THE AMERICAN CHAMBER OF COMMERCE IN SOUTH AFRICA[NPC]

COMMENT ON THE DRAFT CONFORMITY ASSESSMENT FRAMEWORK FOR EQUIPMENT AUTHORISATION

FEBRUARY 2019

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1. BACKGROUND ON THE AMERICAN CHAMBER OF COMMERCE IN SOUTH AFRICA

The American Chamber of Commerce in South Africa (Amcham) consists of 250 American companies. A survey was completed of just 89 of these companies in 2013 and found that the companies contributed a combined annual revenue of R278 billion to South Africa, and employed 221 000 South Africans, both directly and indirectly. These companies contributed more than R400 million to skills and development, spent R144 million on training, and more than R350 million on corporate social investment. It is worth noting that American companies in South Africa contribute 10% of South Africa's GDP.

American investment is quality investment and the figures provided above are a clear indication that American business is committed to growing the South African economy by uplifting its people, increasing investment in South Africa, and contributing to a more competitive ICT sector in South Africa.

2. INTRODUCTION AND THOUGHTS

In December 2018, ICASA ("**the Authority**") released the Draft Conformity Assessment Framework for Equipment Type Authorisation ("**the Document**") for public comment.

It is our view that the Document appears to be an inquiry document. The Document is challenging, as it tries to simultaneously elicit views from industry while proposing a framework. The issue arising from this is that Draft Regulations (or Frameworks) are concise and provide a clear approach or model, while the Document under review does not. We appeal to ICASA to therefore consider stakeholders' inputs and develop a draft Framework which is consistent with a final framework.

In line with ICASA's position paper on Equipment Type Approval Exemption, published in March 2017, we are of the view that ICASA should publish a draft Multi-Level Conformity Assessment Framework that is aimed at alleviating the challenges facing ICASA in relation to the current Framework.

Market surveillance is an approach designed to ensure continuous compliance of the products that are already in the marketplace, and it should be noted that inspection of products in the market and, and when necessary, acquisition of samples for surveillance assessment cannot be delegated to external parties, to avoid causing confusion and uncertainty. We also noted the

issue of pre-shipment inspection (PVOC) as part of pre-market surveillance articulated in the Draft Document wherein consignments planned for importation will be inspected and tested at the country of origin. We strongly discourage this approach as it will potentially delay the launching of compliant products into the market, notwithstanding the additional requirements implemented by Customs at the border of entry.

We encourage ICASA to strengthen its post-market surveillance in order to gain maximum benefits of the proposed Conformity Assessment approaches. Consequently, we support ICASA to designate and recognise testing laboratories in conducting tests and measurements on selected samples for the purpose of surveillance. Furthermore in this document we aim to propose a sustainable way to implement a system of market surveillance that focus on potential non-compliance that is tailored to South Africa and that has a limited impact on resources.

We are of the view that ICASA should focus its efforts in finalising a robust and reasonable Conformity Assessment Framework that takes into account the views of stakeholders. Furthermore, the key success factors for the successful Framework are through enhanced transparency and predictability.

It should be noted that while we comment on certain aspects of the Draft Conformity Assessment Framework, omission of comments on other aspects does not reflect our support of such.

3. DEFINITIONS AND ABBREVIATIONS

3.1 Definitions

We suggest adoption of the following definitions in line with our recommendations on the new regime:

- ***"Certification"*** means the confirmation that the equipment meets the stated conditions, indicated by the use of documentary evidence attesting to this fact, such as test reports. Certification is the conformity assessment regime employed for new technologies and equipment which has a high degree of risk associated with non-compliance, considering aspects such as safety, health or environmental impacts;

- ***"Conformity Assessment"*** means a process that is used to verify that equipment meets specified requirements in relation to equipment approvals;

- ***"Conformity Assessment Body"*** means a body which may include a third-party testing laboratory, or a certification body that performs conformity assessment to the Authority's technical regulations;

- ***"Designation"*** means the act by the Authority of designating a Conformity Assessment Body as being competent to perform authorisation of equipment under Conformity Assessment Framework;

- ***"Technical Regulations"*** means those technical requirements and regulatory provisions that the Authority has specified under its technical regulations to the authorisation of equipment with respect to which compliance is mandatory. The Official List regulations, and Annexure B of the Radio Frequency Spectrum regulations are technical regulations applied for the purpose of equipment approvals;

- ***"Test Report"*** means full reports confirming conformance with relevant technical standards issued by ILAC laboratories;

- ***"TCB"*** to be replaced by ***"ACB (Appointed Certified Body)"*** which means a body designated by ICASA to conduct equipment authorisation and issue certificates in terms of Type Approval requirements, as per ICASA Conformity Assessment Framework;

- ***"Market Surveillance"*** means an approach designed to ensure continuous compliance of the products that are already in the market place;

- ***"Official List"*** means regulations issued in terms of Section 36 of the Electronic Communications Act;

- ***"Equipment Register"*** means a register that contains information relating to approved equipment following SDoC (definition below) and Type Approval procedures;

- ***"Supplier Declaration of Conformity (SDoC)"*** means a procedure where the supplier or manufacturer tests the product to the applicable technical regulations and labels before it is used or imported into the South African market. It is a written undertaking by the manufacturer declaring that equipment conforms to the technical regulations and any regulatory requirements. The SDoC procedure may be used for low-risk products, must

be filed and registered with ICASA, and the test reports must be kept for a period of 5 years.

