TELECOMMUNICATION

Conformity Assessment of Equipment

Agreement Between the
UNITED STATES OF AMERICA
and MEXICO

Signed at Paris May 26, 2011

with

Appendices

and

Annexes

NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966 (80 Stat. 271; 1 U.S.C. 113)—

". . .the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof."

MEXICO

Telecommunication: Conformity Assessment of Equipment

Agreement signed at Paris May 26, 2011;
Entered into force June 10, 2011.
With appendices and annexes.

MUTUAL RECOGNITION AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNITED MEXICAN STATES FOR CONFORMITY ASSESSMENT OF TELECOMMUNICATIONS EQUIPMENT

THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNITED MEXICAN STATES (referred to in this Agreement collectively as "Parties" and individually as "Party");

RECALLING that Article 1304(6) of the *North American Free Trade Agreement* ("NAFTA") requires each NAFTA Party to "adopt, as part of its conformity assessment procedures, provisions necessary to accept the test results from laboratories or testing facilities in the territory of another Party for tests performed in accordance with the accepting Party's standards-related measures and procedures;"

FURTHER RECALLING that Article 908(6) of the NAFTA encourages NAFTA Parties to negotiate agreements for the mutual recognition of results of conformity assessment; and

REAFFIRMING the commitment the Parties made in Annex 913.5.a-2 of the NAFTA to work through the NAFTA Telecommunications Standards Subcommittee ("TSSC") to develop a work program, including a timetable, for making compatible to the greatest extent practicable, the standards-related measures of the NAFTA Parties, including technical regulations and conformity assessment procedures, for authorized telecommunications equipment;

HAVE AGREED as follows:

ARTICLE 1
Purpose of the Agreement

1. This Agreement is intended to streamline conformity assessment for a wide range of telecommunications and telecommunications-related equipment and thereby to facilitate trade between the Parties. This Agreement provides for the mutual recognition by the Parties of testing laboratories and mutual acceptance of the results of testing undertaken by recognized testing laboratories in assessing conformity of equipment to a Party's technical regulations.

2. For greater clarity, this Agreement shall not cover conformity assessment related to the electrical safety of telecommunications equipment.

3. This Agreement shall not cover homologation, which may be required by either Party outside of the context of the procedures set forth in this Agreement.

ARTICLE 2
Definitions

General terms associated with test reports and conformity assessment used in this Agreement shall have the meaning given to those terms in ISO/IEC 17000:2004, *Conformity assessment – Vocabulary and general principles*, of the International Organization for Standardization and the International Electrotechnical Commission. In addition, for the purpose of this Agreement, the following definitions shall apply:

administrative arrangements means any publicly available procedures or permission or legal or contractual agreements within a Party's jurisdiction that have an impact on conformity assessment of telecommunications equipment within the scope of this Agreement, as described in Article 3;

designation means the act by a designating authority of designating a testing laboratory to assess whether telecommunications equipments conforms to a Party's technical regulations;

homologation means permission for a product, process, or service to be marketed or used for stated purposes or under stated conditions;

public telecommunications network means public telecommunications infrastructure that permits telecommunications between defined network termination points;

recognition means the act by a regulatory authority of recognizing that a testing laboratory is competent to perform conformity assessment and that test reports will be accepted from that testing laboratory;

regulatory authority means a government agency or entity that exercises a legal right to control the use or sale of telecommunications equipment within a Party's territory and

that may take enforcement action to ensure that products marketed within the Party's territory comply with the Party's legal requirements;

technical regulations means those technical requirements, legislative and regulatory provisions, and administrative arrangements that a Party has specified in Annex I pertaining to the testing of equipment with respect to which compliance is mandatory. For greater clarity, the Parties do not intend this definition to apply for any purpose other than this Agreement. The listing by a Party of technical regulations in Annex I is without prejudice to the rights and obligations of the Party under any other agreement;

testing laboratory means a laboratory that performs tests. In addition:

- ***first-party testing laboratory*** means a testing laboratory that performs first-party conformity assessment activity, as defined in ISO/IEC 17000:2004;

- ***second-party testing laboratory*** means a testing laboratory that performs second-party conformity assessment activity, as defined in ISO/IEC 17000:2004;

- ***third-party testing laboratory*** means a testing laboratory that performs third-party conformity assessment activity, as defined in ISO/IEC 17000:2004.

