



**MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT**
HIKINA WHAKATUTUKI



New Zealand Government
Te Kāwanatanga o Aotearoa

An approach to conformity assessment – the New Zealand experience

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Regulatory stewardship approach

- A regulatory stewardship approach underpins how New Zealand manages and develops:
 - NQI
 - regulatory systems



Regulatory stewardship approach

- What is regulatory stewardship?
- It is about how we look after our regulatory systems. It means:
 - proactively caring for regulatory systems using a whole-of-system, collaborative approach
 - monitoring and regularly reviewing regulatory systems
 - carrying out robust analysis for any regulatory change and supporting its implementation
 - using good regulatory practice (GRP)

Regulatory stewardship approach

- Designing and using regulatory powers is fundamental to the wellbeing of people –
 - doing regulation well means supporting the functioning of New Zealand and contributing to New Zealanders' wellbeing and quality of life



Approach for the development of NQI – a brief case study

- New Zealand has a well established NQI
 - two accreditation bodies with functional specialisations (one is a joint Australia-New Zealand body)
 - metrology and standards bodies
 - dynamic conformity assessment body market
- For New Zealand, NQI development means considering the performance of the arrangements and settings
- We used a Regulatory Stewardship approach to undertake a targeted review of our conformance infrastructure
- The findings led to the development of the New Zealand Conformance System Strategy



Case study

- New Zealand Conformance System Strategy:
 - sets aspirations and a plan for the conformance system
 - addresses opportunities in conformance
 - is designed to assist accreditation, conformity assessment bodies and other organisations, agencies and people involved in conformance
 - sets out actions to sustain a trusted, reliable and high quality conformance system



Case study

- 4 Focus areas of Conformance System Strategy:
 1. *Organisational performance*
 - *Strengthen connections and coordination across NQI bodies*
 2. *Regulatory quality and practice*
 - *Capability and visibility building on good regulatory practice for mandatory conformity assessment procedures*
 3. *Partnerships for skills and value*
 - *Growing value proposition, adoption of technology and NQI workforce development*
 4. *International connections*
 - *Contributing to good practice internationally and advancing trade*



Case study – 3 GRP categories in practice

1. *Internal government coordination of rulemaking activity*

- NQI peak coordination group (NZ Standards, Accreditation & Metrology Group)
- NZ Government Regulatory Practice Initiative (G-Reg)

2. *Regulatory impact assessment (RIA)*

- RIA requirements apply to regulatory proposals considered by Cabinet (central decision-making body of executive government)
- Mandatory standards/CAPs in scope of RIA requirements

3. *Public consultation mechanisms*

- NZ Conformance System Strategy underpinned by public consultation mechanisms – research interviews, survey, public consultation document and workshops
- NZ Government Expectations for GRP include expectations for public consultation



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The New Zealand Conformance System Strategy and more information are available at: www.mbie.govt.nz/conformance





Matching conformity assessment procedures with NQI capacity – a case study in energy efficiency regulation

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Australia's National Quality Infrastructure

- 1922 Standards Australia - national body responsible for producing documented standards
- 1938 National Measurement Institute - peak body for metrological (measurement) standards and certified reference materials
- 1947 National Association of Testing Authorities, Australia (NATA) – private sector, not-for-profit body recognised as the national authority for laboratory and RMP accreditation and a peak authority for inspection body and PTP accreditation
- 1991 Joint Accreditation Scheme of Australia and New Zealand (JAS-ANZ) – national authority for both nations for certification body accreditation and a peak authority for inspection body accreditation

Coordination

- Commonwealth Standards and Conformance Advisory Group (CSCAG) facilitates an exchange of information between the NQI and a diverse range of federal agencies:
 - on developments within the NQI;
 - national policy priorities; and
 - with a significant focus on trade related issues
- NQI ‘working group’ focuses on operationalising key Government initiatives
- In addition :
 - each agency has its own stakeholder engagement strategy that includes government agencies (Federal and State), industry associations, consumers
 - close collaboration between NQI bodies on a range of initiatives

Policy objective vs reality

Proposition:-

Good policy can be undermined by inadequacy of conformity assessment infrastructure – documented standards, laboratory expertise, measurement standards, validated methods, etc.