- ***"Type Approval"*** means a process by which equipment, or a device or system, is authorised by the Authority to be used in or imported into South Africa. It involves verification of the equipment's compliance with the applicable standards and other regulatory requirements. Type Approval is the conformity assessment scheme employed for high-risk products;
- ***"Notified Bodies"*** or ***"NB"*** means organisations designated by the European Commission to assess conformity of certain products before placement on the market –in particular, where conformity cannot be checked against harmonised standards;
- ***"Equipment Risk Profile"*** means high- or low-risk of a device category.

3.2 Abbreviations

The following abbreviations appear throughout this Document, for ease of reference:

- ***"ICASA"*** Independent Communications Authority of South Africa
- ***"PVOC"*** Pre-Export Verification of Conformity
- ***"WTO TBT"*** the World Trade Organisation Agreement on Technical Barriers to Trade
- ***"EU"*** the European Union
- ***"FCC"*** the Federal Communications Commission
- ***"RF"*** Radio Frequency
- ***"EMC"*** Electromagnetic Capability
- ***"ESO"*** European Standards Organisations
- ***"ECC"*** Electronic Communications Committee
- ***"EC"*** European Commission
- ***"ILAC"*** International Laboratory Accreditation Co-operation
- ***"ILAC MRA"*** International Laboratory Accreditation Co-operation Multilateral Recognition Arrangements
- ***"AFRAC"*** African Accreditation Co-operation
- ***"SADCA"*** the Southern African Development Community Co-operation in Accreditation

- ***"AfCFTA"*** African Continental Free Trade Area
- ***"SADC"*** Southern African Development Community
- ***"ITU"*** International Telecommunication Union
- ***"APEC"*** Asian Pacific Economic Co-operation
- ***"RAPEX"*** the EU Rapid Alert System
- ***"DoC"*** Declaration of Conformity
- ***"MOU"*** Memorandum of Understanding

4. OBLIGATIONS TO WTO MEMBERS

International trade is one of the key engines for economic prosperity. It is therefore imperative for the international community that market liberalisation is practised in South Africa.

Article 5.6.2[1] of the WTO TBT obliges ICASA to circulate the proposed framework to WTO TBT members within 60 days prior to implementation of Regulations. It is our view that it is premature to circulate this document to the WTO members at this time. ICASA should inform the WTO TBT members when publishing the second draft framework, as it will clearly indicate the approach they wish to pursue pertaining to review of the Type Approval regulations, labelling regulations, and technical regulations (Official List and Annexure B of the Radio Frequency Spectrum Regulations).

5. EQUIPMENT RISK PROFILE

The Authority should leverage on the EU and FCC equipment authorisation systems, which subject different equipment categories to different levels of rigor. For example, the FCC used to apply three different approaches in their equipment authorisation[2]:

a. Certification – a procedure applied to RF devices with the greatest propensity to cause harm.

b. Supplier Declaration of Conformity (SDoC) – a procedure that requires compliance from responsible parties to ensure that the equipment complies with the appropriate technical standards. No requirement to file equipment with the Commission or an FCC appointed certification body is needed, and no requirement is needed to list equipment on a

[1] Source: https://www.wto.org/english/res_e/publications_e/ai17_e/tbt_art5_jur.pdf, accessed January 2019
[2] Source: https://www.fcc.gov/general/equipment-authorization-procedures, accessed January 2019

Commission's database. However, the responsible party, or any other party, marketing the equipment must provide a test report and any other information demonstrating compliance with the FCC's rules – upon request by the Commission. It is important to note that equipment subject to SDoC procedure can optionally use the Certification procedure.

c. Verification – in-house test reports and other documents that demonstrate compliance are permitted under this procedure, and are similar to SDoC.

The FCC have finally scrapped the Verification procedure, and all equipment that was approved using this procedure, must be approved under the SDoC procedure – starting from 02 November 2018. A one-year transition period was provided to accommodate this, which started on 02 November 2017.

On the other hand, the EU applies Declaration of Conformity schemes to attest conformity of product with the applicable directives, relative to harmonised technical standards developed by the ESO under the mandate issued by the European Commission[3]. In situations where equipment cannot be tested in accordance with harmonised standards, a Notified Body may be used.

