or
- b) the inappropriate use or modification of the technical characteristics of the product that leads to the operation of such products in a manner

that does not conform with the technical characteristics on which the authorization is based.

Penalty: Warning or Fine.

III – manufacturers --

- a) the manufacture of products in nonconformity with the requirements on which the product certification and authorization are based, for purposes of the commercialization or use of such products in the Country; or
- b) the illicit use of the product authorization or of the respective Anatel seal of identification in an unauthorized product.

Penalty: Fine and Suspension or Withdrawal of the Authorization.

IV – suppliers, distributors, and manufacturers responsible for the supply and distribution of the product --

- a) the illicit use of the authorization or of the respective Anatel seal of identification in unauthorized products; or
- b) the non-fulfillment of obligations that gave rise to the authorization.

Penalty: Fine and Suspension or Withdrawal of the Authorization.

- c) the commercialization, in the Country, of unauthorized products, when such products are subject to authorization under the terms of art. 4.

Penalty: Fine and Confiscation.

V – any user of products --

- a) the use of products not authorized by Anatel, when such products are subject to authorization under the terms of art. 4.

Penalty: Warning. In cases of Recurrence, Malicious Fraud, or Gross Negligence: Fine and Confiscation.

- b) the use of equipment not authorized by Anatel which use the electromagnetic spectrum.

Penalty: Fine in addition to Sealing (Shutdown) and Confiscation.

- c) the implementation of unauthorized modifications in authorized products, as determined through the application of articles 35 and 36 of the present Regulation.

Penalty: Warning. In cases of Recurrence, Malicious Fraud, or Gross Negligence: Fine and Confiscation.

VI – parties interested in or responsible for the product authorization --

- a) the submission of fraudulent or false declarations or documentary evidence for the authorization process;

Penalty: Fine and Withdrawal of the Authorization.

- b) any negligent or deliberate action that may have the effect of confusing or inducing an error by Anatel, the certification bodies, or the testing laboratories;

Penalty: Warning and Withdrawal of the Authorization

- c) the noncompliance with the provisions of indent III of art. 31 of this Regulation.

Penalty: Warning. In cases of Recurrence, Malicious Fraud, or Gross Negligence: Fine in addition to Suspension or Withdrawal of the Authorization.

VII – the certification bodies --

- a) the non-fulfillment or failure to preserve the conditions that gave rise to the designation by Anatel; or
- b) conduct that is in nonconformance with the acts of designation.

Penalty: Warning. In cases of Recurrence: Fine in addition to Suspension or Withdrawal of the Designation.

Art. 56. Notwithstanding the provisions prescribed in the article above, the sanctions to be imposed by Anatel on Designated Certification Bodies, as well as the cases leading to the imposition of such sanctions, shall be specified in the acts of designation described in art. 16 of the present Regulation.

Stand-alone Paragraph. Any actions aimed at preventing or impeding Anatel's enforcement activities, including those activities intended for the collection of samples used for the purpose of performing conformity assessments of a particular product, are forbidden and subject to fine.

Art. 57. The factors that shall be considered for purposes of the application of sanctions include the nature and seriousness of the violation, the harm caused by such violation to the services, users and services operators and providers, the violator's financial condition, the advantages gained by the violator as a result of its actions, whether the violation constitutes a recurrence of an earlier violation, and any aggravating circumstances.

Art. 58. Specific regulations on the criteria and procedures for the imposition of sanctions issued by Anatel shall be applied in addition to the provisions herein set forth.

Stand-alone Paragraph. The sanctions shall be applied on the basis of a well-founding showing by Anatel.

Art. 59. In accordance with the provisions of the Internal Regulation of Anatel, no administrative sanctions shall be applied in the absence of the pertinent official procedures governing the imposition of sanctions or without the guaranteed right of a full defense.

Art. 60. The fine shall be increased by fifty percent (50%) in the event the specific violation is committed again.

Stand-alone paragraph. The specific recurrence referred to in the heading of this article shall be understood on the basis of the definition set forth in the specific regulation issued by Anatel concerning the application of administrative sanctions.