Case study:-

Energy efficiency regulation of stand-by power for electrical and electronic appliances

Case study – the policy objective

To reduce energy consumption of electronic and electrical appliances while switched off or in standby mode to a maximum of 1 Watt as a mean of:

- Greenhouse gas abatement
- Reduction of consumer energy costs

Case study – NQI-level issues

CAP for ‘E3 Program’ - energy efficiency of electrical equipment and appliances - gives latitude to pre-market measures but place emphasis on post-market ‘check-testing’ at accredited laboratories

Specific challenges to the addition of standby power to E3 Program arising from NATA assessment of first applicant laboratory:

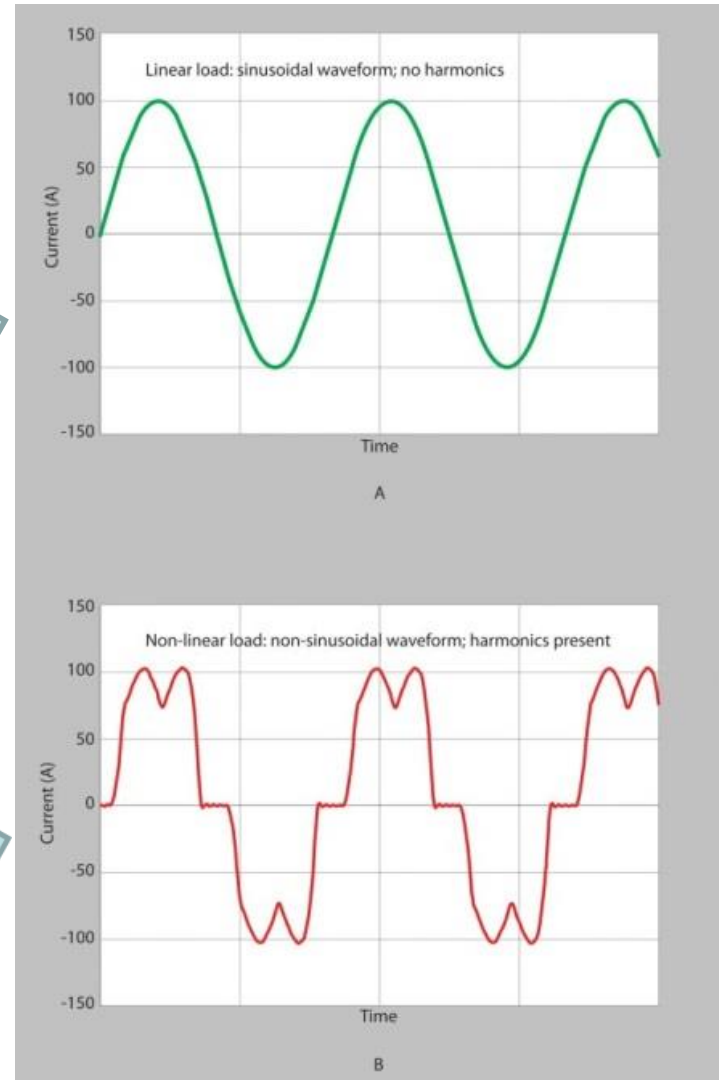
- Technical (peer) assessors experienced in energy efficiency of appliances in use but not for standby power
- Identified need for improvements to instrument specifications in the Australian/New Zealand Standard
- Laboratory instrumentation not capable of accurate measurements
- Instrument calibration at low power levels was not available

Case study – NQI-level issues

The core technical problem!

Supply current – a ‘normal’ current waveform is easy to measure, particularly at the operating levels of appliances.

Modern equipment often has electronics that distort the supply current. Instruments to measure standby power must have the ability to measure highly distorted waveforms and at very low wattage.