In the event of any inconsistency between a definition in ISO/IEC 17000:2004 and a definition in this Agreement, the definition in this Agreement shall prevail.

ARTICLE 3
Scope

1. Technical Regulations: This Agreement applies to those technical regulations a Party lists in Annex I, namely the technical regulations for which the Party shall accept test reports from recognized testing laboratories designated by the other Party. The technical regulations that a Party lists shall address equipment that may be attached to a public telecommunications network or other equipment subject to telecommunications regulation, including wire and wireless equipment, and terrestrial and satellite equipment, whether or not connected to a public telecommunication network. Where network terminal attachment or other telecommunications regulation pertains, the Agreement applies to the technical regulations listed by each Party in Annex I concerning conformity assessment, including electromagnetic compatibility.

2. Equipment: This Agreement applies to conformity assessment of equipment that may be attached to a public telecommunications network 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. Equipment which can only be connected behind devices providing adequate network protection for a public telecommunications

network may be excluded by either Party from the scope of testing it applies to network terminal attachment.

3. This Agreement shall not be interpreted as acceptance by one Party of the standards or technical regulations of the other Party, or as mutual recognition of the equivalence of the Parties' standards or technical regulations.

ARTICLE 4
Designating Authorities, Regulatory Authorities, and Accreditation Bodies

1. Each Party shall ensure that its designating authorities have the authority and competence to designate, list, verify the compliance of, limit the designation of, and withdraw the designation of testing laboratories within their jurisdictions. Each Party also shall ensure that its regulatory authorities have the authority and competence to recognize testing laboratories that the other Party designates for recognition under this Agreement.

2. Each Party's designating authorities shall take such measures as necessary to ensure that testing laboratories they have designated maintain the required technical competence to perform the testing for which they have been designated.

3. Any designating authority of a Party also may appoint an accreditation body to accredit testing laboratories while maintaining full responsibility as a designating authority under this Agreement.

4. Each Party shall list, in Annex II, its designating authorities, regulatory authorities, and accreditation bodies.

ARTICLE 5
Designation of Testing Laboratories

1. Each designating authority listed in Annex II may designate testing laboratories to test whether equipment conforms to the other Party's technical regulations.

2. A designating authority may only designate testing laboratories able to demonstrate by means of accreditation, in accordance with the requirements and procedures set forth in Appendix A, that the testing laboratories have the experience and are competent to test whether equipment conforms to the other Party's technical regulations, including familiarity with interpretations and policies related to the other Party's technical regulations.

3. In making such a designation, a designating authority shall observe the procedures set forth in Appendix B.

ARTICLE 6
Recognition of Testing Laboratories

Each Party shall, in accordance with the procedures set forth in Appendix B, recognize testing laboratories designated by the designating authorities of the other Party.

ARTICLE 7
Mutual Acceptance of Test Reports

Each Party shall, in accordance with the procedures set forth in Appendix B, accept a test report provided by a recognized testing laboratory designated by the other Party under terms and conditions no less favorable than those it accords to test reports produced by testing laboratories in its territory, and without regard to the nationality of the supplier or manufacturer of the equipment, or the country of origin of the equipment for which a test report has been produced.

ARTICLE 8
Suspension of Recognition of Testing Laboratories or Acceptance of Test Reports

1. A Party may, in accordance with the requirements and procedures set forth in paragraph 3, suspend its recognition of a designated testing laboratory.

2. A Party may, in accordance with the requirements and procedures set forth in paragraph 3, suspend its acceptance of test reports provided by a recognized testing laboratory.

