

MUTUAL RECOGNITION AGREEMENT

BETWEEN

THE GOVERNMENT OF CANADA

AND

THE GOVERNMENT OF THE STATE OF ISRAEL

FOR CONFORMITY ASSESSMENT

OF TELECOMMUNICATIONS EQUIPMENT

THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE STATE OF ISRAEL (“the Parties”);

RECOGNIZING that market access between the territories of the Parties will be enhanced if the Parties mutually recognize test results and certifications undertaken in the context of conformity assessment procedures;

RECOGNIZING that in order to establish this mutual recognition, each Party must have confidence in the reliability of conformity assessment procedures of the other Party;

BEARING in mind the obligations of the Parties as Members of the World Trade Organization (“WTO”) and being aware of their obligations under the *WTO Agreement on Technical Barriers to Trade*, done at Marrakesh on 15 April 1994;

RECOGNIZING that an agreement for mutual recognition of the results of conformity assessment procedures is of particular interest to equipment suppliers;

HAVE AGREED as follows:

ARTICLE 1

Purpose of the Agreement

This Agreement is intended to streamline conformity assessment procedures for a wide range of telecommunications and telecommunications-related equipment, facilitating trade between the Parties. Under this Agreement, the importing Party undertakes to recognize designated conformity assessment bodies of the exporting party and to accept test results and equipment certifications used by those bodies in assessing conformity of equipment with the importing Party's technical regulations.

ARTICLE 2

Definitions and Interpretations

1. Terms used in relation to test reports and conformity assessment procedures shall have the meaning assigned to those terms in the most recent version of Standard ISO/IEC 17000: Conformity Assessment – Vocabulary and general principles - of the International Organization for Standardization and the International Electrotechnical Commission (hereinafter “ISO/IEC Standard 17000”) unless specifically defined otherwise in this Agreement and its Appendices. In addition, the following terms and definitions shall apply to this Agreement:

- (a) **accreditor** means either an accreditation body or a Designating Authority that performs accreditation.
- (b) **administrative arrangement** means any publicly available procedure or legal or contractual arrangement within a Party's jurisdiction which impact on the conformity assessment procedures for the telecommunications equipment within the scope of this Agreement, as described in Article 4 of this Agreement.
- (c) **certification body** means a body that performs certification (as per the definition of certification in 5.5 of ISO/IEC Standard 17000).

- (d) **Conformity Assessment Body** means a body, which may include a third party or a supplier's testing laboratory, or a certification body, that performs conformity assessment to the importing Party's technical regulations.
- (e) **designation** means the act by a Designating Authority of designating a Conformity Assessment Body to perform Conformity Assessment Procedures under this Agreement.
- (f) **Designating Authority** is a body with the authority to designate, list, monitor, limit, suspend or withdraw designation of Conformity Assessment Bodies within its jurisdiction.
- (g) **designated Conformity Assessment Body** is a Conformity Assessment Body that has been designated as such under this Agreement.
- (h) **Party** means either the Government of Canada or the Government of the State of Israel.
- (i) **public telecommunications network** means public telecommunications infrastructure that permits telecommunications between defined network termination points.
- (j) **recognized Conformity Assessment Body** is a designated Conformity Assessment Body of the exporting party that has been recognized by the importing party.
- (k) **Regulatory Authority** is a government entity that develops and publishes national technical regulations, establishes conformity assessment procedures for telecommunication equipment, and performs the Mutual Recognition Agreement (MRA) recognition function.

- (l) ***technical regulations*** means those technical requirements, legislative and regulatory provisions, and administrative arrangements that a Party has specified under Annex I of the Phase I or Phase II Procedures pertaining to the registration, testing or certification of equipment with respect to which compliance is mandatory.
 - (m) ***testing laboratory*** is a laboratory that performs testing (as per definition of testing in 4.2 in ISO/IEC Standard 17000).
2. In the event of an inconsistency between a definition in ISO/IEC Standard 17000 and a definition in this Agreement, the definition in this Agreement shall prevail.
 3. In the event of inconsistency between the definition of a term in this Agreement and a term in one of the Appendices, the term in the Appendices shall prevail.

ARTICLE 3

General Provision

The Parties shall, subject to the provisions in Appendices A, B and C, accept the results of conformity assessment procedures undertaken by recognized Conformity Assessment Bodies. This shall be done regardless of the nationality of the supplier, its place of incorporation, or the territory in which the supplier's production facilities are located.

ARTICLE 4

Scope

1. This Agreement applies to the technical regulations of the respective Parties, listed in Annex I.
2. The Parties shall list in Annex I technical regulations for network terminal equipment and other telecommunications equipment, including regulations concerning conformity assessment and electromagnetic compatibility.

3. The equipment covered by this Agreement shall be network terminal equipment and other equipment subject to telecommunications regulation, including wire and wireless equipment, and terrestrial and satellite equipment, whether or not connected to a public telecommunications network.

4. Equipment which is intended solely to be connected behind devices providing adequate network protection for a public telecommunications network shall be excluded by the Parties from equipment certification as it applies to network terminal attachment.

