

MUTUAL RECOGNITION ARRANGEMENT
BETWEEN
THE MINISTRY OF INFORMATION AND COMMUNICATION
OF THE REPUBLIC OF KOREA
AND
THE DEPARTMENT OF INDUSTRY OF CANADA
ON TELECOMMUNICATIONS, RADIO
AND INFORMATION TECHNOLOGY EQUIPMENT

On the basis of the Memorandum of Understanding for Cooperation in the Fields of Communications and Information Technologies between the Government of the Republic of Korea and the Government of Canada signed on May 27, 1995 and the Arrangement for Industrial and Technological Cooperation signed on October 20, 1995;

The Ministry of Information and Communication of the Republic of Korea and the Department of Industry of Canada (hereinafter referred to as the "Parties") desire to facilitate and enhance their bilateral trade in the fields of telecommunications, radio apparatus and information technology products.

To achieve these objectives, the Parties have reached the following Understanding:

1. General Obligations

a. Parties will ensure that products assessed and imported from the other Party will be accorded treatment no less favourable than that accorded to equivalent products of national origin and to equivalent products originating in any other country.

b. The Parties will ensure that test reports produced to the published technical requirements and conformity assessment procedures of the importing Party by recognized testing facilities located in the exporting Party's territory will be accepted for the purposes of obtaining regulatory approval or authorization for telecommunications, radio and information technology equipment.

2. Scope and Coverage

This Arrangement will apply to the following:

- a. For network protection requirements:
 - telecommunications equipment as referenced in Annex 1.
- b. For Electro-Magnetic Compatibility (EMC):
 - interference causing equipment as listed in Annex 2.
- c. For radio equipment:
 - radio equipment listed in Annex 3.
- d. For electrical safety requirements:
 - equipment listed in Annexes 1, 2 and 3.
- e. For related regulations, legislations, and administrative provisions of the Parties:
 - the appropriate texts are referenced in Annex 4.

3. Equipment Approval or Authorization for Telecommunications, Radio, and information Technology Equipment

- a. Suppliers of either Party may apply directly for equipment approval or authorization to the responsible regulatory authorities in the territory of the importing Party, on the basis of test results from recognized testing facilities located in the territory of the exporting Party.

- b. The importing Party will not impose any conditions that must be met before applications for equipment approval or authorization will be processed.
- c. The granting of equipment approvals or authorizations will not be restricted or denied on the basis of the nationality of the applicant or the territory in which applicant's production facilities are located.
- d. Registration of equipment approvals or authorizations will be in the applicant's name.
- e. Type-Approval Certificate holders will be authorized to grant permission to any distributor to commercialize products with approval of the appropriate application to the regulatory authorities for the transfer of the type approval certificates to the new distributor. The approval of application will not be based on additional requirements for type approval certificates for these products.
- f. A local presence or the posting of a security bond will not be required as a condition for the granting of equipment approvals or authorizations. To the degree that local representation for post-sales service is required, the form and arrangements is left to the manufacturer.

4. Network Protection Requirements

The importing Party will ensure that test reports produced by recognized testing facilities in the exporting Party to the technical requirements of the importing Party will be accepted by its regulatory authorities.

5. EMC Requirements

- a. The Canadian authorities will accept test reports, produced by recognized testing facilities or a manufacturer's declaration of compliance from Korean suppliers. The Korean supplier will keep for five years records of test results demonstrating compliance to Canadian EMC requirements.
- b. Korean authorities will accept test reports produced to Korean EMC requirements by recognized Canadian testing facilities.

6. Radio Equipment Requirements

- a. Canadian authorities will accept test reports produced to the Canadian radio equipment requirements from Korean suppliers.
- b. Korean authorities will accept test reports produced to Korean radio equipment requirements by recognized Canadian testing facilities.

7. Electrical Safety Requirements

Each Party will ensure that test reports under the terms of the applicable IECEE CB scheme will be accepted by its regulatory authorities.

8. Quality System Certificates

For the products and approvals covered under this Arrangement, each Party will ensure that quality system certificates issued by Registrars in the territory of the other country will be accepted by its regulatory authorities.

9. Confidence-Building Period

- a. There will be a confidence-building period of 18 months following implementation of this Arrangement.
- b. This period will be used by the Parties:
 - (a) to exchange information on and develop a better understanding of their respective regulatory requirements;
 - (b) to recognize testing facilities in the territory of the other Party;
 - (c) to monitor and evaluate the work carried out by recognized testing facilities.

10. Seminars and Confidence-Building Activities

During the confidence-building period, each Party will sponsor one seminar in its home territory concerning technical regulations and conformity assessment procedures for telecommunications, radio and information technology equipment.