The international trends in Europe and the United States (such as those listed above) have shown that different conformity assessment procedures may be applied for various devices, and that conformity assessment is dependent on the risk profile of the device category.

Recommendation:

Figure 1, listed below, is a figurative view of our recommendation.

[3] Source: https://ec.europa.eu/growth/single-market/goods/building-blocks/conformity-assessment_en, accessed January 2019

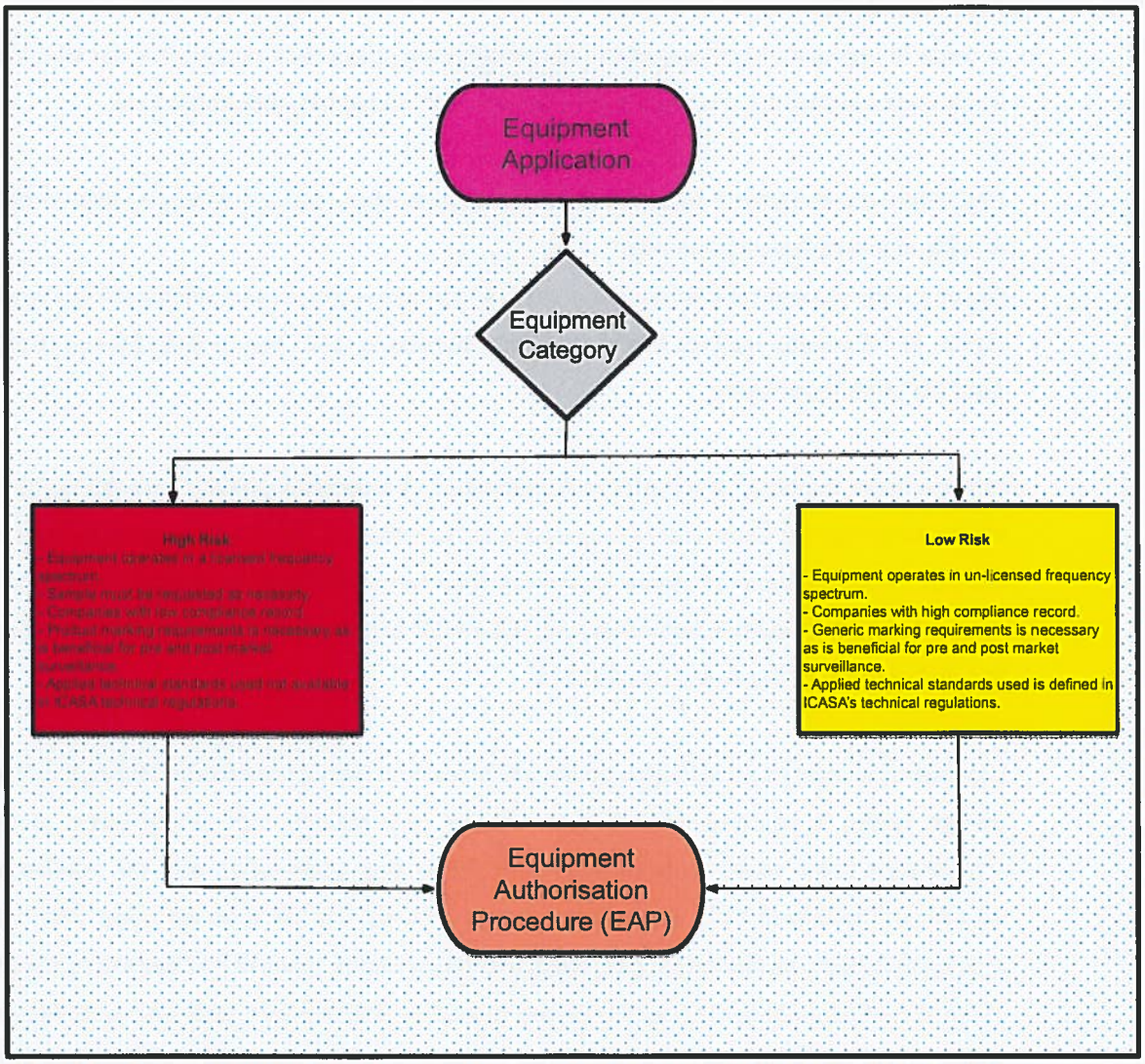


Figure 1: Equipment Risk Profile

6. ACCREDITATION

The mandate of ILAC is essentially to foster mutual recognition of agreements among accreditation bodies to facilitate multilateral trade, and attempts to restrict or minimise unnecessary barriers to trade between countries. They develop a single worldwide program of conformity assessment, which reduces risk for business and its customers by assuring them that the laboratory reports and/or certificates generated by ILAC testing facilities, are reliable. The ILAC accreditation system attempts to assure users of the competence and impartiality of these facilities.