Art. 61. The fines assessed for non-fulfillment of any provisions established in the present Regulation may not be for an amount less than one

hundred *reais* (R\$ 100.00) or for an amount greater than three million *reais* (R\$ 3,000,000.00).

Art. 62. Anatel may, on its own motion or upon a well-founded request by any interested party, undertake the measures for the confiscation of equipment.

Stand-alone paragraph. The failure by the violator to adopt the measures required to correct the defects that led to the confiscation of particular products for a period of more than ninety (90) days, shall empower the Agency to make use of the confiscated equipment as it sees fit, which use may include the destruction of such equipment.

Art. 63. Whenever the confiscation of equipment is not possible, such equipment shall be sealed (shutdown).

Paragraph 1. Products that use the electromagnetic spectrum may also be sealed (shutdown).

Paragraph 2. The purpose of the seal (shutdown) is to interrupt the use of the equipment temporarily and in a manner that allows for the eventual reinstatement of such equipment.

Paragraph 3. Only Anatel may remove the seals affixed to installations or equipment.

Art. 64. The sanctions prescribed in this chapter shall be applied notwithstanding the application of the pertinent civil and criminal legislation, as well as the penalties established in the telecommunications service licensing contracts or acts of permission or authorization.

TITLE VII

Final Provisions

Art. 65. The regulations prescribed in paragraph 1 of art. 5 may include provisions concerning special characteristics for Category I Telecommunications Products intended for use by individuals with disabilities.

Stand-alone Paragraph. In the cases prescribed in the heading of this article, the conformity assessment processes related to the particular product's special characteristics shall observe the provisions of the stand-alone paragraph of art. 23, provided such product is manufactured on a small scale, as determined by Anatel.

Art. 66. The authorization does not exempt the user of the product from the obligation to use a given product only as long as such product's performance is compatible with the regulations in force.

Art. 67. The use of portable telecommunications products within the territorial boundaries of Brazil that can be classified as component parts of personal systems, whether of global or regional use, shall be permitted during such time as the party legally authorized to bear such products remains in the Country and provided that such products are certified by a foreign Government that extends reciprocal treatment relative to the product in question or that is, further, a party to a Memorandum of Understanding to which Brazil is a signatory.

Stand-alone paragraph. The authorization prescribed in the heading of this article includes the possible commercialization of the product.

Art. 68. Products that have been restored or renovated, even if the restoration or renovation of such products involved the application of industrial processes, shall not be considered for purposes of conformity assessment or authorization.

Art. 69. Authorized products may be transferred to third parties provided such transfers are accompanied by the original fiscal and financial documentation. In such cases, the rights and obligations originally associated with the conformity assessment and authorization shall be transferred.

Art. 70. A new authorization shall not be required in cases in which the reinstallation of a particular product does not result in the modification of the tested technical characteristics of such product and the performance characteristics of such product remain compatible with the purpose for which it is used.

Art. 71. The references made in the present Regulation to telecommunications products and services include radio and TV broadcasting and related services.

Art. 72. Anatel shall give wide publicity to the databases containing non-confidential information relative to the certification and authorization procedures, and maintain, especially, public databases containing --

- I – all the contents of the regulations and standards prescribed in art. 5.;
- II – a list of the authorized products containing information on such products, their suppliers, and manufacturers;
- III – a list of the designated certification bodies;
- IV – a list of the laboratories that have been accredited or evaluated by the certification bodies;
- V – the contents of the mutual recognition agreements; and

VI – the decisions on which the imposition of sanctions is based, primarily those related to public safety, health, environmental protection, and the economy.

Art. 73. All supplemental forms, instructions, and provisions shall be subject to official acts issued by Anatel.

Art. 74. The telecommunications products used by the Armed Forces, and all those that employ radio frequencies intended exclusively for military purposes, are exempt from certification or authorization by Anatel.

Art. 75. Anatel shall supervise and maintain the certification and authorization procedures in order to assure their execution on the terms and conditions established in the present Regulation.

Paragraph 1. The specific activities related to the authorization process may, as deemed appropriate and feasible by the Agency, be delegated to the Designated Certification Bodies, in which case the certifications issued by such bodies shall not require an authorization document.

Paragraph 2. In the case prescribed in the paragraph above, the issuance of the certification by the Designated Certification Body shall take into consideration the requirements established in Title V of the present Regulation.