3. A Party that intends to suspend recognition of a testing laboratory or acceptance of test reports shall provide written notice to the other Party 60 days before the suspension takes effect. The written notice shall provide the reasons for the suspension. Examples of reasons for suspension include the following:

   (a) the suspending Party has lost confidence in a designating authority of the other Party or in the relevant testing laboratory;
   (b) the suspending Party no longer perceives mutual benefits in terms of the facilitation of trade in the equipment within the scope of this Agreement; or
   (c) the suspending Party is dissatisfied with the protection by the other Party of confidential information.

4. The suspending Party may resume recognition of a designated testing laboratory or acceptance of test reports at any time.

ARTICLE 9
Reassessment and Surveillance of Testing Laboratories

1. Each Party shall provide to the other Party the reassessment and surveillance plans designed, in accordance with Clause 7.11.3 of ISO/IEC 17011:2004, *Conformity assessment – General requirements for accreditation bodies accrediting conformity assessment bodies*, of the International Organization for Standardization and the International Electrotechnical Commission, by its designating authorities and accreditation bodies to ensure the continued technical competence of designated testing laboratories.

2. Each Party shall inform the other Party of all measures taken by its designating authorities and accreditation bodies based on the results of reassessment and surveillance activities regarding the continuation or renewal of accreditation of recognized testing laboratories. Likewise, each Party shall inform the other Party of any measures taken by its accreditation bodies regarding suspension, withdrawal, or reduction of the relevant scope of accreditation of recognized testing laboratories.

3. On request, each Party shall provide to the other Party a valid scope and certificate of accreditation for a designated testing laboratory, as well as the documentation described in Appendix B, section I, paragraph 4. If, at any time, a Party fails to make available to the requesting Party a valid scope and certificate of accreditation for a testing laboratory that it has designated, the requesting Party may withdraw its recognition of that designated testing laboratory.

4. On request, each Party, through its own designating authorities or accreditation bodies, shall endeavor to facilitate the observation of the assessment of a testing laboratory by representatives of the other Party. All costs incurred for such activities shall be the responsibility of the Party requesting to witness the assessment.

ARTICLE 10
Verification of Designated Testing Laboratories

1. Each Party shall have the right to challenge the technical competence of a testing laboratory designated by the other Party and whether the testing laboratory meets the requirements for accreditation set forth in Appendix A. This right shall be exercised under exceptional circumstances only.

2. A Party may invoke its right to challenge by providing written notice to the testing laboratory concerned, the relevant designating authority and accreditation body, and the other Party. The notice shall include an objective and reasoned written description of the basis for the challenge, including a description of the available evidence and findings supporting the challenge. The Party shall provide the recipients of the notice no fewer than 60 days after the date on which the notice is

provided to present information responding to or correcting any deficiencies that form the basis for the challenge.

3. Where verification of a testing laboratory's technical competence or its conformity with the requirements for accreditation set forth in Appendix A is required to resolve the challenge, the verification shall be carried out in a timely manner jointly by the Parties with the participation of the relevant designating authority and accreditation body.

4. Each Party shall ensure that its testing laboratories are available for verification of their technical competence and their conformity with the requirements for accreditation set forth in Appendix A.

5. The Parties and the relevant designating authority shall jointly discuss with the relevant accreditation body and the testing laboratory concerned the results of any verification with a view to resolving the challenge as soon as possible. Where, after verification, the challenging Party finds that the testing laboratory does not meet the requirements for accreditation set forth in Appendix A, it shall give prompt notice to the testing laboratory concerned, to the relevant designating authority and accreditation body, and to the other Party. The challenging Party shall provide the recipients of the notice no fewer than 60 days after the date they receive the notice to present information responding to the findings of the verification or correcting any deficiencies identified as a result of the verification.

6. Where, as a result of a verification and taking into account any information provided by the testing laboratory concerned, the relevant designating authority and accreditation body, and the other Party, the challenging Party intends to withdraw or limit to certain technical regulations its recognition of the testing laboratory, the challenging Party shall provide 60 days advance notice of its intent, including a written explanation of its reasons, to the testing laboratory concerned, to the relevant designating authority and accreditation body, and to the other Party.