5. This Agreement shall not be interpreted as a mutual acceptance of standards or technical regulations of the Parties or mutual recognition of the equivalence of these standards or technical regulations.

ARTICLE 5

Designating Authorities and Regulatory Authorities

1. The Parties shall ensure that their Designating Authorities have the authority and competence to designate, list, verify the compliance of, limit the designation of, and withdraw the designation of, Conformity Assessment Bodies within their jurisdictions.

2. The Parties shall take the necessary measures to ensure that their Designated Conformity Assessment Bodies maintain the necessary technical competence to undertake the conformity assessment procedures for which they have been designated.

3. Each Party shall list, under Annex II, its Designating Authorities, Regulatory Authorities and accreditation bodies.

ARTICLE 6

Accreditation

1. The technical competence of a Conformity Assessment Body shall be demonstrated through accreditation.
2. Accreditation shall be done according to the requirements and procedures set out in Appendix A, as follows:
 - (a) The Designating Authority of the exporting Party may appoint one or more accreditation bodies to accredit Conformity Assessment Bodies; or
 - (b) A Designating Authority may directly accredit a Conformity Assessment Body.

ARTICLE 7

Designation and Recognition of Conformity Assessment Bodies

1. A Designating Authority shall designate Conformity Assessment Body to assess whether equipment conforms to the other Party's technical regulations. In making such a designation, a Designating Authority shall observe the procedures set out in Appendices A, B and C of this Agreement.
2. Under the conditions and procedures specified in the Phase I Procedures or Phase II Procedures, the Regulatory Authority of a Party shall recognize the Conformity Assessment Bodies designated by the other Party's Designating Authority.

ARTICLE 8

Verification of Designated Conformity Assessment Bodies

1. Even after a Party has recognized a Conformity Assessment Body, that Party has the right to contest its technical competence, as well as its conformity with Appendix A, B or C. This right shall be exercised in exceptional circumstances only.

2. The contesting Party shall provide prompt notice of its contestation in writing to the other Party's Designating Authority, accreditation body and designated Conformity Assessment Body. The notice shall include an objective and detailed description of the basis for the contestation, including a description of the available evidence and opinions supporting the contestation. The other Party shall, within 60 days of receipt of the notice, submit information to the contesting Party to refute the contestation or remedy the deficiencies raised in the contestation.

3. The Parties shall, in a timely manner, carry out a joint verification of the Designated Conformity Assessment Body's technical competence or conformity with Appendix A, B or C, as required to resolve the contest. The relevant accreditation body shall participate in this verification.

4. The Parties shall ensure that their Designated Conformity Assessment Bodies are available for verification of their technical competence and their conformity with Appendix A, B or C.

5. The Parties, the relevant accreditation body, and the Designated Conformity Assessment Body concerned, shall discuss the results of this verification with a view to resolving the contestation as soon as possible. Where, as a result of the verification it is determined that the Designated Conformity Assessment Body is not in conformity with Appendix A, B or C, the contesting Party shall promptly notify the Designated Conformity Assessment Body. That Designated Conformity Assessment Body shall, within 60 days of the receipt of the notice, submit information to refute the findings of the verification or remedy the deficiencies raised in the contestation.

6. Where, as a result of the verification of the Designated Conformity Assessment Body, and that Body's response to its findings, the contesting Party intends to withdraw or limit its recognition of the Designated Conformity Assessment Body to specific technical regulations, the contesting Party shall advise that Designated Conformity Assessment Body, the other Party, and the relevant accreditation body, of its intentions. This notice shall be given in writing and shall include an explanation of the reasons. The contesting Party shall not proceed with its stated intention until 60 days have elapsed since the date of the notice.

7. With the consent of both Parties and of the relevant accreditation body, matters relating to the compliance of the Designated Conformity Assessment Body with Appendix A, B or C may be referred to a review process recognized by the Parties.

8. When a Party withdraws the recognition of a Designated Conformity Assessment Body or limits that recognition to certain technical regulations, that Party shall continue to accept the results of Conformity Assessment Procedures performed by the Designated Conformity Assessment Body as they existed prior to the withdrawal or limitation, unless that Party has good cause for not accepting these results. In this case, that Party shall provide the Designated Conformity Assessment Body concerned, the other Party, and the relevant accreditation body with 60 days advance notice including a written explanation of the reason for not accepting these results. This withdrawal or limitation shall remain in effect until a decision has been reached by the Parties on the future status of the Designated Conformity Assessment Body.

ARTICLE 9

Transition Periods

1. In the case of an exchange of information as required under Article 10(1) which effects the mutual recognition procedures in Appendices A, B and C, a Party may indicate its desire to enter into a transition period within 90 days of such exchange. If there is no such request for a transition period, the mutual recognition procedures in Appendices A, B and C shall apply 90 days after the exchange of information. If a request for a transition period is submitted, the mutual recognition procedures shall apply at the end of the period mutually decided upon by the Parties.