TITLE VIII

Temporary Provisions

Art. 76. The manufacturers, distributors, and suppliers of telecommunications products whose certification is undertaken commencing on the date on which the present Regulation enters into force must comply with the provision set out in art. 39.

Paragraph 1. The products submitted for certification up to the date on which the present Regulation enters into force may, optionally, implement the provisions of art. 39.

Paragraph 2. The processes presently in effect shall, with respect to product identification, expire on the date the present Regulation enters into force.

Art. 77. Until such time as Anatel issues the regulations for products subject to certification, under the terms established in art. 5, the Telebrás Procedures (*Práticas Telebrás*) shall be adopted for the applicable items, as

shall, to the extent they are pertinent, the reference rules governing the conformity assessment of telecommunications products.

Stand-alone Paragraph. The rules or regulations issued by the Ministry of Communications that specifically order the regulatory applications herein established shall remain in force until such time as Anatel issues new regulations to replace such rules and regulations.

Art. 78. The present Regulation applies only to the processes initiated from the date it enters into force.

Paragraph 1. The certification processes initiated on the basis of defective petitions prior to the date the present Regulation enters into force may not be amended after the Regulation becomes effective.

Paragraph 2. Defective petitions are considered those prepared by unauthorized parties or submitted with incomplete or nonconforming documentation

Art. 79. The present Regulation enters into force on 1 June 2001.

ANNEX I

Requirements for the Designation and Obligations of the Certification Body

(Art. 16. of this Regulation)

I – The requirements for the designation of Certification Bodies include --

- a) Legal Fitness: Legal fitness shall be demonstrated as set forth in art. 16, indent II, of this Regulation, that is, the Certification Body must demonstrate its status as a legally constituted non-profit juridical person represented by its legal agents in the certification process.
- b) Quality System: the quality system must be demonstrated through, at a minimum, the presentation of a Quality Manual and the certification programs to which the designation shall be linked, pursuant to art. 18. It is preferable, although not essential, that the entity have a certification of recognition indicating the existence of a quality management system issued by an Accredited Body on the basis of the guidelines established in the “International Organization for Standardization” – ISO that fulfill, at minimum, the practices described in the Quality, Auditing, and Critical Analysis sections.
- c) Technical Capacity: The entity’s technical capacity shall be shown by demonstrating the existence of qualified personnel specialized in the certification of telecommunications products, whether such personnel consists of full-time staff or contracted personnel, in which case the contractual link with such qualified personnel must be demonstrated. The personnel presented must be compatible with the certification as regards their --
 1. number;
 2. professional qualification;
 3. professional experience;
 4. impartiality, independence, and objectivity in decision-making;
 5. technical capacity.

II – Obligations of the Designated Certification Body: The designated body must assume the obligation to abide by the principles and procedures established by Anatel, specifically --

- a) The principles that must be complied with are established in art. 2 of this Regulation;
- b) For procedural purposes, the certification bodies must --
 1. implement procedures in which a step-by-step description of every phase that must be fulfilled in the conformity assessment

processes, as well as the associated administrative measures, is set forth;

2. direct the conformity assessment processes in accordance with the provisions established in the certification rules;
3. prepare formal reports and make them available to the interested parties immediately following their completion;
4. provide a detailed presentation in the reports of all the nonconforming items, indicating the discrepancies that were identified;
5. maintain a file of all complaints relative to the certification process, including those entered after issuance of the product certification.

ANNEX II

Table of Fees

Authorization for Certification of Conformity:	R\$ 500,00
Authorization for Declaration of Conformity:	R\$ 200,00
Renewal of Authorization:	R\$ 200,00

