

Criteria for Designation of U.S. Conformity Assessment Bodies under the US-Japan Mutual Recognition Agreement

Issue Date: October 1, 2010 (Version 1.0)

INTRODUCTION

The Agreement on Mutual Recognition of Conformity Assessment Procedures between the United States and Japan (US-Japan MRA) was signed on February 16, 2007. Following a period of information exchange between the two economies, implementation of the MRA began in 2010.

The scope of the US-Japan MRA includes radio and telecommunications equipment, including telephone terminal equipment. The MRA provides for the mutual recognition of qualified Conformity Assessment Bodies (CABs) and mutual acceptance of the results of equipment certification undertaken by recognized CABs. The MRA is intended to streamline the conformity assessment procedures for a wide range of telecommunications and telecommunications-related equipment and facilitate trade between the United States and Japan.

A U.S. CAB seeking to be designated by NIST and recognized by Japan as a foreign registered CAB shall submit all required information identified in this document to NIST. NIST, as the U.S. Designating Authority under the MRA, will review and process the request. The decision on recognition shall be made by the Ministry of Internal Affairs and Communications (MIC) of Japan.

For questions about the information contained in this document, please contact the NIST MRA Team via e-mail at mra@nist.gov.



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1.0 Scope of the US-Japan MRA

For CABS, the US-Japan MRA applies to conformity assessment procedures related to telecommunications **terminal equipment** and **radio equipment** noted below and for processes associated with that equipment.

A. Telecommunications Business Law:

- A1. Terminal equipment for purpose of calling
- A2. Other Terminal equipment

B. Radio Law:

- B1. Specified Radio Equipment specified in Article 38-2, paragraph 1, item 1 of the Radio Law
- B2. Specified Radio Equipment specified in Article 38-2, paragraph 1, item 2 of the Radio Law
- B3. Specified Radio Equipment specified in Article 38-2, paragraph 1, item 3 of the Radio Law

2.0 Applicable Laws and Ordinances

	Terminal Equipment	Radio Equipment
Applicable Laws	- Telecommunications Business Law (Law No. 86, 1984) and amendments	- Radio Law(Law No. 131, 1950) and amendments
Ordinances regarding Technical Regulations	- Ordinance concerning Terminal Facilities etc. (Ordinance of the Ministry of Posts and Telecommunications No.31,1985) and amendments	- Ordinance Regulating Radio Equipment (Radio Regulatory Commission Regulations No.18, 1950) and amendments.
Ordinances regarding Conformity Assessment Procedures	- Ordinance concerning Technical Conditions Compliance Approval etc. for Terminal Equipment (Ordinance of the Ministry of Internal Affairs and Communications No.15, 2004) and amendments ¹	Ordinance concerning Technical Regulations Conformity Certification etc. of Specified Radio Equipment (Ordinance of the Ministry of Posts and Telecommunications No.37, 1981) and amendments

¹ An English translation of this Ordinance is embedded at the end of this document.

3.0 Test Methods Notified by MIC

Test method for each class of equipment can be found on the following websites:

- The Radio Law
<http://www.tele.soumu.go.jp/j/sys/equ/tech/test/index.htm>
- The Telecommunications Business Law
http://www.soumu.go.jp/main_sosiki/joho_tsusin/tanmatu/index.html

4.0 Requirements for U.S. CAB Designation

To be eligible for designation by NIST to Japan for consideration as a foreign registered Conformity Assessment Body (CAB), the U.S. Conformity Assessment Body (CAB) shall meet the following requirements

- 4.1 The CAB shall be a legally identifiable entity located in the United States.
- 4.2 The CAB shall have expert knowledge of the Japan's applicable laws, ordinances, technical regulations and administrative requirements relevant to the conformity assessment of equipment for which designation is being sought, including testing and certification of the relevant equipment.
- 4.3 The CAB shall have written procedures to describe the process followed to certify equipment under the applicable laws and ordinances of Japan. The procedures shall be in English.
- 4.4 The CAB shall be accredited in accordance with ISO/IEC Guide 65 by an Accreditation Body recognized by NIST (ANSI or A2LA) for one or more of the US-Japan MRA scopes listed below (source: Annex III of the US-Japan MRA):