Recommendation:

In order to improve the efficacy of the Authority's current Approval system, it is our view that ICASA must consider the test reports generated by ILAC accredited laboratories only.

ILAC MRAs are considered to be international best practice, and are widely applied in both developed and developing countries.

Regional and sub-regional involvement in the ILAC scheme is crucial, as it will benefit the whole region. The following regional bodies have membership in ILAC: France (EA), Mexico (IAAC), Australia (APAC), and ARAQ.

It is important to note that the African Accreditation Co-operation (AFRAC), and the Southern African Development Community Co-operation in Accreditation (SADCA) are currently working towards the achievement of international recognition and competence to manage a MRA within Africa. This is beneficial to South Africa, as it will enable and further streamline trade within the African Continental Free Trade Area (AfCFTA).

Information relating to accreditation bodies and associated testing laboratories affiliated to ILAC through MRAs, is accessed through their website[4]. Information, such as the status of the accreditation body, scope of accreditation for the testing laboratories, and the number of laboratories accredited by a particular accreditation body, can be accessed there. The ILAC accreditation body can facilitate and co-ordinate communication between ILAC and the customers of the accreditation body. The Authority may forge a partnership with local ILAC accreditation bodies, and in future with SADCA, to voice their concerns and where necessary, elevate them with ILAC.

Recommendation:

We encourage the Authority to consider implementing mutual recognition arrangements between countries to harmonise technical requirements and facilitate quick flow of conforming products, especially in the SADC region. When a regulatory authority has entered into a MRA with a regulatory authority from another country within the region, a certificate issued in one country should be recognised in another.

[4] Source: https://ilac.org/signatory-search/, accessed January 2019

ICASA may look into the International Telecommunication Union (ITU) resolution planning to develop a SADC Framework MRA, and the proposed SADC MRA which will be based on the existing and operational Framework MRAs, such as the Asian Pacific Economic Co-operation (APEC) MRA, which covers 21 economies in the APEC region. The SADC MRA committee will adjust and modify these MRAs, if necessary, to meet specific requirements. Members of SADC are encouraged to develop specific bilateral MRAs with their partners. However, participation in the SADC MRA is voluntary.

7. DESIGNATION AND RECOGNITION OF CERTIFICATION BODIES

Designation of certification bodies may be applied by the Authority in cases where they need to appoint a third-party laboratory, or any institutions to conduct equipment authorisation on their behalf due to capability constraints. The scheme owner (the Authority) develops the criteria for certification bodies, and designates these bodies in accordance with ISO/IEC 17065 requirements[5]. Note that the certification body will be required to gain accreditation status in line with ISO/IEC 17065 requirements from an accreditation body of their choice. This attainment of the accreditation status is required prior to conducting approval on the Authority's behalf. This measure is implemented to guarantee impartiality of the designated body.

Recommendation:

We encourage ICASA, whenever necessary, to designate a certification body or independent entity to perform equipment authorisation in accordance with their Conformity Assessment Framework. The certification body must be accredited to ISO/IEC 17065 to qualify for designation. The designated certification body will therefore be recognised by the manufacturers and/or suppliers for authorisation of equipment in South Africa.

8. LEVERAGING EU AND U.S. CONFORMITY ASSESSMENT APPROACHES

We advise ICASA to look beyond its own capabilities of conducting equipment approval activities in accordance with ICASA technical regulations. We are saying this because technological advancement, which leads to an exponential increase of devices that ought to be approved by the Authority, consequently has an adverse effect on the Authority's internal capacity. We note that the Authority recognises the EU harmonised standards, and where applicable, U.S. standards or other standardisation bodies may be recognised for ICASA approval after careful consideration.

[5] Source: https://www.iso.org/standard/46568.html, accessed January 2019

Through the improvement of the Authority's processing capabilities, this will position the country as an investment destination, as it will create certainty for business. Simultaneously, this will also ensure that product reaches the market faster, positioning South Africa amongst its peers in terms of technological advancement.

In order to deal with the capacity constraints which have resulted in long lead-times and delays in launching products to market due to the Authority's current approval system, we appeal to the Authority to recognise the Conformity Assessment Regimes procedures regulated by the EU Commission, the FCC and other regulatory bodies. By leveraging on the U.S. FCC and the EU models, a combination of SDoC and Certification/Type Approval procedures would allow the Authority to comfortably adapt to future challenges relating to the exponential increase of devices requiring the Authority's approval.