2. The Parties may mutually decide to conduct familiarization activities. For example, a Party may give the importing Party the opportunity to participate in evaluations of Designated Conformity Assessment Bodies and to review the Designated Conformity Assessment Body evaluation reports during the transition period for the benefit of the Designating Authorities and Designated Conformity Assessment Bodies. The transition period shall normally last a maximum of twelve months from the date of the mutual decision to begin these activities.

ARTICLE 10

Information Exchange

1. Each Party shall notify the public of its technical regulations for Phase I and Phase II Procedures. Each Party shall make those technical regulations publicly available. Each Party shall make publicly available any amendments to the technical regulations included in the Party's list of technical regulations or any changes to its list of technical regulations within sixty days of publication of the amended or new regulation, unless more urgent action is required. In the event that this amendment requires interpretation, the interpreter shall use a version of the amendment that is in the official language or languages of the Party.

2. In this public notice, each Party shall also provide any interested person, including manufacturers of the other Party, an opportunity to comment on the relevant part of prospective new technical regulations or amendments to technical regulations, in accordance with the Party's domestic laws and regulations. When the new or amended technical regulations come into effect, the Party shall modify its list under Annex I accordingly.

3. The Parties shall consult as necessary to ensure the maintenance of confidence in Conformity Assessment Procedures and to ensure that all Technical Regulations are identified and are satisfactorily addressed.

4. Each Party shall promptly notify the other Party of any changes to its list of Designating Authorities, Regulatory Authorities and accreditation bodies (Annex II), and its list of Recognized Conformity Assessment Bodies (Annex III or IV, as the case may be).

ARTICLE 11

Additional Provisions

1. Each Party shall use international standards, as the basis for its Technical Regulations, when appropriate international standards exist or when their completion is imminent, except when such international standards or relevant parts would be ineffective or inappropriate.

2. Parties shall encourage harmonization of Designation and Conformity Assessment Procedures through cooperation between Designating Authorities and Designated Conformity Assessment Bodies through coordination meetings, mutual recognition arrangements, and working group meetings.

ARTICLE 12

Confidentiality

1. The importing Party shall not require a Designating Authority, accreditation body or Designated Conformity Assessment Body of the exporting Party to disclose a supplier's proprietary information unless it is necessary to establish that they comply with the importing Party's technical regulations.

2. Each Party, in accordance with its applicable domestic laws and regulations, shall protect the confidentiality of any proprietary information disclosed to it in connection with Conformity Assessment Procedures.

ARTICLE 13

Preservation of Regulatory Authority

1. Each Party retains all authority under its domestic laws and regulations to interpret and implement its technical regulations governing equipment. This also applies to the scope of this Agreement.
2. This Agreement shall not be construed to limit the authority of a Party to determine the level of protection it considers appropriate with regard to safety, security, the protection of consumers, and other risks that are matters of concern to the Party.
3. This Agreement shall not be construed to limit a Party's authority with respect to regulatory actions taken when, as a result of market surveillance activities, the equipment is found to be non-compliant with the Party's technical regulations. If one of the Parties takes such actions, it shall notify the other Party in writing within fifteen days of taking such actions, providing its reasons.

ARTICLE 14

Fees

The Parties shall ensure that any fees imposed by them for determining compliance of Designated Conformity Assessment Bodies with the Designation requirements under Article 7 of this Agreement shall be non-discriminatory, transparent, and reasonable.

ARTICLE 15

Entry into Force of the Agreement and Initiating Participation in Phase I Procedures or Phase II Procedures

1. A Party shall notify the other Party, through the exchange of diplomatic notes, once its legal requirements for the entry into force of this Agreement have been met. This Agreement shall enter into force 30 days after the date of the last notification of the completion of the legal procedures required in Canada and Israel.

2. When this Agreement enters into force, each Party shall supply the other Party with the following information in writing:
 - (a) The list of technical regulations for which it shall accept the test reports and equipment certifications from the other Party's Designated Conformity Assessment Bodies in accordance with Phase I Procedures. The list shall be provided in Annex I.

 - (b) The list of the Designating Authorities in the notifying Party's jurisdiction that will be responsible for designating Conformity Assessment Bodies in accordance with Appendices A and B. The list shall be provided in the format specified in Annex II. The list shall include any accreditation bodies that the Designating Authority intends to appoint for accrediting Designated Conformity Assessment Bodies, as provided under Article 6(2) of this Agreement.

 - (c) The contact persons responsible for the activities under this Agreement.

3. At a time mutually decided upon, the Parties may decide to initiate participation in Phase II Procedures. Each Party shall supply the other with the following information in writing:
 - (a) The list of technical regulations for which it shall accept the test reports and equipment certifications from the other Party's Designated Conformity Assessment Bodies in accordance with Phase II Procedures. The list shall be provided in Annex I.

- (b) The list of the Designating Authorities in the notifying Party's jurisdiction that will be responsible for designating Conformity Assessment Bodies in accordance with Appendix C. The list shall be provided in the format specified in Annex II. The list shall include any accreditation bodies that the Designating Authority intends to appoint for accrediting Designated Conformity Assessment Bodies, as provided under Article 6(2) of this Agreement.