Terminal Equipment under Japan's Telecommunications Business Law

___A1 – Terminal Equipment for the Purposed of Calls

___A2 – Other Terminal Equipment

Radio Equipment under Japan's Radio Law

___B1 – Unlicensed Station (all classes of equipment)

___B2 – Licensed Station (all classes of equipment)

___B3 – Licensed Station – Other (all classes of equipment)

4.5 The CAB shall have the capability to certify all classes of equipment covered within a scope or scopes of designation sought. (A partial scope covering only a subset of the classes of equipment in that scope (for example, B1) is not allowed by MIC.) The CAB's ISO/IEC Guide 65 accreditation shall be relevant to all equipment types and technical regulations covered by each scope (Section 1.0).

The classes of equipment covered under the Radio Law are listed here:

<http://www.tele.soumu.go.jp/e/sys/equ/tech/techobj/index.htm>

The classes of equipment covered under the Telecommunications Business Law are listed in Article 3, paragraph (1) of the *Ordinance concerning Technical Conditions Compliance Approval etc. for Terminal Equipment*.

4.6 The CAB shall have the necessary technical competency to perform the certification and testing for the relevant characteristics specified in the applicable laws, regulations and notices issued by Japan for the scope of recognition being sought. For the Radio Law, the personnel conducting the certification activities shall meet specific educational and experience requirements referenced in the Radio Law. Please see Section 7.0.

4.7 The CAB shall maintain information on the initial and on-going training of personnel regarding MIC administrative and technical requirements.

4.8 The CAB shall have the necessary test equipment (properly calibrated) to perform testing for the relevant characteristics specified in the applicable laws, regulations and notices issued by Japan for the scope of recognition being sought. Test equipment used to support certification activities shall be calibrated annually.²

4.9 In verifying the compliance of equipment with the applicable technical regulations, the CAB shall use the test methods *separately notified by MIC* (MIC technical requirements) or a method that is equal to or surpasses the method (this language come directly from MIC requirements).

4.10 If the CAB is not using the test methods separately notified by MIC, the CAB shall have procedures for determining equivalency of other test methods to those separately notified by MIC and shall maintain records of equivalency determination.

4.11 The CAB shall demonstrate that it has access to MIC technical requirements in English or that it has the capability to accurately translate the technical requirements from Japanese language to English. The CAB shall also demonstrate that it has capability to access latest changes to MIC requirements and obtain English translations.

² References: Radio Law: Article 24-2 (4) (ii); Telecommunications Business Law: Article 87 (1) (ii).

- 4.12 The CAB shall have laboratory facilities accredited in accordance with ISO/IEC Guide 17025 by an [Accreditation Body listed by NIST](#) in the relevant field of testing (for example: Electrical/EMC/Telecom) for relevant MIC test methods and/or methods that are equal to or surpass the MIC test methods and that cover the applicable test technologies/electrical characteristics measurements needed for the scope of recognition being sought.
- 4.12.1 If the CAB's ISO/IEC 17025 Scope of Accreditation does not contain all the relevant test methods necessary to cover the applicable test technologies/electrical characteristics measurements for the scope of recognition being sought, it is acceptable for the CAB to have contractual arrangements with another accredited testing laboratory to ensure full coverage. In such cases, the CAB shall submit a copy of the contractual arrangements made with each other testing laboratory and shall also submit the testing laboratory's valid Certificate and Scope of Accreditation with the applicable test methods identified.
- 4.13 The CAB shall have written procedures to describe the process followed when accepting data from another testing laboratory. The procedures shall meet the applicable requirements of the Laws of Japan for the designation being sought and the requirements noted in this document. The procedures shall be in English.