11. Protection of Intellectual Property

- a. Each Party will ensure that its type-approval process provides for the protection of information submitted by applicants.
- b. Each Party will provide effective legal means of redress for any violation of an applicant's trade secrets or intellectual property rights.
- c. Neither Party will require an applicant to submit proprietary information including specifications and or schematic diagrams, except to the extent that such information is necessary for a determination of compliance with national legislation or regulations.

12. Additional Requirements

Local re-testing for any regulatory purposes of products or procedures covered by this Arrangement will not be permitted.

13. Re-certification

- a. The Parties will ensure that re-certification will only be required for equipment which, as a result of changes, no longer meets the published approval requirements.
- b. Minor modifications that will be exempted from re-certification will include the following:
 - (a) colour change of the approved equipment;
 - (b) change of the logo on the approved equipment;
 - (c) Change in the package of the approved equipment.

c. Modifications that will be exempted from re-certification but may require notification include:

- (a) change in model identification such as the name of the approved equipment;
- (b) transfer of a equipment approval or authorization to another person or corporation by a holder upon application being made to the authorities of the Party concerned;
- (c) a new equipment which is nearly identical in design and construction to the previously approved equipment;
- (d) a product that bears a different model number but is substantially similar to a type-approved product or equipment.

14. Customs Procedures and Import Licensing

An import license, approval certificate, and usual Customs documentation will be sufficient for processing of telecommunications, radio and information technology equipment by either Party Customs service. Any changes to the Customs and import licensing regime and its requirements affecting this Arrangement will be notified to the other Party within fourteen (14) days of their domestic notification or implementation.

15. Recognition of Testing Facilities

a. The procedures for recognizing testing facilities are contained in Annex 5. They will be applied in a transparent and non-discriminatory manner.

b. The Party must inspect a facility on request and inform the applicant in writing of the decision no later than sixty (60) working days after such request. In the event that recognition is not extended, reason(s) will be provided in writing.

c. All reasonable costs, including related costs, incurred in the process of approval and subsequent audit of testing facilities will be borne by the applicant. Related costs include the time of personnel involved in the assessment of information supplied with the application, report writing and the costs of associated travel, accommodation, meals and incidental expenses in accordance with each Party's directives.

16. Test Reports

- a. The Parties will ensure that:
- (a) on receipt of a test report, the technical file is promptly examined for completeness of data and documentation;
 - (b) the applicant is informed in a precise and complete manner of any deficiency;
 - (c) any request for additional information is limited to omissions, inconsistencies or variances from the technical regulation or standards.
- b. Abbreviated reports will be adequate for equipment modified subsequent to a determination of compliance. These reports will only cover procedures necessary to determine continued conformance.
- c. Parties may on an exceptional and reasoned basis request sample equipment, prototype samples or product examinations as a condition of issuing approvals. The requesting Party must inform the other Party within ten (10) days of a request for a sample, providing a justification.

17. Processing of Applications for Equipment Approval or Authorization

- a. Applications for equipment approval or authorization, accompanied by test results completed in the territory of the other Party with all the necessary documentation, will be processed within thirty (30) working days.
- b. Any fees imposed for the processing of applications for equipment approval or authorization on the basis of test results already completed in the territory of the other Party will not be higher than fees charged for like services in the domestic market.

18. Transparency

- a. Each Party will inform the other regarding the recognition or suspension of testing facilities located in the other Party's territory within fourteen (14) working days of a decision.
- b. The Parties will publish a list of recognitions and suspensions on a timely basis.
- c. The Parties will inform each other of proposed changes to relevant technical regulations and administrative practices within fourteen (14) working days of their domestic notification.
- d. Neither Party will issue administrative guidance which advantages domestic suppliers with regard to regulatory or licensing procedures.

19. Joint Committee

- a. The Parties will establish a Joint Committee consisting of an equal number of experts from each Party to deal with any matter affecting compliance with the obligations under this Arrangement.
- b. Either Party may request consultations in the Joint Committee and such requests will be granted within thirty (30) days.
- c. The activities related to the confidence-building period will take place within the Joint Committee.

20. Effective Date and Amendment

- a. This Arrangement will come into effect on the date of signing as identified below.
- b. At the end of the eighteen (18) month confidence-building period following implementation of the Arrangement, the Joint Committee will issue a joint progress report on the functioning of the MRA.

- c. This Arrangement may be amended with the mutual consent of the Parties in writing.
- d. This Arrangement may be terminated by either Party, by means of written notice.
- e. The expiration and termination of this Arrangement will not affect the terms of those activities which are in progress at the time of expiry of the Arrangement or the notification of its termination.

