

Procedures for the Recognition of Foreign Testing Laboratories and Certification Bodies by OFCA as Conformity Assessment Bodies

Introduction

The Asia-Pacific Economic Cooperation Mutual Recognition Arrangement for Conformity Assessment of Telecommunications Equipment (APEC TEL MRA) ¹ was endorsed by the APEC Telecommunications and Information Industry Ministers in June 1998 and commenced in July 1999. APEC TEL MRA is a voluntary arrangement intended to streamline the conformity assessment procedures for a wide range of telecommunications and telecommunications-related equipment and thereby facilitate trade among the APEC economies². It provides for mutual recognition by the importing economies of conformity assessment bodies and mutual acceptance of the results of testing and equipment certification procedures undertaken by those bodies in assessing the conformity of equipment to the technical regulations of importing economies. This document specifies the procedures that a foreign conformity assessment body should follow when seeking the Office of the Communications Authority's (OFCA's)³ recognition against such arrangement.

Definitions

2. **Conformity Assessment Body (CAB)** 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 technical regulations of an importing APEC member economy. It refers to a testing laboratory in Phase I Procedures and a certification body in Phase II Procedures of APEC TEL MRA.

¹ For details, please refer to the [Official TEXT on APEC TEL MRA](#).

² As of December 2020, there are 21 APEC Member Economies including Australia; Brunei Darrussalam; Chile; Canada; People's Republic of China; Hong Kong, China; Chinese Taipei; Indonesia; Japan; Republic of Korea; Malaysia; Mexico; New Zealand; Papua New Guinea; Peru; The Philippines; Russia; Singapore; Thailand; The United States and Vietnam.

³ Pursuant to the Communications Authority Ordinance (Cap. 616), with effect from 1 April 2012, all duties and powers of the Telecommunications Authority (TA) are conferred on the Communications Authority (CA), and all duties and powers of the Office of the Telecommunications Authority (OFTA) are conferred on the Office of the Communications Authority (OFCA), the executive arm of the CA.

3. **Designating Authority (DA)** is a body with the authority to designate, suspend or withdraw designation of CABs under its jurisdiction. The Designating Authority may appoint an accreditation body to accredit CABs or it may accredit and designate CABs itself.

4. **Foreign Certification Body (FCB)** is a certification body which is located outside Hong Kong and designated by an APEC economy to conduct certification of telecommunications equipment to the technical regulations of Hong Kong.

5. **HKCA Specifications⁴ and Type Acceptance Criteria** refer to the technical specifications prescribed by the Communications Authority of Hong Kong for conformity assessment of the telecommunications equipment (wireline and wireless) to be marketed or used in Hong Kong.

Requirements

6. Before designating a CAB for recognition by OFCA, the DA shall ensure that the CAB concerned meets the recognition criteria and requirements of OFCA as stipulated in the document [OFCA MRA 002 “Criteria and Requirements Applicable to Foreign Testing Laboratories and Certification Bodies Seeking Recognition by OFCA as Conformity Assessment Bodies”](#).

Procedures of Recognition

7. Any CAB who intends to seek recognition by OFCA should approach its own DA first. The DA concerned shall submit the following documents to OFCA for consideration:

- (a) A completed and signed application form [OFCA A 423](#);
- (b) A covering letter issued by the DA. The letter should specify the scope of accreditation for which recognition is sought;
- (c) A copy of certificate of accreditation with scope of accreditation, date of issue and date of expiry specified.

⁴ Before the establishment of the CA on 1 April 2012, the specifications prescribed by the TA were named as HKTA specifications. From 1 April 2012 onward, revised versions of existing HKTA specifications and new specifications prescribed by the CA will be named as HKCA specifications. For the avoidance of doubt, unless the specific issue number of the HKTA specification is explicitly specified, reference in any document to HKTA specification shall be construed as including reference to the corresponding HKCA specification as may be revised from time to time. In addition, reference in any document to HKCA specification shall be construed as referring to the corresponding HKTA specification if the HKCA specification under reference is not yet present.

If the CAB is a certification body, the following additional documents are also required:

- (d) A copy of product certification scheme including auditing and surveillance procedures that the certification body intends to use during its operation;
- (e) A copy of assessment report or its executive summary prepared by and a confirmation letter issued by the accreditation body;
- (f) A copy of contractual arrangements if part or all of the testing activities are subcontracted to accredited testing laboratories;
- (g) A completed [OFCA MRA 004 “Checklist for Technical Competence Assessment of Foreign Certification Bodies”](#) to show that the certification body meets the criteria of recognition (checklist to be completed by the accreditation body).

8. Upon receiving the request for recognition, OFCA will evaluate the competence of the CAB and determine whether or not recognition should be granted. If deemed necessary, OFCA may request additional information for evaluation before making a recognition decision.

9. If OFCA does not recognise the CAB, in whole or in part, OFCA will provide a written explanation including the basis for that decision. The CAB seeking recognition is required to take the necessary actions to resolve any unclear or ambiguous areas identified by OFCA and provide the required information within 60 days whenever necessary. Otherwise, the request for recognition will be rejected.

10. If the application is successful, OFCA will issue a notification letter to the relevant DA to confirm recognition and specify the HKCA specifications and/or type acceptance criteria for which recognition has been made. Names of the recognised CABs will be published on OFCA’s website.

Disclaimer

11. The Government of HKSAR, the Communications Authority and OFCA shall not be held liable for any direct, indirect, special or consequential losses or damages arising whatsoever and howsoever from the use of the testing and certification services provided by the recognised CAB.

12. OFCA's recognition of a CAB does not imply or otherwise suggest approval of a telecommunications product or that the recognised CAB acts as an agent or representative of OFCA.

Retention of Recognition

13. Whenever there is any change that may affect the competence of a recognised CAB to perform testing or conduct certification for which it was accredited, the DA shall inform OFCA immediately. A change in the scope of accreditation, withdrawal of designation, failure in complying with OFCA's recognition criteria and etc. are examples of change that the DA shall notify OFCA. The recognition of a CAB is valid only when its status of designation is maintained.

14. A CAB shall not claim its recognition status for any services or activities that are outside its scope of recognition.

Suspension or Withdrawal of Recognition

15. When a recognised CAB is the subject of an investigation for non-conformity with this procedure and the recognition criteria, the recognition may be suspended upon consultation with the DA, who will require the CAB to take immediate corrective or remedial action to OFCA's satisfaction. Where it is found that a recognised CAB does not comply with the relevant requirements, the recognition may be withdrawn. Such action will take place only after careful consideration and full consultation between OFCA and the DA.

16. A CAB whose recognition has been withdrawn will be removed from the list of recognised CABs published on OFCA's website.

17. If a CAB's designation is suspended or withdrawn by the DA, its recognition status will also be suspended or withdrawn by OFCA and its name will be removed from the list of recognised CABs on OFCA website.

18. A CAB whose recognition has been suspended or withdrawn shall stop claiming its recognition.

Communications

19. For submission of application, enquires or clarifications on issues relating to this document, please address them to the following contact point of OFCA:

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