5.0 Application Checklist

To apply to NIST for designation to Japan for consideration as a Registered Certification Body (RCB), the U.S. Conformity Assessment Body (CAB) shall submit to NIST (mra@nist.gov) the following documents (electronically):

5.1 ___ Copy of this page as a Checklist

5.2 ___ Cover letter that includes the following information:

- a) Name, mailing address, phone number including extension (if any), email address of the CAB's primary and alternate contacts
- b) Identification of the Scope of Recognition sought (one or more of the following: A1, A2, B1, B2, B3)

5.3 ___ A copy of the CAB's written certification procedures for the Japan Certification System

5.4 ___ One sample certification report (sample application package) for Japan

5.5 ___ Copy of the ISO/IEC Guide 65 Certificate and Scope of Accreditation

5.6 ___ Names, contact information, resumes and training records for at least two of the CAB's technical experts trained on the Japan Certification System (NIST Criteria 7.0)

5.7 ___ Copy of the ISO/IEC 17025 Certificate and Scope of Accreditation with identification (directly on the scope of accreditation) of the relevant test methods used to support the CAB's certification activities under the US-Japan MRA (NIST Criteria Sections 4.9 and 4.10)

- 5.7.1 ___ If relevant, (1) copy of the ISO/IEC 17025 Certificate and Scope of Accreditation of each contracted laboratory (NIST Criteria Section 4.12.1) with identification of the relevant test methods used to support the CAB's certification activities under the US-Japan MRA and (2) a copy of the contractual arrangements with that laboratory

5.8 ___ Copy of the CAB's procedures for determining equivalency of test methods to the MIC test methods, if relevant (NIST Criteria 4.10)

5.9 ___ Copy of the CAB's written procedures for acceptance of test data from another laboratory (NIST Criteria 4.13)

5.10 ___ Written affidavit signed by the CAB's top management confirming that the CAB does not fall into categories (i) and (ii) and (iii) specified in Article 38-3 of the Radio Law and/or Article 87 of the Telecommunications Business Law (NIST Criteria 6.0)

5.11 ___ Signed [CAB Declaration Form](#)

NAME OF CAB: _____

COMPLETED BY: _____

E-MAIL ADDRESS: _____

6.0 Excerpts of Information on the Affidavit

6.1 Applicable Provisions of the Radio Law

Article 24-2 paragraph (5) and (6) applicable to Article 38-3 paragraph (2)

<p>Article 38-3</p> <p>(2) <i>The provisions of Article 24-2 paragraphs (5) and (6) shall apply, mutatis mutandis, to the registration under paragraph (1) of the preceding article. In this case, “Article 24-10 or Article 24-13 paragraph (3)” in Article 24-2 paragraph (5) item ii) shall be read as “Article 38-17 paragraph (1) or (2) (including Article 38-24 paragraph (3) to which Article 38-17 paragraph (1) or (2) shall apply, mutatis mutandis)”;</i> and “the preceding paragraphs” in paragraph (6) of the same article shall be read as “the preceding paragraph, Article 38-2 paragraphs (1) through (3) and Article 38-3 paragraph (1)”</p>
<p>(Reference)*After mutatis mutandis</p> <p>Article 24-2 (Registration of Inspectors)</p> <p>(5) Any person who falls under any of the following items shall not be given registration under paragraph (1) of this article:</p> <ul style="list-style-type: none">i) Any person who has been sentenced for a crime as provided for under this Act, and a period of two years has not elapsed since the day when the sentence was served out or the stay of execution was granted.ii) Any person whose registration was revoked in accordance with the provisions of <u>Article 38-17 paragraph (1) or (2) (including cases where applied mutatis mutandis pursuant to Article 38-24 paragraph (3))</u>, and a period of two years has not elapsed since the day of revocation.iii) Where the applicant is a juridical person³, any of whose officers falls under any of the preceding two items. <p>(6) <u>In addition to the provisions stipulated in the preceding paragraph, Article 38-2 paragraphs (1) through (3) and Article 38-3 paragraph (1), the necessary matters related to registration of paragraph (1) shall be set forth in the applicable MIC ordinance.</u></p>

³ Definition: Juridical Person

(1) A juridical person, means any legal entity duly constituted or otherwise organized under applicable law, whether for profit or otherwise, and whether privately-owned or governmentally-owned, including any corporation, trust, partnership, joint venture, sole proprietorship or association.

