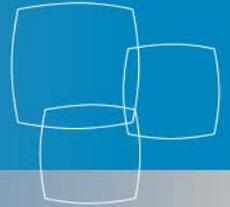




Industry
Canada

Industrie
Canada

Canadian Experience on Market Surveillance

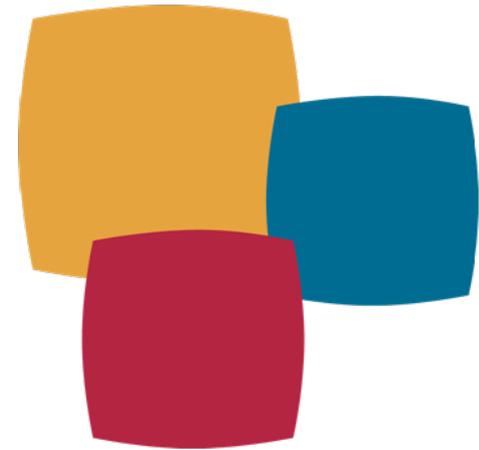


Marc Dupuis

Director General

Spectrum Engineering Branch

marc.dupuis@ic.gc.ca



MRA Workshop, Gaithersburg, MD
May 5-7, 2009

Canada 



- To ensure that products in the market comply with Industry Canada's regulatory requirements
- To guarantee a fair & competitive marketplace

There is a role for both government and private sector





➤ Government

- Raise awareness and educate parties regarding their regulatory obligations
- Identify levels of compliance by conducting market surveillance program
- Work diligently with responsible parties to resolve issues of non-compliance
- Take appropriate enforcement actions when applicable

➤ CBs

- Maintain internal auditing and surveillance procedures
- Notify Industry Canada (IC) of all audits conducted in a given year
- Conduct additional audits upon request by IC
- Notify immediately the certificate holder and IC when a non-compliance is detected
- Work diligently with responsible parties to resolve issues of non-compliance





➤ Manufacturers

- Internal monitoring to ensure continual product compliance
- Take immediate action when non-compliance is detected
- Communicate and collaborate with the CB and IC in a timely fashion to reach an acceptable resolution





➤ APEC TEL and CITELE MRAs

(Appendix A, Section C. 5) provide for:

- Post-market Surveillance activities of certified equipments by responsible CBs
- Actions to be taken by CBs when a non-compliance is discovered during surveillance activities
- General guidelines where compliance concerns arise

Given where we are today in the implementation of the MRAs, has market surveillance been adequately addressed?





➤ Issue

An audit sample obtained from the Canadian marketplace as part of the Industry Canada's market surveillance program failed to comply with Specific Absorption Rate (SAR) requirements

➤ Resolution

- Further testing conducted on additional samples
- Majority of tested samples exceeded regulatory limit
- Non-compliance communicated to parties involved
- Equipment declared non-compliant and removed from REL (Radio Equipment List)
- Voluntary recall by manufacturer/distributors



Specific Absorption Rate (SAR)



SAR is the rate at which radiofrequency energy is absorbed by a specified mass of biological tissue

Applicable International Regulations (Methods of measurements)

- Canada: RSS 102 (references IEEE 1528; IEC 62209 and IEEE C95.3)
- USA: OET 65, IEEE C95.3 and KDB procedures
- Europe: IEC 62209-1

SAR's International Requirements for the head and trunk:

	Localized SAR	Averaging time	Averaging mass
Europe and most of the rest of the world	2 W/kg	6 min	10g
Canada	1.6 W/kg	6 min	1 g
USA	1.6 W/kg	30 min	1 g

Notes:

- For the following two cases, the limits are harmonized internationally
- For the whole body, the limit is set at 0.08 W/Kg
- For the extremities, the limit is set at 4W/Kg averaged over 10g





➤ **Lessons learned**

- Whenever a non-compliance is found, collaboration is needed between the industry and regulatory bodies
- Early communication with the relevant parties is paramount to mitigate any potential damage
- Understanding of roles & responsibilities by each stakeholder is vital to speedy resolution
- Constantly re-evaluate and update our market surveillance program and related procedures to enhance process and communication with all affected parties





- Closer cooperation inspires trust and higher level of commitment
- Provide access to compliance expert advice and best practices from regulatory bodies
- Help create harmonized and more effective market surveillance policies and practices
- Share lessons learned on specific cases
- Increase awareness of regulatory requirements among manufacturers
- Product safety and quality could be improved through global co-operation between governments, manufacturers and CBs as required
- Facilitate quick resolution of non-compliance should similar situation arise





➤ Issues and Challenges

- The sharing of information might be restricted by non-disclosure and privacy laws in some member economies
- Different economies might have different regulatory requirements for the same product type (e.g. criteria for determining the safety of a product may vary)
- Implementation of surveillance system in each member economy may be different in degree and scope
- Could be viewed as low priority by some economies





- **Need to improve cooperation between**
 - Regulators
 - Regulators and CBs

- **What is the best forum to engage these discussions?**
 - APEC TEL, CITEC
 - Multilateral, bilateral
 - NIST Workshops
 - TCB Council





Thank you

Industry Canada:

<http://www.ic.gc.ca/eic/site/ic1.nsf/eng/home>

Spectrum Management and Telecommunications:

<http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/home>

Certification and Engineering Bureau:

<http://www.ic.gc.ca/eic/site/ceb-bhst.nsf/eng/home>



Canada 