7. When a Party withdraws or limits to certain technical regulations its recognition of a testing laboratory, that Party shall continue to accept test reports provided by the testing laboratory prior to the withdrawal or limitation, unless that Party has good cause for not accepting such results, in which case the Party shall provide a written explanation of the reason for not accepting such results to the testing laboratory concerned, to the relevant designating authority and accreditation body, and to the other Party.

8. With the consent of both Parties and of the relevant designating authority and accreditation body, matters relating to the conformity of the testing laboratory with the requirements for accreditation set forth in Appendix A may be referred to a review process recognized by the Parties, or to a subcommittee of the Joint Committee for evaluation and assistance in resolution of technical issues.

9. A withdrawal or limitation of recognition shall remain in effect until the Parties jointly decide on the future status of the testing laboratory.

ARTICLE 11
Information Exchange

1. Each Party shall maintain in Annex I a list of its relevant telecommunications laws and technical regulations. If it is necessary to interpret a Party's relevant telecommunications laws and technical regulations, the interpreter shall use a version of the relevant telecommunications law or technical regulation that is in an official language of the Party.

2. Within 60 days after a Party adopts a new relevant telecommunications law or technical regulation, or an amendment to an existing relevant telecommunications law or technical regulation, the Party shall amend its list in Annex I, as appropriate.

3. The Parties shall consult as necessary in order to maintain their confidence in the mutual recognition of testing results and to ensure that the Parties satisfactorily address any concerns either Party may have about the other Party's telecommunications laws or technical regulations.

4. Each Party shall promptly provide written notice to the other Party of any changes to its list of designating authorities, regulatory authorities, and accreditation bodies (Annex II), list of designated testing laboratories (Annex III), or list of recognized testing laboratories (Annex IV).

5. No later than 30 days from the date this Agreement enters into force, each Party shall notify the other Party in writing of the contact persons to be responsible for activities under this Agreement. Each Party shall inform the other Party whenever the contact persons responsible for activities under this Agreement may change.

6. Each Party shall provide the other Party, at its request, technical advice, information, and assistance on mutually agreed terms and conditions concerning the Party's technical regulations, standards, conformity assessment procedures, testing laboratories, accreditation, metrology, and any other subject within the scope of this Agreement.

ARTICLE 12
Joint Committee

1. The Parties hereby establish a Joint Committee, consisting of one or more representatives of each Party. The Joint Committee shall be co-chaired by a representative of each Party.

2. The Joint Committee shall determine its own rules of procedure. The Joint Committee shall take decisions by agreement of its co-chairs.

3. The Joint Committee shall convene at the request of either Party. The Joint Committee may convene in conjunction or in cooperation with the NAFTA TSSC.

4. The Joint Committee shall establish appropriate channels, including relevant contact points, for the Parties to exchange information as provided in Article 11.

5. The Joint Committee may consider any matter related to the operation of this Agreement.

6. A Party may bring any question or concern it may have regarding the interpretation or application of this Agreement to the Joint Committee, which shall seek to answer the question or resolve the concern.

7. The Joint Committee shall periodically assess the need to update references in this Agreement to international standards and guides.

ARTICLE 13
Additional Provisions

1. Each Party shall endeavor to use international standards, or the relevant parts of international standards, as the basis for its technical regulations, where applicable international standards exist or when their completion is imminent, except when such international standards or relevant parts would be ineffective or inappropriate. International standards or their relevant parts may be ineffective or inappropriate, for example, in light of fundamental climatic or geographic considerations or fundamental technical problems.

2. Each Party may specify the language in which test reports, equipment certifications, notices of designation and recognition, and other pertinent documents shall be submitted. Each Party may issue technical regulations in the language of its choice.

3. The Parties shall endeavor to harmonize their designation and conformity assessment procedures. In order to do so, the Parties shall facilitate cooperation between their designating authorities and testing laboratories, including their participation in coordination meetings, mutual recognition agreements, and working group meetings.

ARTICLE 14
Confidentiality

1. Neither Party may require a designating authority, accreditation body, or testing laboratory of the other Party to disclose to it a supplier's proprietary information except where necessary to demonstrate conformity with the Party's technical regulations.