Source: <http://stats.oecd.org/glossary/detail.asp?ID=4357>

(2) Entity (such as a firm) other than a natural person (human being) created by law and recognized as a legal entity having distinct identity, legal personality, and duties and rights. Also called artificial person, juridical entity, juristic person, or legal person. See also corporate body.

Source: <http://www.businessdictionary.com/definition/juridical-person.html>

6.2 Applicable Provisions of the Telecommunications Business Law

Article 87

(2) Any person who falls under any of the following items shall not be given the registration of paragraph (1) of the preceding article:

i) Any person who has been sentenced to a fine or severer penalty in accordance with the provisions of this Law, or the Wire Telecommunications Law or the Radio Law, if a term of two years has not yet elapsed since the day on which the sentence or suspended sentence was served out

ii) Any person whose registration was revoked in accordance with the provisions of Article 100 paragraph (1) or (2) (including the cases where Article 100 paragraph (1) or (2) shall apply, mutatis mutandis, in Article 103), if a term of two years has not yet elapsed since the day of revocation

*iii) Any **juridical person**⁴, any of whose officers falls under any of the preceding two items.*

⁴ See definition on previous page.

7.0 Excerpts on Technical and Educational Requirements for the Radio Law

Radio Law, 38-3 (1) (i):

*The technical regulations conformity certification service is to be conducted by a person with knowledge and experience conforming to any of the conditions in appended **Table No. 4**⁵.*

Radio Law Table No. 4

(i) - (ii) (Omission)

(iii) The person shall have a certificate issued by a foreign government agency which certifies that said person holds a qualification equivalent to either of the qualifications listed in the preceding item, and shall have five years or longer experience in servicing, including the testing, tuning, and maintenance of radio equipment.

(iv) The person shall have graduated from a school in a foreign country which is equivalent to a university or college under the School Education Act having completed the subjects related to radio communications, and shall have three years' or longer experience in servicing, including the testing, tuning, and maintenance of radio equipment.

(v) The person shall have graduated from a school in a foreign country which is equivalent to a junior college or technical college under the School Education Act having completed the subjects related to radio communications, and shall have five years' or longer experience in servicing, including the testing, tuning, and maintenance of radio equipment.

⁵ Reference: Radio Law: Article 38-3 (1) (i) and sections (iii – v) of the text between Tables 3 & 5 (this is referred to as Table 4 in 38-3 (1) (i) but is not labeled as such in the English translation). Of the various options listed for education/training, only subsection (iii - v) apply for those educated outside of Japan. If the individual was educated in Japan, other options listed in “Table 4” may apply.

8.0 Additional Resources

Information about the Japanese regulatory system can be found on the following websites:

Japanese Ministry of Internal Affairs and Communications (MIC)

Website Home Page

<http://www.soumu.go.jp/english/index.html>

Japanese Ministry of Internal Affairs and Communications (MIC)

Information and Communications Policy Site

http://203.180.140.4/main_sosiki/joho_tsusin/eng/laws.html

MRA-Related Legislation from Japan

http://www.soumu.go.jp/main_sosiki/joho_tsusin/eng/Resources/Legislation/MRA/index.html

The Radio Use Web Site

<http://www.tele.soumu.go.jp/e/index.htm>

Technical Regulations Conformity Certification System

<http://www.tele.soumu.go.jp/e/sys/equ/tech/index.htm>

JATE: Japan Approvals Institute for Telecommunications Equipment

<http://www.jate.or.jp/english/index.html>

Additional information on the Ordinances regarding Conformity Assessment Procedures for Terminal Equipment:

- Ordinance concerning Technical Conditions Compliance Approval etc. for Terminal Equipment
([Ordinance of the Ministry of Internal Affairs and Communications No.15, 2004](#))

- Ordinance concerning Technical Conditions Compliance Approval etc. for Terminal Equipment
([Table of amendments to the Ordinance since March 2004 up to now](#) – from MIC)

9.0 Document Control information

Version Number	Issue Date	Type of Change
1.0	October 1, 2010	Initial release of document