Mobile & Wireless Forum

27 February 2019

Mr Lumkile Qabaka

Independent Communications Authority of South Africa (ICASA)

350 Witch-Hazel Avenue
Eco Point Office Park
Eco Park, Centurion

Via e-mail: lqabaka@icasa.org.za

Dear Sir,

Re: Consultation on ICASA's Draft Conformity Assessment Framework for Equipment Authorization (Government Gazette Vol. 642, 13 December 2018, No. 42108)

The Mobile & Wireless Forum (MWF; formerly known as Mobile Manufacturers' Forum, MMF) is an international association of companies with an interest in mobile and wireless communications including the evolution of 5G and the Internet of Things. The MWF focuses on a range of issues concerning mobile and wireless devices including radio frequency (RF) health and safety, certification testing standards and requirements, counterfeit issues and accessibility. For further information on the MWF, please consult our website at www.mwfai.org. The members of the organisation include Alcatel OneTouch, Apple, Cisco, Ericsson, Huawei, Intel, LG, Motorola Mobility, Motorola Solutions, Qualcomm, Samsung and Sony.

We thank ICASA for the opportunity to provide comments on the 'Draft Conformity Assessment Framework for Equipment Authorization'. The MWF does not request confidentiality of this submission in whole or in part. We are aware that our contribution will be made available to interested stakeholders upon request. The

www.mwfai.org

HONG KONG
15th Floor
100 Queen's Road Central
Central, Hong Kong
Telephone +852 3180 9375
Facsimile +852 3180 9399

BELGIUM
Bergbosstraat 115
9820 Merelbeke
Belgium
Telephone +32 2 706 8567
Facsimile +32 2 706 8569

BRAZIL
Av. Paulista, 2300 – Piso Pilotis
CEP 01310-300 Sao Paulo/SP
Brazil
Telephone +55 11 2847 4610
Facsimile +55 11 2847 4550

VAT/TVA BE 0472 550 841

MWF and its members are prepared to make an oral presentation about the consultation subject should ICASA consider this helpful.

We welcome ICASA's efforts to establish a robust multilateral conformity assessment framework and to speed up conformity assessment procedures for radio equipment. In general, when placing mobile communication radio equipment on the market the combination of conformity self-declaration and post-market surveillance has proved to result in a reasonable balance between regulatory interests, the interests of consumers and the obligations of economic operators to ensure a high level of product safety and compliance.

We would like to emphasise that – as the consultation document points out - a compliance system that leverages on existing international structures and procedures based on international standards and mutual recognition agreements is preferable and should be considered the state of the art.

Concerning denoting the compliance with type approval requirements by labelling the equipment and the packaging, the MWF and its members commend ICASA for allowing the electronic provision of the required compliance mark and compliance information for devices with an in-built display. We would like to emphasise that the electronic provision of compliance information and electronic labelling (e-labelling) remain particularly useful for mobile device manufacturers where the products are becoming smaller in response to consumer demand. Thus, the available space for regulatory markings on the device is limited.

The MWF and its members prepared the attached 'Industry Code on Electronic Compliance Labelling' (hereafter: Code) to advocate the adoption of a standardised guideline for the industry. While we value that ICASA announced in 2015 that the Code is in line with the Labelling Regulations, 2013, we'd appreciate if ICASA confirmed its positive assessment against the background of the ongoing developments. Based on the experiences since 2015, we'd also encourage ICASA to reconsider whether replacing the physical mark by an electronic label should continue to require seeking ICASA's consent on an individual model basis. As a step forward, ICASA could grant particular economic operators the right to deliver their products or a group of their products with electronic labels only as long as they follow the Code and ICASA does not revoke this concession.

Finally, the MWF would like to draw ICASA's attention to the on-going international efforts to harmonize around the common short-code *#07# that would allow consumers to access easily electronic labelling and regulatory information within

a device via the in-built display. The short-code *#07# has been officially adopted into the 3GPP specifications and has already been formally adopted in India. Refer to 3GPP TS 22.030 V15.0.0 (2018-06), chapter 6.9 ‚Presentation of e-marking' please for further details.