2. Each Party, in accordance with its applicable domestic laws, shall protect the confidentiality of any proprietary information disclosed to it by a designating authority, accreditation body, or testing laboratory of the other Party in connection with conformity assessment.

ARTICLE 15
Preservation of Regulatory Authority

1. Nothing in this Agreement shall be construed as limiting a Party's authority to interpret and implement its technical regulations governing equipment included within the scope of this Agreement.

2. Nothing in this Agreement shall be construed as limiting a Party's authority to determine the level of protection it considers appropriate with regard to safety, the protection of consumers, or other risks of concern to the Party.

3. Nothing in this Agreement shall be construed as limiting a Party's authority to take all appropriate measures whenever it ascertains that equipment may not meet the Party's technical regulations. Such measures may include carrying out surveillance activities, prohibiting connection of the equipment to the public telecommunications network, withdrawing the equipment from the market, prohibiting placement of the equipment on the market, restricting free movement of the equipment, initiating an equipment recall, or taking other preventative action, including through a prohibition on imports. If a Party takes such action, it shall notify the other Party within 15 days of taking such action, providing its reasons.

ARTICLE 16
Fees

Each Party shall ensure that any fee that its regulatory authorities impose on testing laboratories for determining compliance with the Party's requirements for recognition is transparent, reasonable, and applied to testing laboratories that the other Party has designated, if at all, on terms no less favorable than those it accords to testing laboratories in its territory.

ARTICLE 17
Confidence Building Work Program and Transition Period

1. The Parties recognize that accreditation of testing laboratories, based on ISO/IEC international standards and guides, and experience in the operation of the Agreement over an appropriate period will be fundamental to the building of trust and confidence in this Agreement.

2. Consequently, the Parties are committed to building trust and confidence in this Agreement by developing and implementing a cooperative work plan. The work plan may include activities such as:

   (a) joint meetings between designating authorities, regulatory authorities, and accreditation bodies from each Party to review technical requirements and implementation issues;

   (b) facilitation of technical cooperation activities to help develop institutional structures, procedures, and processes for measurement, testing, and other conformity assessment skills;

   (c) identification of joint training courses and seminars for testing laboratories, manufacturers, and accreditation bodies; and

   (d) opportunities for a Party's technical assessors to observe a testing laboratory assessment conducted by a designating authority or accreditation body of the other Party.

3. No later than 60 days from the date this Agreement enters into force, the Joint Committee shall elaborate and agree on the work program described in this Article.

4. The transition period shall last eighteen months from the date this Agreement enters into force, and may be terminated sooner if the Parties so agree in writing.

5. During the transition period, a Party shall not be required to accept test reports from testing laboratories of the other Party.

ARTICLE 18
Appendices and Annexes

1. The following Appendices constitute integral parts of this Agreement:

   (a) Appendix A, "Requirements for Accreditation of Testing Laboratories;"

   (b) Appendix B, "Procedures for Designation and Recognition of Testing Laboratories and Mutual Acceptance of Test Reports."

2. The following Annexes do not constitute integral parts of this Agreement:

   (a) Annex I, "List of Relevant Telecommunications Laws and Technical Regulations for Mexico and the United States;"
   (b) Annex II, "List of Designating Authorities, Regulatory Authorities, and Accreditation Bodies for Mexico and the United States;"
   (c) Annex III, "List of Testing Laboratories Designated by Mexico and the United States;" and
   (d) Annex IV, "List of Testing Laboratories Recognized by Mexico and the United States."

3. In the event of any inconsistency between a provision in an Article of this Agreement and a provision in an Appendix to this Agreement, the provision in the Appendix shall prevail, to the extent of the inconsistency.

ARTICLE 19
Amendment and Modification

1. This Agreement may be amended by written agreement of the Parties.

2. A Party may modify its lists of relevant telecommunications laws and technical regulations (Annex I), designating authorities, regulatory authorities, and accreditation bodies (Annex II), designated testing laboratories (Annex III), and recognized testing laboratories (Annex IV), as specified in Article 11, without the consent of the other Party.