ARTICLE 16

Amendment and Termination of the Agreement

1. This Agreement may be amended by an agreement between the Parties which shall enter into force in accordance with the procedure stipulated in Article 15(1) above.
2. A Party may at any time modify its lists of technical regulations (Annex I), Designating Authorities, Regulatory Authorities and accreditation bodies (Annex II), and its list of Recognized Conformity Assessment Bodies (Annex III or IV, as the case may be), as specified in Article 10.
3. A Party may terminate this Agreement or may terminate its participation in the Phase I or Phase II Procedures, by giving the other Party 12 months' notice in writing.
4. Following termination of this Agreement or the termination by a Party of its participation in the Phase I or Phase II Procedures, that Party shall continue to accept the results of Conformity Assessment Procedures performed by Designated Conformity Assessment Bodies under this Agreement prior to termination, unless the Party decides otherwise for justified reasons and so advises the other Party in its termination notice.

ARTICLE 17

Final Provisions

1. The following Appendices to this Agreement constitute integral parts of this Agreement:
 - Appendix A, “General Provisions for Designated Conformity Assessment Bodies and Requirements for Accreditors of Conformity Assessment Bodies”;
 - Appendix B, “Phase I Procedures for Mutual Recognition of Testing Laboratories”;
 - Appendix C, “Phase II Procedures for Mutual Recognition of Certification Bodies.

2. The following Annexes do not constitute integral parts of this Agreement:
 - Annex I, “List of Technical Regulations for Canada and the State of Israel”;
 - Annex II, “List of Designating Authorities, Regulatory Authorities and Accreditation Bodies for Canada and the State of Israel”;
 - Annex III, “List of Canadian Conformity Assessment Recognized by the State of Israel”; and
 - Annex IV, “List of Israeli Conformity Assessment Bodies Recognized by Canada”.

3. In the event of any inconsistency between a provision in this Agreement and a provision in one of the Appendices, the Appendices shall prevail.

ARTICLE 18

Dispute Resolution

If any dispute arises between the Parties regarding the interpretation or application of this Agreement, the Parties shall endeavour to settle the dispute through consultations between their Designating Authorities or between their Regulatory Authorities. If that is unsuccessful, the Parties shall consult through diplomatic channels.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed this Agreement.

DONE in duplicate at _____, this _____ day of _____ 201_,
corresponding to the _____ day of _____ 577_ in the Hebrew calendar,
in the English, French and Hebrew languages, all texts being equally authentic.

**FOR THE GOVERNMENT
OF CANADA**

**FOR THE GOVERNMENT
OF THE STATE OF ISRAEL**

APPENDIX A

GENERAL PROVISIONS FOR DESIGNATED CONFORMITY ASSESSMENT BODIES AND REQUIREMENTS FOR ACCREDITORS OF CONFORMITY ASSESSMENT BODIES

This Appendix sets out the general requirements for two categories of Conformity Assessment Bodies (testing laboratories and certification bodies) and the requirements for accreditors.

A. GENERAL PROVISIONS

1. The technical competence of Designated Conformity Assessment Bodies shall extend to the following areas:
 - (a) Technological knowledge of the relevant equipment, processes and services;
 - (b) Understanding of the technical regulations and the general protection requirements for which Designation is sought;
 - (c) Knowledge relevant to the applicable technical regulations;
 - (d) Practical capability to perform the relevant Conformity Assessment Procedures;
 - (e) Adequate management of the Conformity Assessment Procedures concerned; and
 - (f) Any other evidence necessary to give assurance that the Conformity Assessment Procedures shall be adequately performed on a consistent basis.

2. To ensure that the designation process is consistent, the international guidelines for conformity assessment shall be used in conjunction with the technical regulations of the importing Party to determine the technical competency of an accreditation body, testing laboratory, or certification body.

The following ISO/IEC Standards shall be applied.

- (a) ISO/IEC Standard 17011 – Conformity assessment - General requirements for accreditation bodies accrediting conformity assessment bodies;
- (b) ISO/IEC Standard 17025 – General requirements for the competence of testing and calibration laboratories;
- (c) ISO/IEC Guide 65 – General requirements for bodies operating product certification systems.

All references in this Agreement to these Standards refer to the most up-to-date version of those Standards, even after this Agreement has come into force.

B. REQUIREMENTS FOR ACCREDITORS

1. The exporting Party may have one or more Designating Authorities and one or more accreditation bodies.

2. Accreditors may accredit testing laboratories that are capable of performing conformity assessment for the purposes of the importing Party's technical regulations.

- (a) A Designating Authority selected by the exporting Party to act as an accreditation body shall be able to use the requirements and conditions of ISO/IEC Standard 17011 to the maximum extent necessary to accredit testing laboratories.