The MWF remains at your disposal for any further questions.

Sincerely yours,

Thomas Barmueller
Director Europe, Middle East and Africa

Registered address: Bergbosstraat 115, 9820 Merelbeke, Belgium
EMEA Office: Mariahilfer Straße 1d / 3 / 13, 1060 Vienna, Austria
EU Transparency Register ID: 94163271570-54

mobile +43 (664) 122 72 23 | Skype thomas.barmueller
email thomas.barmueller@mwfai.org | www.mwfai.org

About the Mobile & Wireless Forum

The Mobile & Wireless Forum (MWF) is an international association of telecommunications equipment manufacturers with an interest in mobile and wireless communications comprising manufacturers of mobile handsets and devices as well as the manufacturers of network infrastructure. The MWF focuses on an array of wireless issues, including RF health and safety, certification testing requirements, counterfeit and security issues, accessibility, and, more recently, issues related to the Internet of Things. The MWF has worked with, and continues to work with, national and international regulatory bodies on this range of issues. Further information on the MWF can be found on our website at www.mwfai.org.

Attachments

Mobile & Wireless Forum

MWF comments on the ICASA Draft Conformity Assessment Framework For Equipment Authorization

General comments

We request ICASA to review our comments and release a draft regulation with clear guidance and proposals for further inputs. A release of a draft regulation gives an opportunity to manufacturers and other stakeholders to assess the potential impact to their business and respond accordingly.

Specific comments

The MWF suggests to ICASA to recognise the international accreditation system and decide to either accept ISO/IEC 17025 accredited laboratories or ILAC laboratories only or both. This decision will support the South African industry by ensuring that quality products that come from other markets enter the South African market and manufacturers can plan because of the predictable and transparent system put in place.

The MWF would encourage ICASA to accept test reports from ILAC accredited laboratories only to improve the quality of the products they approve.

The MWF understands the challenges related to the current Type Approval scheme which is successful in dealing with escalating volumes of applications requiring ICASA approvals. In line with this challenge, the MWF proposes that ICASA recognises the FCC and EU Declaration of Conformity schemes which have proven to be successful over many years.

We suggest that ICASA maintain the Type Approval procedure and support it by introducing registered DoC. Equipment requiring such a DoC must be logged on the ICASA register to simplify post-market surveillance. Moreover, we suggest that Type Approval procedures are linked to the equipment with a high possibility of showing low compliance and a registered DoC be matched to equipment that may be categorised as low risk.

The equipment requiring ICASA approvals must be categorised as high and low risk and be matched to the appropriate procedure. We suggest that ICASA assign high-risk equipment to Type Approval and low-risk equipment to registered DoC.

The MWF strongly encourages ICASA that equipment used in the licensed frequency bands be designated as high-risk products and equipment working in the unlicensed frequency bands be categorised as low-risk products. To summarise the issue of equipment profile relating to potential risk and associated scheme procedures is as follows:

Type Approval procedure -> High risk

Registered DoC -> Low risk

Having proposed the introduction of DoC, it is imperative that ICASA keeps on revising their technical requirements and standards, including the SRDs regulations to ensure predictability and certainty and also satisfy new market requirements. The ICASA regulated standards, frequency plan and short-range device regulations are useful documents to our members as they use them for planning and development strategy on the release of new products. The MWF would also like ICASA to note that short-range device regulation is referenced to the National Radio Frequency Plan, hence needs to be refreshed continuously to ensure that it is not outdated.

The MWF encourages ICASA to strengthen its market surveillance program by evaluating the costs or charges relating to the following essential issues:

- Getting samples to perform regulatory testing
- Conducting actual surveillance testing on the obtained sample by ICASA appointed laboratories.
- Penalties for product's non-conformity to surveillance testing

The MWF supports ICASA to put target equipment registered through DoC for post-market surveillance to prove its effectiveness. Furthermore, ICASA may levy charges to manufacturers or their representatives on equipment subject to DoC to support its post-market surveillance program.