9. REVIEW OF TECHNICAL REGULATIONS

We commend ICASA for regular updates in the National Radio Frequency Plan and Official List regulations. The latest updates on the National Radio Frequency Plan were published in April 2018, whilst the draft Official List regulations were published for comment in October 2018. We are concerned with the lack of updating Annexure B of the Radio Frequency Spectrum Regulations[6], which is also crucial for defining technical requirements for short range devices operating under licence-exempt conditions, and thus create uncertainty on use of new devices and technologies.

Regular review of Annexure B to align with the latest version of ERC/REC 70-03[7], and other ECC or EC deliverables, is inevitable to cater for technology advancements, and to ensure acceptance of devices operating in the latest unlicensed frequency bands. It is recommended that Annexure B, which is contained in the Radio Frequency Spectrum Regulations, be reviewed from time to time - preferably every two years - to align with ERC/REC 70-03. A regular review of Annexure B is crucial, as technical regulations provide a reference to industry, and of equipment to be sold or used in the country. Manufacturers can therefore use these documents for planning and development of new products.

[6] Source: https://www.icasa.org.za/legislation-and-regulations/radio-frequency-spectrum-regulations-2015, accessed January 2019
[7] Source: https://www.cept.org/Documents/srd/mg/933/info_6_ERC_REC_70-03_August_2011, accessed January 2019

Recommendation:

We urge ICASA to update Annexure B along with the regulations, as they are aligned with ERC/REC 70-03 recommendations.

When implementing SDoC, a high level of certainty and predictability becomes crucial, as this approach depends heavily on implementation of these technical regulations.

10. LABELLING

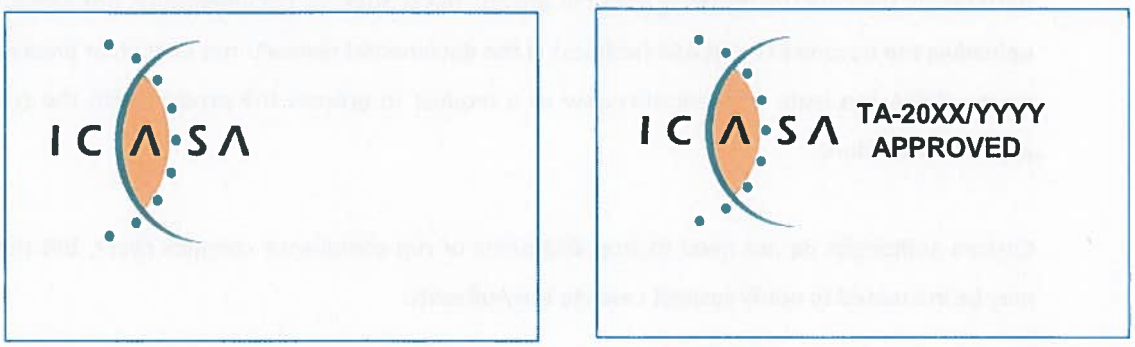
According to the current framework, all devices subject to Type Approval must be denoted by an ICASA label, if SDoC procedure is implemented we request the Authority to allow a generic ICASA label to be adopted for equipment subject to the SDoC process. This label would therefore be in line with the EU and FCC marking requirements. We suggest to maintain the existing ICASA label design - which references the unique number allocated by ICASA after the conclusion of the Type Approval process-only for the Type Approval procedure. Furthermore, e-labelling must also be maintained as provisioned in the current Regulations to support both approaches.

The example below shows FCC and CE DoC logos:

The example below shows the ICASA logo under the ICASA Type Approval process, and the proposed ICASA logo for equipment subject to the SDoC process:

Proposed ICASA SDoC Logo (Generic Label)

Proposed ICASA Type Approval Logo (Product Label)



Application of different ICASA labels would simplify the importation process of devices at the border of entry into the country, and makes it easy to apply market surveillance. An application of generic ICASA labelling on devices subject to SDoC would enable Manufacturers to apply generic labels onto their new products seamlessly and quicker – thereby allowing OEMs to get their product to market faster. We support the maintenance of labelling as in the current labelling regulations to support both approaches.

11. PROPOSED CONFORMITY ASSESSMENT (HYBRID) MODEL

We propose that low-risk equipment is managed by a separate conformity assessment mechanism based on self-declaration of conformity, while the current Type Approval would continue to be used for high risk equipment. For low risk products the manufacturer or the economic operator that takes the responsibility of the conformity of the product, declares the conformity of the product and keep this declaration and supporting technical documentation available on demand to the Authority.

Any additional economic operators, such as importers, distributors, retailers have a basic obligation to check that the product is marked correctly and that the manufacturer (or any other operator that took the responsibility of the product by declaring the compliance) makes such declaration of conformity available.

All economic operators have the obligation to cooperate with authorities and cannot sell non-compliant product. This allows the commercial chain to verify compliance and gives the authority the possibility to also give fines to operators that did not respect these easy commitments and sell products that were not checked and are found non-compliant.