- (b) Any appointed accreditation body shall meet the requirements and conditions of ISO/IEC Standard 17011.
 - (c) The accreditor shall appoint a team of qualified experts to assess all of the elements within the scope of accreditation. For assessment of telecommunications equipment, the areas of expertise to be used during the assessment shall include, but are not limited to: electromagnetic compatibility, telecommunications equipment (wire and wireless), and electrical safety.
3. Accreditors may accredit Certification Bodies as capable of performing conformity assessment for the purposes of the importing Party's technical regulations.
- (a) A Designating Authority selected by the exporting Party to act as an accreditation body shall be able to use the requirements and conditions of ISO/IEC Standard 17011 to the maximum extent necessary to accredit certification bodies.
 - (b) The appointed accreditation body shall meet the requirements and conditions of ISO/IEC Standard 17011.
 - (c) The accreditor shall appoint a team of qualified experts to assess all of the elements within the scope of accreditation. For assessment of telecommunications equipment, the areas of expertise to be used during the assessment shall include, but are not limited to: electromagnetic compatibility, telecommunications equipment (wire and wireless), and electrical safety.

APPENDIX B

PHASE I PROCEDURES FOR MUTUAL RECOGNITION OF TESTING LABORATORIES

1. Scope

- 1.1 The procedures in this Appendix address the designation of testing laboratories and the mutual recognition of test reports from recognized testing laboratories.
- 1.2 The importing Party may participate in these Phase I Procedures for the purpose of enabling the exporting Party to designate testing laboratories as being competent to perform testing of equipment subject to the Technical Regulations specified in Annex I to these procedures by the importing Party.

2. Designation and Recognition of Testing Laboratories

- 2.1 A Designating Authority may designate a testing laboratory located in its own territory as competent to perform equipment testing as required by the importing Party's Technical Regulation, subject to the following conditions:
 - (a) the testing laboratory shall be accredited under ISO/IEC Standard 17025 in conjunction with the technical regulations specified for Phase I procedures; and
 - (b) the testing laboratory shall have the technical expertise and capability to test for compliance with the technical regulations contemplated by the scope of the accreditation. A specialized test may be performed in accordance with the subcontracting provisions of ISO/IEC Standard 17025. The laboratory shall also be familiar with the applicable technical regulations for the testing of equipment.

- 2.2 When accreditation is not available under paragraph 2.1, or when special circumstances apply, the Designating Authority may require the Designated Conformity Assessment Bodies to demonstrate their competence through other means such as:
- (a) Participation in regional/international mutual recognition arrangements or certification systems;
 - (b) Regular peer evaluations;
 - (c) Proficiency testing; and
 - (d) Comparisons between test facilities.
- 2.3 The exporting Party shall assign to each designated testing laboratory a unique six-character identifier, consisting of two letters identifying the party which designated the testing laboratory, followed by four alpha-numeric characters.
- 2.4 The exporting Party shall notify the importing Party of any designation of a testing laboratory. This notice shall include: the testing laboratory's name, the unique six-character identifier, physical address, mailing address, contact person, contact person's telephone and telefax numbers and e-mail address, and the scope of the accreditation. The Designating Authority may issue this notice.
- 2.5 The exporting Party shall update each designation as necessary, for example, to revise the scope of a testing laboratory's accreditation. The Designating Authority may update the designation.
- 2.6 On receipt of a notification of a designation, the Regulatory Authority of the importing Party shall evaluate and make a determination on recognizing the designated testing laboratory under terms and conditions no less favourable than those accorded to the testing laboratories of the importing Party. Testing laboratories designated in accordance with Appendices A and B shall normally be recognized by the Parties.

- 2.7 If there is a concern that must be resolved before a testing laboratory can be recognized, the importing Party may request a complete copy of the evaluation report prepared by the exporting Party for the purposes of designating the testing laboratory. The exporting Party shall forward this within 30 days of receiving the request. The confidentiality provisions of Article 12 of this Agreement apply to evaluation reports.
- 2.8 If the importing Party does not recognize a designated testing laboratory the importing Party, within 60 days of the receipt of the Designation, shall provide the Designating Authority and the designated testing laboratory of the exporting Party with an explanation of its decision, in writing.
- 2.9 When the Designating Authority and the designated testing laboratory receive this explanation, they have 60 days to submit to the importing Party additional factual information that may resolve any concerns or to correct any deficiencies raised in that explanation.
- 2.10 With the consent of the Parties, any matters relating to the designation of a testing laboratory may be referred to a review process accepted by both Parties.

3. Mutual Acceptance of Test Reports

- 3.1 On receipt of a test report from a recognized testing laboratory, the importing Party shall take steps to ensure the following:
- (a) the report is promptly examined to ensure that the data and documentation are complete;
 - (b) the applicant is fully informed in writing of any deficiency in the report, in a timely and precise manner;
 - (c) any request to the recognized testing laboratory for additional information is limited to omissions, inconsistencies, or variances from the importing Party's technical regulations;

- (d) re-testing and duplicate testing is avoided, for instance, if there is a change in commercial distribution arrangements, logo, packaging, or minor equipment that does not affect compliance with technical regulations.
- 3.2 When there is no deficiency identified in the test report, or when the deficiency has been remedied, the importing Party shall accept the test report on terms and conditions no less favourable than those accorded to test reports produced by recognized Conformity Assessment Bodies of the importing Party.
- 3.3 Parties shall not restrict or deny equipment certification based on test reports produced by a recognized testing laboratory where a negative report is based on the nationality of the supplier, its place of incorporation, or the territory where the supplier's production facilities are located. Parties shall permit suppliers to apply directly for and, upon issuance, to hold certification.
- 3.4 The importing Party may require a supplier:
 - (a) to name a supplier's agent or other legal representative in the importing Party's jurisdiction; and
 - (b) to give prompt and full notice of any change of its agent or representative.