Case study - Solutions

NQI had to develop capabilities to meet the policy objective

- NATA developed additional technical expertise to deal with unfamiliar aspects of the testing
- Standards underwent review and amendment
- CABs (laboratories) acquired suitable instrumentation
- National Measurement Institute developed calibration capability

Conclusion

1. Early and ongoing policy coordination with NQI bodies can avoid a mismatch between the regulatory objective and conformity assessment capabilities
2. Equally important is to have early cooperation and coordination between NQI bodies to resolve issues about national capabilities e.g. technical
3. Lack of in-country NQI infrastructure does NOT have to preclude adoption of a policy IF there are mechanisms for confidence and recognition of foreign NQI:
 - International standards e.g ISO or IEC
 - Metrology institutes recognised by the BIPM
 - Accreditation bodies signatories to the ILAC MRA and/or IAF MLA

Postscript

What was learned by the NQI from the standby power issues has proved to be invaluable in dealing with other measurement issues around developments in LED lighting:

- NMI has calibration capability
- Knowledge is being integrated into the international standards writing process for LED lighting

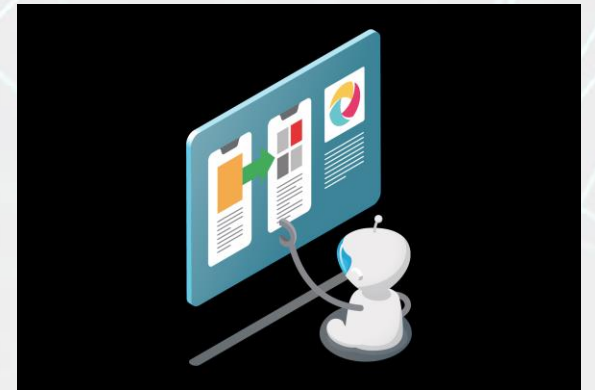


New conformity assessment framework for telecommunications products in Brazil (2019)

Previous framework - overview

Resolution nº 242 (November 2000) - general rules for conformity assessment of telecommunications products:

- Type approval / certification;
- Accredited third party laboratories priority;
- Declaration of conformity only in exceptional cases.



Previous framework - overview

Anatel designates **Certification Bodies (OCD)** responsible for:

- Conducting conformity assessment procedures;
- Issuing Certificates of Conformity.



INMETRO, as an ILAC member, is responsible for accrediting laboratories in Brazil.



Previous framework - overview

Nowadays:

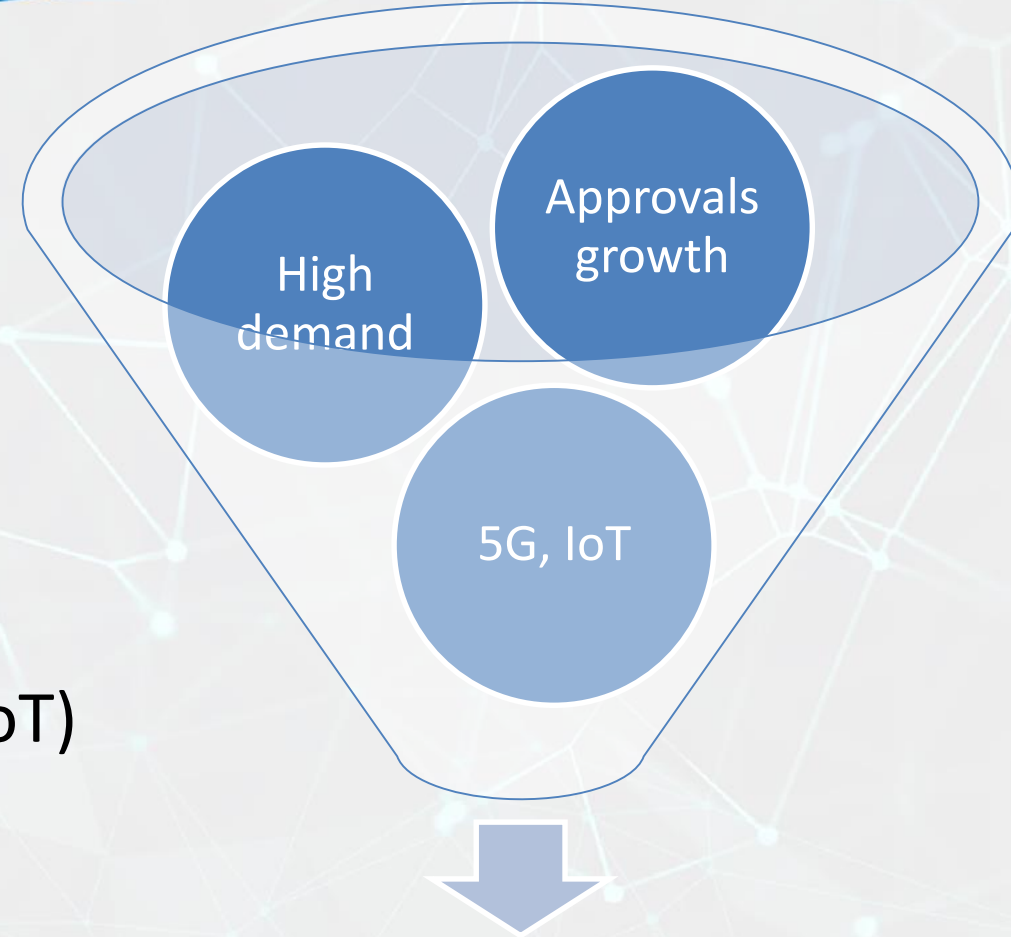
- 17 Certification Bodies performing conformity assessment of telecom products;
- Over 19.000 certificates submitted to Anatel since 2017;
- 22 laboratories accredited by INMETRO.