Whenever an authority has a reason to believe that a product is not compliant, it will check the declaration, then ask the declaring entity to provide the supporting documentation (for example uploading the documents to ICASA facilities), if the documental review is not enough or presents issues, ICASA can issue a technical review or a request to process the product with the type approval procedure.

Custom authorities do not need to stop shipments or run compliance complex check, but they may be instructed to notify suspect cases to the Authority.

Since the products that are allowed to use this conformity scheme procedure are only those that are considered to be low risks the authority does not need to check all products but only concentrate on those that carry a residual risk and therefore concentrate where it is needed.

The Diagram below is a proposed hybrid model for consideration by the Authority.

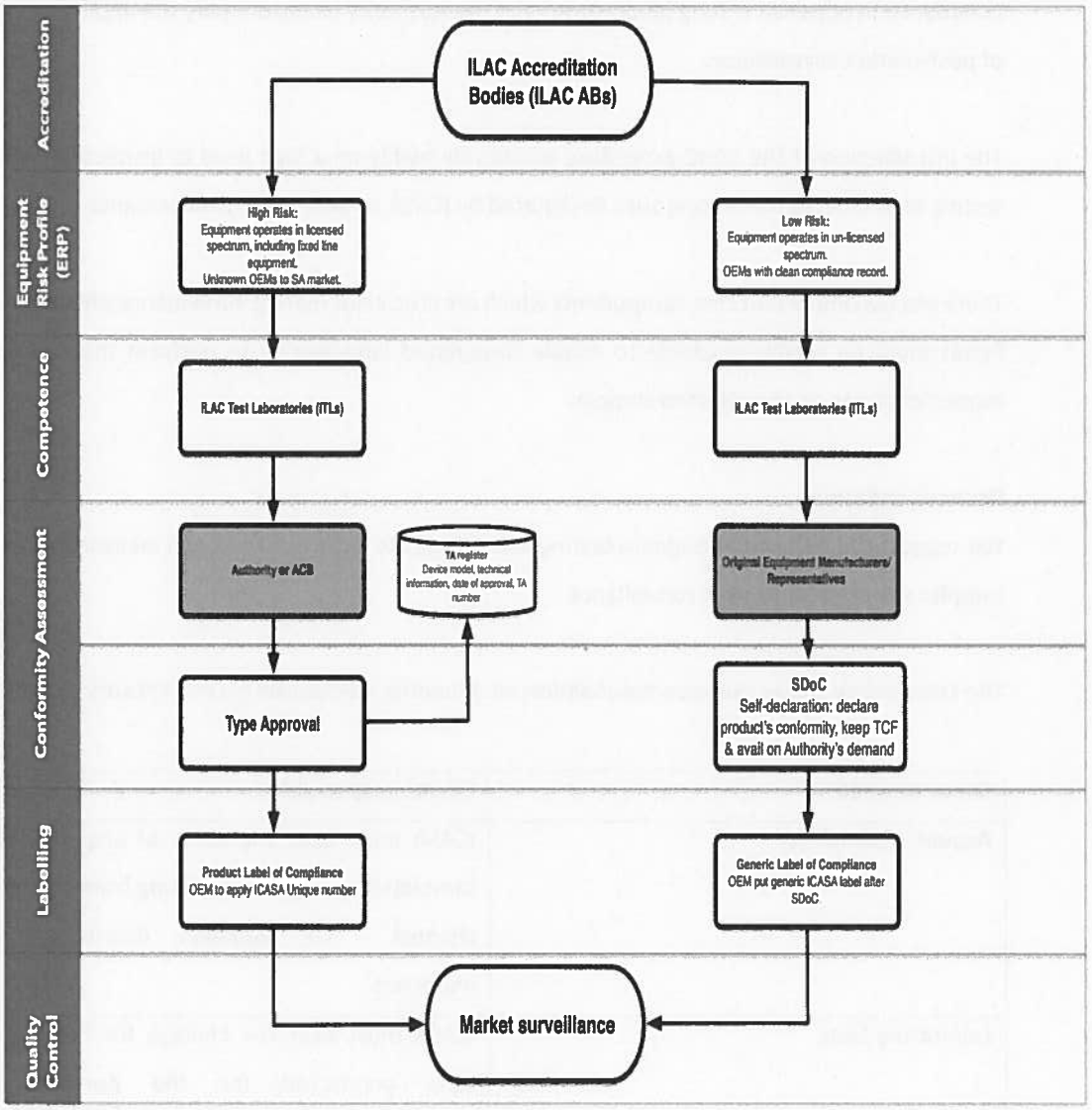


Diagram 1: Proposed Conformity Assessment Hybrid Model

12. EFFECTIVE MARKET SURVEILLANCE TO BE DONE

We strongly suggest the Authority leverage the principles of the EU Rapid Alert System[8] (RAPEX) and enable the creation of a database for devices that fail surveillance tests. This will notify all registered parties on the system. By leveraging a system similar to RAPEX, it will enable the Authority to localise all products and enable effective market surveillance of its own market. Collaboration between testing laboratories and the Authority would simplify the implementation of post-market surveillance.