4. Processing of Applications for Certification

Applications for equipment certification accompanied by test reports completed by recognized Designated Conformity Assessment Bodies of the other Party shall be processed, and a decision communicated to applicants, within 45 days of receipt of all required documents.

APPENDIX C

PHASE II PROCEDURES FOR MUTUAL RECOGNITION OF CERTIFICATION BODIES

1. Scope

1.1 The procedures in this Appendix govern the designation of certification bodies and the mutual recognition of equipment certifications from recognized certification bodies.

1.2 The importing Party may participate in these Phase II Procedures for the purpose of enabling the exporting Party to designate certification bodies as being competent to perform certification of equipment subject to the Technical Regulations specified in Annex I to these procedures by the importing Party.

2. Designation and Recognition of Certification Bodies

2.1 A Designating Authority may designate a certification body in its own territory as competent to certify equipment, for the purposes of the importing Party's technical regulations, subject to the following conditions:

- (a) the certification body shall be accredited under ISO/IEC Guide 65 in conjunction with the technical regulations specified for Phase II Procedures and based on type testing as identified in sub-clause 1.2(a) of that guide;

- (b) the type testing shall normally be based on testing of a maximum of one unmodified representative sample of each equipment type for which certification is sought. Additional samples may be requested if they are clearly necessary for technical regulatory purposes, for instance when a test renders a sample inoperative. According to generally accepted conformity assessment practices, all samples, components and parts shall be returned to the supplier unless the supplier has otherwise requested in writing;
- (c) the certification body shall, by means of accreditation, demonstrate expert knowledge of the technical regulations for each equipment type identified in Annex I of Phase II of this Agreement, as well as demonstrate interpretations and policies for each equipment type with respect to which the certification body seeks Designation;
- (d) the certification body shall have the technical expertise and capability to test the equipment that it certifies, in order to ensure that the certification body has up-to-date technical competence, knowledge and expertise to evaluate the test data, and test reports, and to reach the appropriate conclusion in conformity assessment work with respect to applicable technical regulations. Alternatively, the certification body may enter into contractual arrangements with designated testing laboratories so that the personnel of the certification body has access to personnel and facilities able to carry out the required testing and so that the personnel can oversee and supervise the testing in order to maintain up-to-date expertise and understanding of the applicable technical regulations;
- (e) the certification body shall demonstrate, through assessment, general competence, efficiency, experience, and familiarity with technical regulations and equipment included in those technical regulations as well as through conformity with applicable parts of the ISO/IEC Standard 17025 and Guide 65. The certification body shall also demonstrate that it is able to identify situations that call for interpretations of the technical regulations or Conformity Assessment Procedures. The appropriate key certification personnel shall know which officials of the importing Party they have to contact to obtain current and correct technical regulation interpretations; and

- (f) the certification body shall also participate in any reasonable consultation activities identified by the regulatory authority of the importing Party, in order to establish a common understanding and interpretation of applicable regulations. Designated certification bodies shall continue to participate in such consultative activities after they are designated.
- 2.2 The exporting Party shall assign to each designated certification body a unique six-character identifier, consisting of two letters identifying the party which designated the certification body, followed by four alpha-numeric characters.
- 2.3 The exporting Party shall notify the importing Party of any designation of a certification body. This notice shall include: the certification body's name, the unique six-character identifier, physical address, mailing address, contact person, contact person's telephone and telefax numbers and e-mail address, and the scope of the accreditation. The Designating Authority may issue this notice.
- 2.4 The exporting Party shall update each designation as necessary, for example, to revise the scope of a certification body's accreditation. The Designating Authority may update the designation.
- 2.5 On receipt of a notification of a designation, the Regulatory Authority of the importing Party shall evaluate and make a determination on recognizing the designated certification body under terms and conditions no less favourable than those accorded to the certification bodies of the importing Party. Certification bodies designated in accordance with Appendices A and C shall normally be recognized by the Parties.
- 2.6 If there is a concern that must be resolved before a certification body can be recognized, the importing Party may request a complete copy of the evaluation report prepared by the exporting Party for the purposes of designating the certification body. The exporting Party shall forward this within 30 days of receiving the request. The confidentiality provisions of Article 12 of this Agreement apply to evaluation reports.