ANNEX III

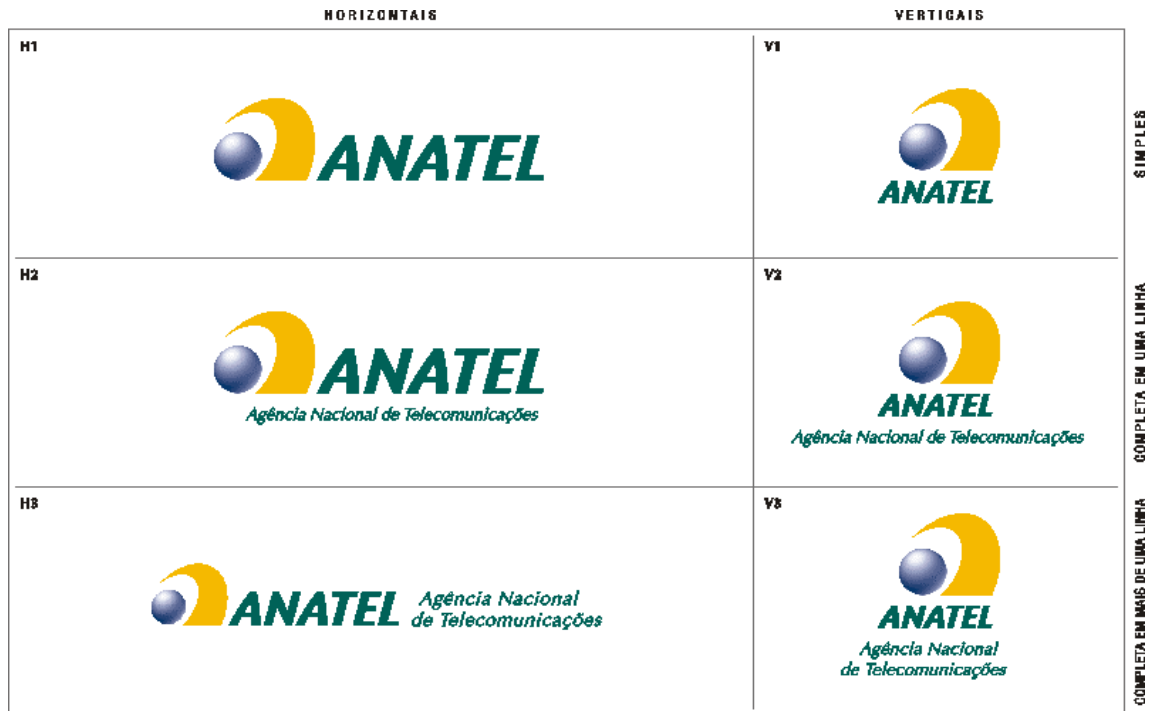
The Anatel Seal and Product Authorization Identification

I - The rules for preparing the seal with the Anatel logo and the signatures should strictly comply with the proportions given below, optionally using one of the given manners, according to the layout that better fits the size and model of homologated product:

- a) The minimum size for a signature is related to the legibility its components afford. A 4-mm height for the symbol and 1-mm height for the signature's complement are the minimum parameters estimated, provided the efficiency of the printing processes to be used and the materials on which the signatures are to be engraved so permit.
- b) The minimum limit recommended for the signatures' envelope is equal to half the height of the Anatel (x) sphere. The signatures used on product identification labels should preserve the minimum envelope limits given in the following table. Whenever possible, used areas larger than the minimum limits.

HORIZONTALIS	VERTICAIS

c) for using signatures, adopt one of the following possibilities of combinations with diverse backgrounds:



	Polychrome (CMYK)	Special Color (Pantone)
Yel low Anatel	0C - 25M - 100Y - 0K	Pantone 123C
Blue Anatel	100C - 70M - 0Y - 30K	Pantone 288C
Green Anatel	100C - 0M - 60Y - 40k	Pantone 3296C

Note: If a full colored sphere is used, Anatel Blue becomes:
100C - 40M - 0Y - 15K/Pantone 2945C

- d) Other ratios of background/figure, not shown in the table, may be used, provided a contrast allowing the clear display of the figure is preserved. In the case of full signatures, pay attention to the legibility of the complement, which should always share the same color as the word Anatel.
- e) The use of the color standard in preparing the logo and signatures is optional and, if the responsible party opts for its use, it should be submitted to Anatel's prior approval. In this case, a graphical gallery sheet should be forwarded to Anatel for analysis and approval.
- II – The materials and processes employed in preparing and fixing homologated product identification labels should provide indelible engraving during the product's useful lifetime, preserving good conditions of displaying the information, its legibility and adherence of the labels on the products.
- III – The identification label fixture fixed to the product should be prepared prior to its marketing and is of responsibility of:

- a) the manufacturer if he has a plant for making the product in the country;
- b) the vendor in the country or the manufacturer's legal representative in the case of imported products;
- c) the user in the case of products directly imported for his own use and intended to provide services or in the case of products developed for non-commercial purposes.