The MWF proposes to ICASA to introduce a generic label for the Declaration of Conformity Procedure. The e-labelling must be permitted for both procedures, and the suggestion is depicted as follows below:

- Type Approval -> ICASA Logo + certificate number issued by ICASA
- Registered DoC -> ICASA Logo

Once equipment subject to DoC is filed and registered with ICASA, the manufacturer may proceed to affix generic ICASA label on their products. This

approach will facilitate the quick launching of the products subject to DoC procedure.

The MWF would like to congratulate ICASA for recognising challenges faced by manufacturers and permitting the innovative approach of applying e-labelling in South Africa since 2013. Moreover, ICASA assessed MWF's 'Industry Code on Electronic Compliance Labelling' (Code) and confirmed that it is in line with the Labelling Regulations, 2013 (see media release, 24 December 2015; correspondence with ICASA, 12 December 2015; both attached). We'd appreciate if ICASA confirmed its assessment. Based on the experiences since 2015, we'd also encourage ICASA to reconsider whether replacing the physical mark by an electronic label should continue to require seeking ICASA's consent on an individual model basis. As a next step forward, ICASA could grant particular economic operators the right to deliver their products or a group of their products with electronic labels only as long as they follow the Code and ICASA does not revoke this concession.

MWF's response to questions asked

In reply to Question 1 "What are the benefits of having Conformity Assessment to support regulations? If yes, please explain":
It ensures that good quality products are imported and manufactured in the country and customers enjoy services satisfactorily from their service providers.

In reply to Question 2 "Do you see any benefits in risk profiling and the categorisation of equipment in carrying out the Conformity Assessment?":
The MWF sees categorisation of equipment as very important and fundamental in the development of the Conformity Assessment Scheme as it allows different procedures to be applied for various equipment. Categorising equipment by their inherent risk will assist equipment to be put in the market quicker than before. However, categorisation of equipment by risk levels must be made clear and as straightforward as possible to avoid uncertainty and unpredictable processes.

In reply to 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 to improve the Approval Framework efficiency?":

The MWF's proposal is in line with FCC and EU approval systems and would urge ICASA to consider it in developing their Conformity Assessment Scheme carefully. These systems are more futuristic and introducing efficiencies in handling escalating volumes of applications requiring Authorities approvals.

In reply to Question 4 "Can you suggest an appropriate conformity assessment approach that can address the current Approval Framework challenge?":
The MWF proposes a dual-process system which permits Type Approval and registered DoC linked to high-risk products and low-risk products respectively. We also suggest that ICASA ensures that both processes accept ILAC laboratories only.

In reply to Question 5 "In South African context, what are the benefits for the Authority in collaborating with other regulatory institutions/organisations/states?":
To implement effective post-market surveillance, a partnership with selected laboratories may be beneficial.

In reply to Question 6 "Given table 3, which SDoC scheme/s would best suit the South African market, and why?":
MWF has proposed registered DoC to supplement the Type Approval procedure and be used for low-risk products. The registered DoC is equated to SDoC I but registration of device under SDoC I must be left entirely to control of the manufacturers or their representatives.

In reply to Question 7 "In your definition/understanding, what ICT equipment can be classified as low-risk and may be considered for equipment authorisation exemption?":
MWF agrees with the list on Table 1 of the Type Approval exemption paper.

In reply to Question 8 "What are the risks associated with exempting ICT equipment from Approval Framework, and how can they be mitigated or eliminated?":
No risk if table 1 is adopted as.