- 2.7 If the importing Party does not recognize a designated certification body the importing Party, within 60 days of the receipt of the Designation, shall provide the Designating Authority and the designated certification body of the exporting Party with an explanation of its decision, in writing.
- 2.8 When the Designating Authority and the designated certification body receive this explanation, they have 60 days to submit to the importing Party additional factual information that may resolve any concerns or to correct any deficiencies raised in that explanation.
- 2.9 With the consent of the Parties, any matters relating to the designation of a certification body may be referred to a review process accepted by both Parties.
- 2.10 Sub-contracting
- (a) In accordance with the provisions of sub-clause 4.4 of ISO/IEC Guide 65, a sub-contractor of a designated certification body may carry out all or part of equipment tests, including tests for a supplier. In accordance with the technical regulations of the importing Party, the testing laboratory shall be either accredited to ISO/IEC Standard 17025, or found by the certification body to be competent in accordance with ISO/IEC Standard 17025.
 - (b) When a subcontractor is used, the certification body remains responsible for the tests and shall continue to oversee the subcontractor to ensure that the test reports are reliable. Each Party shall require that this include periodic audits of equipment that has been tested.

3. Obligations of Designated Certification Bodies

A designated certification body shall publish and maintain a list of equipment certifications and, on a request by a Party, shall identify all equipment certified by that designated certification body in accordance with that Party's technical regulations. The Designating Authority that designated the certification body shall fulfill this request.

4. Market Surveillance by Certification Bodies

- (a) The surveillance activities required under ISO/IEC Guide 65 shall be based on type testing of a few samples of the total number of equipment types certified by the certification body. Other types of surveillance activities of equipment that has been certified are permitted provided they are no more onerous than type testing. The importing Party may request and be entitled to receive copies of equipment certification reports.
- (b) If during post market surveillance of certified equipment, a certification body determines that equipment does not comply with the applicable technical regulations, the certification body shall immediately notify the supplier and the appropriate Party. A follow-up report shall also be provided within thirty days of the action taken by the supplier to correct the situation.
- (c) If a Party has concerns, it may request from the certification body and the manufacturer a copy of the equipment certification report. The certification body shall make every effort to provide the Party with a copy of that report within 30 days of the request. If the certification report is not provided within 30 days, a statement shall be provided to the Party as to why such a report cannot be provided. A failure to provide a certification report within 30 days could be grounds for revoking the equipment certification or for other measures set out in this Agreement. The confidentiality provisions of Article 12 of this Agreement apply to equipment certification reports.

5. Mutual Acceptance of Equipment Certifications

- 5.1 The importing Party shall accept equipment certifications produced by a recognized certification body on terms and conditions no less favourable than those accorded to equipment certifications produced by recognized certification bodies of the importing Party.

5.2 Parties shall not restrict or deny equipment certification on the basis of the nationality of the supplier, its place of incorporation, or the territory in which the supplier's production facilities are located. Parties shall permit suppliers to apply directly for and, upon issuance, to hold certification.

5.3 The importing Party may require a supplier:

- (a) To name a supplier's agent or other legal representative in the importing Party's jurisdiction; and
- (b) To give prompt and full notice if its agent or representative should change.

ANNEX I

TO PHASE I AND II PROCEDURES

LIST OF TECHNICAL REGULATIONS FOR CANADA AND THE STATE OF ISRAEL

PHASE I

1. The existing technical regulations for which test reports from recognized testing laboratories shall be accepted are:

- (a) in the case of Canada,

Technical Regulations for Terminal Equipment

(A) Specifications:

Terminal Equipment - Technical Specifications List

- CS-03 – Compliance Specification for Terminal Equipment, Terminal Systems, Network Protection Devices, Connection Arrangements and Hearing Aids Compatibility. Available on the Internet
http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/h_sf06131.html

Note: Testing laboratories must be accredited to the applicable Part (or Parts) of CS-03 and be recognized by Industry Canada.

(B) Procedures for Terminal Equipment

- DC-01 – Procedure for Declaration of Conformity and Registration of Terminal Equipment. Available on the Internet
<http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf05610.html>

(C) Procedures for Conformity Assessment Bodies

- REC-LAB – Procedure for the Recognition of Designated Foreign Testing Laboratories by Industry Canada. Available on the Internet
<http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf05259.html>
- DES-LAB – Procedure for Designation and Recognition of Canadian Testing Laboratories by Industry Canada. Available on the Internet
<http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf01750.html>

- (b) in the case of Israel,

Wireless Telegraph Ordinance (Ordinance Non- application Directive), 1984. Available on the Internet
http://www.moc.gov.il/sip_storage/FILES/3/293.pdf

Procedure for Type Approval of Cellular Handset in Israel, December 2005 (Articles 1-5, inclusive). Available on the Internet
http://www.moc.gov.il/sip_storage/FILES/2/1062.pdf

Checklist for Conformance Approval for DECT equipment – in the Spectrum Division, July 2010. Available on the Internet
http://www.moc.gov.il/sip_storage/FILES/6/2106.doc

2. Test reports from recognized testing laboratories shall also be accepted for any identical or substantially similar technical regulations which add to or replace the existing technical regulations.