Previous framework – product categories

- First category:
 - Terminal equipment. 17,417
 - Retesting and re-evaluation every year.
- Second category:
 - Radio frequency equipment not included in the first category. 41,233
 - Retesting and re-evaluation every two years.
- Third category:
 - Telecom products not included neither in cat. 1 nor in cat. 2. 14,152

Current ICT environment

- High demand for connected devices;
- Fast growth in equipment approvals;
- New ways to provide/use connectivity (5G, IoT)



Public Consultation n° 33/2017

- Over 500 comments on the proposed draft.
- PC 33/2016 highlights:
 - ❖ **Elimination of the homologation fee;**
 - ❖ **Revision of conformity assessment models;**
 - ❖ **Market surveillance.**



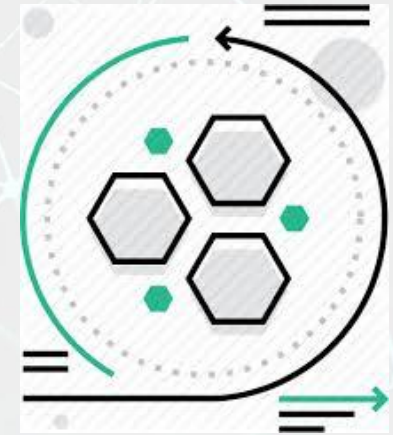
Resolution nº 715/2019

- Elimination of the homologation fee.
 - ❖ Reduction of barriers for certification;
 - ❖ Our new regulation eliminates the collection of homologation fees for certificates or declaration of conformity;
 - ❖ Previously, the fees were from R\$ 200,00 (DoC) to R\$ 500,00 (certification).



Resolution nº 715/2019

- Revision of conformity assessment procedures:
 - ❖ **Flexibility** on conformity assessment model.
 - The proposal should allow the technical area to define which **model** could be applied for each **product type**.
 - ❖ Products are no longer divided into main categories.
 - The technical area will define the appropriate conformity assessment model based in a **risk analysis**.*



CA models:

- DoC;
- DoC + test reports;
- Type approval (certification);
- (...)

Resolution nº 715/2019

- Market surveillance

- ❖ It is established the general provisions for a market oversight program for telecommunication products:
 - Anatel shall issue an **operational procedure** in order to detail the market surveillance requirements.
- ❖ The certificate owner is responsible for the market surveillance costs.



Thank you!



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