Done in Duplicate at Seoul, Korea this 10th day of January 1997, in the Korean, English and French languages, each text being equally valid.

For the Ministry of Information and
Communication of the Republic of
Korea

For the Department
of Industry of
Canada

Kang, Bong-Kyun
Minister of Information and
Communication

Arthur C. Eggleton
Minister for International Trade

Annex 1

List of Telecommunications Terminal Equipment

Canada	Korea
<p>Automatic Answering Devices Recorders Facsimile Devices Modems Multi-media Devices Call Restrictors Hands free Loudspeaking Devices Telephones Multiple-feature telephones Cordless telephone Key Telephone Systems Private Branch Exchanges Radio Common Carrier Paging Control Equipment Telex Equipment Call Diverting Equipment Alarm and Security Devices Addressing and Announcing Devices Component Devices Multiplexers Hearing-Aid Compatible Equipment Proprietary Station Equipment Cordless Telephones with Digital Security Coding Calling Line Identification Devices Network Protection Devices Other Traffic Measuring Equipment Automatic Measuring Equipment Secure Telephones Terminal Adaptors CT2 Telephones Personal Communications Systems</p>	<p>Telecommunications equipment subjected to Type Approval</p> <p>Equipment that is connected directly to the public network or CATV network</p> <p>Equipments that are not connected directly to the public network but that can cause harm to the public network:</p> <p>-adjuncts of a system which is connected directly to the public network</p> <p>-ISDN Terminal</p> <p>-Digital communication equipment that is connected to service unit</p>

Annex 2
List of Interference Causing Equipment

Canada

Digital apparatus (any apparatus that generates and uses timing signals at a rate in excess of 10,000 pulses per second and that utilizes radio frequency energy for the purpose of performing functions including computations, operations, transformations, recording, filing, sorting, storage, retrieval and transfer, but does not include an ISM radio frequency generator).

Korea

Information technology and telecommunications equipment that satisfy the 3 conditions at the same time as follows:

1. Having functions of input, output, storage, retrieval, transfer, control.
2. Having terminal port (at least 1 port) for information transfer.
3. Having power supply less than 600V.

However Radiocommunication equipment prescribed in Radiocommunication Act is exempted.

Annex 3

List of Radio Equipment

<u>Canada</u>	<u>Korea</u>
Radio equipment referenced in the Radio Equipment List	<ol style="list-style-type: none">1. Selective calling equipment2. Radio pager3. Radar and annexed radar plotting equipment for ship communication4. Simple radio equipment5. Cellular phone6. RS (Trunked radio system)7. Radio equipment used in a building8. Citizen band radio equipment9. Any other radio equipment that allow to be tested by private testing labs for submission.10. 900MHZ band digital cordless phone (CT-2).11. 900MHZ band wireless data communication equipment.

Annex 4

LEGISLATIVE, REGULATORY AND ADMINISTRATIVE PROVISIONS

CANADA	KOREA
Telecommunications Act	Telecommunications Basic Law
Radiocommunication Act	Presidential Decree by Telecommunications Basic Law
CRTC Telecoms Decision No 82-14	Ministerial Decree by Telecommunication Basic Law
Certification Standard CS-03	Ministerial Decree, Technical Standards on Telecommunications Equipment
Certification Procedure CP-01	Ministerial Proclamation, Procedure of Type Approval of Telecommunications Equipment
Radiocommunication Regulations	Radio Communications Act
Interference-Causing Equipment Standard, Digital Apparatus ICES-003	Ministerial Decree, Type Approval of Radio Communications Equipment
Radio Equipment Certification Procedure RSP-100	Ministerial Proclamation, criteria for type approval of radio communication equipment
Canadian Electrical Code	Ministerial Decree, Type Approval of EMC Equipment
Terminal Equipment List (TEL)	Ministerial Proclamation, Criteria for Type Approval of EMC Equipment
Radio Equipment List (REL)	Ministerial Proclamation, Procedures of Type Approval of EMC Equipment

Annex 5

Approval procedures for Testing Facilities

<u>Canada</u>	<u>Korea</u>
<p>Approval Procedures for Testing Facilities.</p> <p>List of Testing Facilities approved by Canada.</p>	<p>Ministerial Decree by Telecommunications Basic Law.</p> <p>Ministerial Proclamation, criteria for type approval of radio communication equipment.</p> <p>Ministerial Decree, Type Approval of EMC Equipment.</p> <p>List of Testing Facilities approved by Korea.</p>