PHASE II

1. The existing technical regulations for which equipment certifications from recognized certification bodies shall be accepted are:

(a) in the case of Canada

1. Technical Regulations for Radio Apparatus and Broadcasting Equipment

(A) Specifications:

- The Category I Equipment Standards List. Available on the Internet
http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/h_sf01342.html

(B) Procedures for Radio apparatus Broadcasting Equipment:

- Radio Standards Procedure (RSP) 100: Radio Equipment Certification Procedure. Available on the Internet
<http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf01130.html>
- BESP-100 – Certification of Broadcasting Equipment. Available on the Internet
<http://www.ic.gc.ca/epic/site/smt-gst.nsf/en/sf01266e.html>

(C) Procedures for Conformity Assessment Bodies:

- CB-01 – Requirements for Certification Bodies. Available on the Internet
<http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf05612.html>

- CB-02 – Recognition Criteria, and Administrative and Operational Requirements Applicable to Certification Bodies (CB) for the Certification of Radio Apparatus to Industry Canada’s Standards and Specifications. Available on the Internet
<http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf05613.html>
- CB-03 – Requirements for the Certification of Radio Apparatus to Industry Canada’s Standards and Specifications. Available on the Internet
<http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf05614.html>
- REC-CB – Procedure for the Recognition of Foreign Certification Bodies by Industry Canada. Available on the Internet
<http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf05616.html>
- DES-CB – Procedure for the Designation of Canadian Certification Bodies (CB) by Industry Canada. Available on the Internet
<http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf05615.html>

(b) in the case of Israel,

Wireless Telegraph Ordinance (Ordinance Non- application Directive),
1984.

Available on the Internet

http://www.moc.gov.il/sip_storage/FILES/3/293.pdf

Also available at:

<http://www.moc.gov.il/196-he/MOC.aspx>

2. Equipment certifications from recognized certification bodies shall also be accepted for any identical or substantially similar technical regulations which add to or replace the existing technical regulations.

ANNEX II

TO PHASE I AND PHASE II PROCEDURES

LIST OF DESIGNATING AUTHORITIES, REGULATORY AUTHORITIES AND ACCREDITATION BODIES FOR CANADA AND THE STATE OF ISRAEL

- (a) In the case of Canada:

The list of Designating Authorities, Regulatory Authorities and Accreditation Bodies for Canada for MRA Phase I and Phase II Procedures can be found on the following official website

<http://www.ic.gc.ca/eic/site/mra-arm.nsf/eng/nj00013.html>

- (b) In the case of Israel:

Designating Authority

Commissioner of Standardization
Ministry of Industry, Trade and Labor
5 Bank of Israel St., Jerusalem, 91036
Israel

www.moital.gov.il

Regulatory Authority

Ministry of Communications
9 Ehad Ha'am St.
Tel-Aviv, 65251
Israel
www.moc.gov.il

Accreditation Bodies

Israel Laboratory Accreditation Authority (Phase I only)

Kineret St.

P.O. Box 89

Lod Airport

70150

Israel

<http://www.israc.gov.il>

A2LA (Phase I and II)

American Association for Laboratory Accreditation

5301 Buckeystown Pike

Suite 350,

Frederick, MD,

United States of America

21704-8373

www.a2la.org

ACCLASS (Phase I and II)

ANSI-ASQ National Accreditation Board

500 Montgomery Street, Suite 625

Alexandria, VA 22314

United States of America

www.aiclasscorp.com

ANNEX III

TO PHASE I AND II PROCEDURES

LIST OF CANADIAN CONFORMITY ASSESSMENT BODIES RECOGNIZED BY THE STATE OF ISRAEL

PHASE I

Recognized Conformity Assessment Bodies

1. Name of Conformity Assessment Body:
Six-character identifier:
Physical address:
Mailing address:
Name/title of contact person:
Phone:
Fax:
E-mail address:
Parties' technical regulations for which this Conformity Assessment Body has
been recognized:

- 2.

PHASE II

Recognized Conformity Assessment Bodies

1. Name of Conformity Assessment Body:
Six-character identifier:
Physical address:
Mailing address:
Name/title of contact person:
Phone:
Fax:
E-mail address:
Parties' technical regulations for which this Conformity Assessment Body has
been recognized:

- 2.

ANNEX IV

TO PHASE I AND II PROCEDURES

**LIST OF ISRAELI CONFORMITY ASSESSMENT BODIES
RECOGNIZED BY CANADA**

PHASE I

Recognized Conformity Assessment Bodies

1. Name of Conformity Assessment Body:
Six-character identifier:
Physical address:
Mailing address:
Name/title of contact person:
Phone:
Fax:
E-mail address:
Parties' technical regulations for which this Conformity Assessment Body has
been recognized:

- 2.

PHASE II

Recognized Conformity Assessment Bodies

1. Name of Conformity Assessment Body:
Six-character identifier:
Physical address:
Mailing address:
Name/title of contact person:
Phone:
Fax:
E-mail address:
Parties' technical regulations for which this Conformity Assessment Body has
been recognized:

- 2.