IV – If fixing the label on the product is unfeasible, the responsible party should adopt the provisions of §1st in Art. 39.

V – The identification of the product's homologation prescribed in Art. 39 consists of the following information:



- a) Seal bearing the Anatel logo as described in item I;
- b) Numeric code consisting of HHHH- AA- FFFF, where:
 - HHHH: identifies the product's homologation through a 4-character sequential numbering.
 - AA: identifies the year the homologation was issued through 2 numeric characters.
 - FFFF: identifies the product's manufacturer through 4 numeric characters
- c) Bar code containing at least the following information:
 - 1. homologation code
 - 2. manufacturer's name and address
 - 3. type, category and model of the product
 - 4. vendor's identification and address
 - 5. homologation's date of issue and validity
- d) Manufacturers which already use an identification scheme by bar coding can employ it to insert the information of item c, provided they preserve compatibility of storing and reading data with the Anatel-adopted standard.
- e) For characterizing the type and category of the product, the naming and classification scheme adopted by Anatel should be used.
- f) The product's vendor and owner of the homologation will be identified by a code consisting of three alphabetic c characters in the form of LLL.
- g) Technical matters related to the design and standardization of the barcode will be detailed in the certification standards.

h) The registration information related to product manufacturers and suppliers shall be stored in databases at Anatel, as well as the registrations administered by certification bodies, in accordance with the scope of the certifications assigned to such bodies in the acts of designation.

Annex IV

Declaration of Conformity

- A. This Annex sets forth the requirements for the Declaration of Conformity, which consists of the document signed by the interested

party, and refers to the demonstrations of conformity specified in indent I of art. 21.

- B. The Declaration of Conformity must --
 1. indicate the regulations and rules applicable to the product;
 2. certify that the product is in conformity with the applicable regulations and rules.

- C. In cases where the interested party is the user of the product, the Declaration of Conformity must specify explicitly that the equipment in question will be in conformity with the technical characteristics covered by the declaration.

Annex V

Declaration of Conformity with an Accompanying Test Report

- A. This Annex establishes the requirements for the Declaration of Conformity issued on the basis of a Test Report and refers to the demonstration of conformity described in indent II of art. 21.
- B. In addition to the requirements prescribed in Annex IV – Declaration of Conformity, the declaration covered by this Annex shall be considered in conjunction with the reports prepared by laboratories chosen by the interested party in accordance with the order of priority prescribed in item C and take into account all the tests required for purposes of the demonstration of conformity.
- C. The tests to which the product sample are submitted should be performed, preferentially, by a third-party laboratory chosen by the interested party among those accredited by Inmetro or recognized through a Mutual Recognition Agreement, according the regulations issued or the rules adopted by Anatel.
- D. In the event it is not possible to fulfill the provision prescribed in the item above, the interested party may make use of other laboratories chosen on the basis of the following order of priority:
 - 1. accredited laboratories;
 - 2. unaccredited, third-party laboratories;
 - 3. unaccredited laboratories;
 - 4. testing laboratories located abroad that are accredited by the particular country's official Accreditation Body, that is, the official member body of the ILAC.