In reply to Question 9 "What would you propose the Authority do to effectively execute its responsibilities on market surveillance, considering the current fiscal challenges?":

- Mobile communication is a key driver of economic growth which is why it is essential to support its development rather than burden it. Thus, effective and efficient post-market surveillance remains a key responsibility of public administration and needs to be seen and funded as a necessary service to ensure fair competition.
- Partner with laboratories to test samples selected for post-market surveillance.
- Focus post-market surveillance in coordinated campaigns on product groups known for weak compliance.
- If a tested sample failed to comply, ICASA could consider transferring costs of testing to the individually responsible economic operator, i.e. manufacturer, importer, distributor, or sales entity. Note please that the MWF does not recommend charging the entire industry for market surveillance purposes via industry-specific taxes or the like since rogue manufacturers, counterfeiters and providers of sub-standard devices tend to save on testing and quality measures which gives them a competitive edge but puts consumer safety under pressure which causes post-market surveillance expenditures that then have to be covered by the entire industry.

In reply to Question 10 "What are the prevalent equipment authorisation challenges that may be experienced by manufacturers, distributors, suppliers and retailers post- and pre-market surveillance?":
MWF does not agree with pre-market surveillance measures respectively pre-shipment verification of conformity (PVOC) as it has the potential to delay the import of new models. We discouraged ICASA to partner with entities for this purpose and encourage activities and structures that strengthen post-market surveillance strategies.
(end)

Annex:

ICASA media release and letter on Mobile Manufacturers Forum's Industry Code on E-labelling

Independent Communications Authority of South Africa
Pinmill Farm, 164 Katherine Street, Sandton
Private Bag X10002, Sandton, 2146

MEDIA RELEASE

ICASA considers the Mobile Manufacturers Forum's industry Code on E-labelling

24 December 2015

Johannesburg – The Independent Communications Authority of South Africa ("ICASA") published the Labelling Regulations (the "Regulations") in the Government Gazette in 2013, the purpose of which is to specify the labelling requirements for all approved equipment.

Sections 3(4) of the Regulations provides that in an instance where the equipment suppliers deem it infeasible to affix the physical label on the device, a written request for an alternative method must be submitted to ICASA for assessment.

The Mobile Manufacturers Forum (MMF) submitted its industry code which provides a consistent framework for the use, placement and content of electronic compliance labels (E-Labelling) used within mobile and or wireless communications devices.

E-Labeling provides an electronic representation of a compliance mark that is embedded in the device operating software. The electronic mark is difficult to replicate, and can be easily retrieved from the device settings or by dialing a short code.

ICASA confirms that the MMF industry code complies with the Regulations.

Ends…

For all media enquiries please contact:

Paseka Maleka
011 566 3455
079 509 0702
pmaleka@icasa.org.za

Independent Communications Authority of South Africa
Pinmill Farm, 164 Katherine Street, Sandton
Private Bag X10002, Sandton, 2146

Office of the Chairperson
Tel: +27 11 566 3007
Fax: +27 11 566 3008
Ref: 1/1/3/2/MMF

Mr. Thomas Barmueller
Director EMEA
Mobile Manufacturers Forum (MMF)
Bergbosstraat 115
9820 Merelbeke,
Belgium

Tel: +32 2 706 8567
Fax: +32 2 706 8569
Email: thomas.barmueller@mmfai.info

Dear Mr. Barmueller,

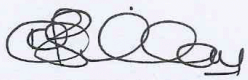
RE: MMF INDUSTRY CODE ON ELECTRONIC COMPLIANCE LABELLING

1. The Independent Communications Authority of South Africa ("Authority") refers to your correspondence received on 8 August 2015 in relation to the MMF Industry Code on the use of Electronic Compliance Labelling ("Industry Code").
2. The Authority has considered the MMF's request to assess and confirm whether the Industry Code is line with the 2013 Labelling regulations as published in the Government Gazette No. 36786 ("regulations")
3. Based on the findings of the assesment, the Authority hereby confirms that the MMF Industry Code does not contravene the regulations.

4. However, The Authority will still expect each manufacturer that is affiliated with the MMF to submit a written request prior to implementing E-Labelling, as provided in Section 3(4) of the regulations.

5. The Authority will publish an official media statement in this regard.

Yours sincerely



Councillor Katharina Pillay
ACTING CHAIRPERSON: ICASA

DATE: 15/12/15