The introduction of the SDoC procedure would rely highly on a high level of inspection/sample testing of devices in the laboratories designated by ICASA to detect non-conformance.

There are two important cost components which are crucial for market surveillance effectiveness. Funds must be readily available to enable designated laboratories to perform the necessary inspection/tests on the selected sample.

Recommendation:

We suggest the Authority designate testing laboratories to carry out tests and measurements on samples selected for market surveillance.

The table below shows our recommendation on a funding mechanism on market surveillance.

Costs incurred	**Person responsible**
Acquiring sample(s)	ICASA must bear the costs of acquiring the sample(s) for inspection/testing from the OEM channel – i.e. suppliers, distributors or importers
Laboratory tests	ICASA must bear the charges for the actual tests conducted for the purpose of surveillance[9]

[8] Source: https://data.europa.eu/euodp/data/dataset/rapex-rapid-alert-system-non-food, accessed January 2019

[9] *Note: the outcome of post-market surveillance may determine a person responsible for charges of the surveillance tests. If surveillance results are not compatible to initial results used for SDoC or certification/Type Approval and after the validation process, the OEM will bear the cost of surveillance testing. On the other hand, if surveillance results are comparable to initial results used for SDoC or certification/Type Approval and after validation process and is deemed compliant, the Authority will bear the cost of surveillance testing.*

Self-declaration	OEM or representative filing Declaration of Conformity ("**DoC**") must pay a fee of determined by ICASA to support post-market surveillance activities. SDoC filing can be done after a requisite payment is done.

Table 1: Breakdown of cost components – Market Surveillance

13. EXEMPTED EQUIPMENT FROM NEW CONFORMITY ASSESSMENT FRAMEWORK

We agree to exempting equipment based on the circumstances as shown in Table 1 of the Position Paper on Equipment Type Approval Exemption. However, we do not agree with mainstream equipment being added onto the exemption list, as these might be confused with no adherence to ICASA technical standards, and may lead to dumping of inferior and sub-standard equipment into the South African market.

14. CONCLUSION

Amcham appreciates the opportunity provided by ICASA to provide input to the Draft Conformity Assessment Framework for Equipment Authorisation.

We support Regulations that monitor and ensure product compliance and safety, and urge ICASA to ensure that this process is clear, fair, easily adherable, and positions South Africa as an attractive investment destination.

This Framework proposal, we believe, will serve ICASA to better serve industry, consumers, and the Authority in ensuring the latest technological advanced products are on the market – compliant and accessible to consumers. This also aligns regulatory infrastructure with international best practice, and one that can be governed and maintained with ease.

We look forward to engaging with ICASA on this discussion.

Carol O'Brien
Executive Director 28/2/19
February 2019

15. APPENDIX A – ANSWERS TO QUESTIONS RAISED BY ICASA

Questions asked in the ICASA Draft Conformity Assessment Framework document	Amcham Response
Question 1 What are the benefits of having Conformity Assessment to support the Regulations?	Conformity Assessment is necessary to ensure that products and services meet safety standards, can inter-operate with other related systems, meet functional specifications, and to facilitate efficient use of shared resources – i.e. Radio Frequency Spectrum. Conformity Assessment approached determined by the regulatory authorities are essential to ensure compliance with technical and regulatory requirements. Accreditation bodies and testing laboratories play a crucial role in ensuring that the test results generated to demonstrate compliance with compulsory standards can be dependable. Good and accurate Conformity Assessment approaches in the making of regulation can introduce a greater level of efficiency, transparency and certainty. In other words, Conformity Assessment benefits may be summarised as follows: i. Gives confidence that product requirements are met; ii. Consumers can make better purchase decisions;

	iii. It may benefit the OEM and Suppliers as products gain market acceptance, and helps level industry playing field and encourages competition; iv. The WTO TBT Agreement recognises *"the important contribution that... Conformity Assessment schemes can make... by improving efficiency of production and facilitating the conduct of international trade[10]";* and v. Provides governments and regulators with best-practices.
Question 2 Do you see any benefits in risk profiling and the categorisation of equipment in carrying out the Conformity Assessment?	When the risks and the consequences of non-conformity are low, the problems as a result of non-conformance can be easily addressed and dealt with after they occur. In this case, the SDoC scheme may be enough to show that equipment does indeed conform to the relevant technical standards. On the other hand, when the risks and consequences of non-conformity are high, it may be necessary to put in place stringent scheme procedures that will ensure equipment conforms to the requirements, prior to allowing the equipment onto the market or accepted by purchasers. An appropriate scheme procedure for this situation may be Type Approval. However, to further improve this scheme, only ILAC laboratories must be recognised.