Annex VI

Certification of Conformity Based on Type-Approval Tests

- A. This Annex sets forth the requirements for the Certification of Conformity based on Type-Approval Tests and refers to the demonstration of conformity described in indent III of art. 21.
- B. The Certification of Conformity based on Type-Approval Tests shall be issued at the request of the interested party by the Designated Certification Body chosen by such party from among those included in the list described in indent III of art. 72 and shall certify the particular product's conformity with the applicable regulations.
- C. Designated Certification Bodies that participated directly or indirectly in the development of a particular product or that performed consulting services related thereto are prohibited from issuing a certification for such product. A formal statement specifically related to the product in question, in which the Designated Certification Body affirms, subject to the applicable penalties of the Law, its fulfillment of this requirement must be submitted. The failure to comply with such requirement shall, notwithstanding the application of the penal code, subject the violator to the sanctions prescribed in indent VI of art. 54.
- D. The designated certification bodies must perform the certification in conformity with the certification rules issued or adopted by Anatel.
- E. The certification body must base its decisions on the results of the type-approval tests performed in accordance with the applicable regulations, and
 - 1. if, on the basis of the evaluation of the test reports, conformity has been demonstrated, issue the certification of conformity;
 - 2. if conformity has not been demonstrated, provide the interested party with a list of the nonconformities identified in the product during the conformity assessment that must be corrected to fulfill the conformity requirements. The nonconforming items represent technical requirements that must be met, as determined in the certification body's certification program.
- F. It is the duty of the Designated Certification Body to require that the interested party submit all the documentation needed to perform the certification process.
- G. The tests to which the product sample is submitted should be performed, preferentially, by a third-party laboratory chosen by the interested party jointly with the contracted Designated Certification Body from among those accredited by Inmetro or recognized through Mutual Recognition Agreements, in accordance with the regulations issued or the rules adopted by Anatel.

- H. The Designated Certification Body must establish a Memorandum of Understanding with the testing laboratories recognized by Mutual Recognition Agreements.
- I. In the event it is not possible to fulfill the provision prescribed in item G, the interested party may make use of other laboratories chosen on the basis of the following order of priority:
 - 1. accredited laboratories;
 - 2. third-party laboratories that have been evaluated by the Designated Certification Body;
 - 3. laboratories not operated by third parties that have been evaluated by the Designated Certification Body;
- J. In the cases prescribed in subitems 2 and 3 of the item above, the Designated Certification Body must monitor the tests.
- K. In the event there are no laboratories available that fulfill the provisions of items G and I, the Designated Certification Body may accept laboratories located abroad that are accredited by the official Accreditation Body of the particular country, that is, the official member body of the ILAC.
- L. The laboratory shall submit to the Designated Certification Body the reports regarding the tests performed by it and shall supply all the information required by the regulations and rules applicable to the product.
- M. The Designated Certification Bodies must coordinate the conformity assessment process by means of a certification program developed in accordance with the terms and conditions prescribed in the specific certification rules.

Annex VII

Certification of Conformity Based on Type-Approval Tests and Periodic Assessments

- A. This Annex sets out the requirements for the Certification of Conformity based on type-approval tests and periodic assessments and refers to the demonstration of conformity described in indent IV of art. 21.
- B. The Certification of Conformity for a product subject to periodic testing shall be issued at the request of the interested party by a Designated Certification Body chosen by such party from among those included in the list described in indent III of art. 72 and shall certify such product's conformity with the applicable regulations.
- C. Issuance of the Certification of Conformity for a product subject to periodic testing shall, in addition to complying with all the requirements prescribed in Annex VI, require a contract specifying the periodic performance of tests using product samples collected from the production line or commercial establishments, so as to permit the monitoring of such product in a manner that makes it possible to certify that the technical characteristics on which its certification is based are being maintained.

Annex VIII

Certification of Conformity with a Quality System Assessment

- A. This Annex defines the requirements for the Certification of Conformity, including the manufacturer's Quality System, and refers to the demonstration of conformity set out in indent V of art. 21.
- B. The Certification of Conformity with the accompanying quality system assessment shall be issued at the request of the interested party by the Designated Certification Body chosen by such party from among the list described in indent III of art. 72, which Certification shall formalize the product's conformity with the applicable regulations.
- C. In addition to complying with all the requirements prescribed in annexes VI and VII, the issuance of the Certification of Conformance with the Quality System assessment shall require --
 - 1. the existence of a contract for the performance of periodic tests on the basis of product samples collected from the production line or commercial establishment for purposes of monitoring and maintaining the characteristics on which the product certification is based.
 - 2. the manufacturer's quality system assessment for the product submitted for certification.
- D. The Designated Certification Body must assure that the assessment of the manufacturer's quality system takes into consideration the procedures necessary for the continuous maintenance of the technical characteristics on which the product certification is based, pursuant to the established rules governing certification.