[10] Source: http://www.afsec-africa.org/Portals/15/Documents/Presentations/TR%20Intro%20to%20IEC%20CA%20Systems%20GB%20.pdf, accessed January 2019

	As per Figure 1 in the document above, we have proposed a definition for high- and low-risk products.
Question 3 With the recommended steps for using conformity assessment in support of the regulations (figure 10), which of the steps would you say are missing in the Approval Framework, and how can they help improve the Approval Framework efficiency?	We encourage ICASA to consider our proposed Conformity Assessment Hybrid Model, coupled with post-market surveillance. This model is designed by leveraging the principles of FCC and EU Conformity Assessment Regimes, which are based more on efficacy and a high level of adherence to compulsory requirements.
Question 4 Can you suggest an appropriate conformity assessment approach that can address the current Approval Framework challenge?	We have proposed a Conformity Assessment Hybrid Model in Diagram 1, which is efficient and consistent with EU and U.S. FCC models, and capable of alleviating ICASA's current challenges. A dual Conformity Assessment approach will introduce efficiency, certainty and predictability. A very strong post-market surveillance is encouraged to maintain order and control. This new approach will benefit complying companies and discourage unscrupulous vendors. Clear definitions of equipment with high- and low-levels of compliance have been proposed to match specific Conformity Assessment procedures.
Question 5 In South African context, what are the benefits for the Authority in collaborating with other regulatory institutions/organisations/states?	The following collaborations are necessary for ICASA: • Entering into a MOU with testing laboratories to support with post-market surveillance programs;

	• Entering into a MOU with accreditation bodies to support in identification of the testing laboratories; • Entering into MRAs with countries in the SADC region and also leverage on the SADC Framework MRA; and • Designating a certification body to conduct equipment authorisation based on ICASA's rules and procedures whenever required, due to capacity constraints.
Question 6 Given table 3, which SDoC scheme/s would best suit the South African market, and why?	Our proposal recommends a pure self-declaration, which in terms of table 3 is equated to SDoC II where manufacturers or their representatives will declare product's conformity, keep supporting technical documentation and generate ICASA Label mark accordingly prior placing the product in the market. We reiterate our position that self-declaration must be done based on the test reports generated by ILAC laboratories. It is also proposed that a period to retain a test report be set at 5 years.
Question 7 In your definition/understanding, what ICT equipment can be classified as low-risk and may be considered for equipment authorisation exemption?	We agree to exempting equipment based on the circumstances as shown in Table 1 of the Position Paper on Equipment Type Approval Exemption. However, we do not agree with commercial equipment being added onto the exemption list as this might be confused with no adherence to ICASA technical standards, and may lead to dumping of inferior and sub-standard equipment into the South African market. Exemption should be limited to the

	equipment listed and reasons thereof in Table 1 of the Position Paper.
Question 8 What are the risks associated with exempting ICT equipment from Approval Framework, and how can they be mitigated or eliminated?	There will be circulation of non-conforming products into the market. Exemption is usually regarded as no need to comply with the regulator's technical specifications and regulatory requirements. It is therefore proposed that exempting commercial devices should be avoided to prevent: • Dumping of inferior and counterfeit devices in the market; • Degradation of networks and thus unsatisfactory quality of services to end users; • Circulation of unsafe and hazardous devices which may lead to injuries of end users.
Question 9 What would you propose the Authority do to effectively execute its responsibilities on market surveillance, considering the current fiscal challenges?	We know and understand that to set up effective post-market surveillance programs is costly and requires constant targeted efforts. It may constrain internal capacity as inspections, taking samples and testing these samples must be done systematically with a high level of precision. We have proposed that ICASA forge partnerships with testing laboratories for post-market surveillance testing and make them known to industry. Secondly, a reasonable fee determined by ICASA can be charged, in support of post-market surveillance activities such as inspections, acquisition of samples and testing thereof.

	Additionally, ICASA can conduct industry trainings and workshops in relation surveillance programs, which could promote compliance.
Question 10 What are the prevalent equipment authorisation challenges that may be experienced by manufacturers, distributors, suppliers and retailers post- and pre-market surveillance?	We do not agree with the implementation of PVOC as pre-market activity at the country of origin as this will affect the movement of imported devices to a destination country, and thus cause delays on launching of products into the market. It is international best-practice that the Conformity Assessment regimes are used as the pre-market activities to ensure that relevant technical regulations are adhered to before placing a product in the market. We agree that ICASA focus its efforts in developing as robust market surveillance, and propose charging a fee for the proposed self-declaration procedure, to support post-market surveillance activities.