ARTICLE 20
Termination

1. A Party may terminate this Agreement by providing written notice of termination to the other Party. The termination shall take effect on a date the Parties agree or, if the Parties cannot agree, 180 days after the date on which the notice of termination is received.

2. Following notice of termination of this Agreement by either Party under paragraph 1, a Party shall accept test reports that recognized testing laboratories provide before the date on which the Agreement terminates, unless the Party decides otherwise and so notifies the other Party in writing. For greater clarity, a Party may provide such notice in its notice of termination.

ARTICLE 21
Entry into Force

This Agreement shall enter into force on June 10, 2011.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed this Agreement.

DONE in duplicate at Paris, this 26 day of May 2011, in the English and Spanish languages, each version being equally authentic.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA	FOR THE GOVERNMENT OF THE UNITED MEXICAN STATES
Ron Kirk United States Trade Representative	Bruno Ferrari García de Alba Secretary of Economy

Note: At the present time, the Treaty Office does not have the Spanish text of this Agreement. If the Spanish text becomes available, it will be added to this publication.

APPENDIX A
REQUIREMENTS FOR ACCREDITATION OF TESTING LABORATORIES

This Appendix sets forth the general requirements and procedures for the accreditation of testing laboratories under this Agreement.

I. Technical Competence

1. The technical competence of a testing laboratory shall be demonstrated by means of accreditation, including in 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) The knowledge relevant to the applicable technical regulations;

   (d) The practical capability to perform the relevant conformity assessment;

   (e) An adequate management of the conformity assessment concerned; and

   (f) Any other evidence necessary to give assurance that the conformity assessment will be adequately performed on a consistent basis.

2. To ensure consistency of the designation and accreditation processes, the relevant international standards and guides for conformity assessment shall be used in conjunction with the technical regulations of a Party to determine the technical competency of a testing laboratory. The following list of relevant ISO/IEC standards and guides shall be applied for the purpose of determining the technical competency of a testing laboratory:

   (a) ISO/IEC 17011:2004 – Conformity assessment - General requirements for accreditation bodies accrediting conformity assessment bodies; and

   (b) ISO/IEC 17025:2005 – General requirements for the competence of testing and calibration laboratories.

II. Requirements, Conditions, and Procedures for Accreditation of Testing Laboratories

1. Each Party may use one or more designating authorities or one or more accreditation bodies, or both designating authorities and accreditation bodies, to accredit testing laboratories as capable of testing whether equipment conforms to the other Party's technical regulations.

(a) Any designating authority that is also an accreditation body listed by a Party in Annex II shall be capable of complying with the requirements and conditions of ISO/IEC 17011:2004 to the extent necessary to accredit testing laboratories.

(b) Any accreditation body appointed by a designating authority shall meet the requirements and conditions of ISO/IEC 17011:2004.

2. Whether a testing laboratory is accredited by a designating authority or by an accreditation body, in either case:

(a) the testing laboratory shall be accredited against ISO/IEC 17025:2005 in conjunction with the Party's technical regulations listed in Annex I; and

(b) the testing laboratory shall have the technical expertise and capability for testing against the standards covered in the scope of the accreditation. Testing, if necessary, may be performed in accordance with the provisions for subcontracting in ISO/IEC 17025:2005. The testing laboratory also shall be familiar with the applicable technical regulations of the Party for the equipment under test.

APPENDIX B
PROCEDURES FOR THE DESIGNATION AND RECOGNITION OF TESTING LABORATORIES AND MUTUAL ACCEPTANCE OF TEST REPORTS

This Appendix sets forth the procedures for the designation and recognition of testing laboratories, and for the mutual acceptance of test reports produced by recognized testing laboratories.

I. Procedures for Designation of Testing Laboratories

1. Each Party shall assign a unique six-character identifier, consisting of two letters identifying the Party followed by four additional alpha-numeric characters, to each designated testing laboratory.

2. Each Party shall notify the other Party in writing of any designation of a testing laboratory. This notification shall include: the testing laboratory's name, unique six-character identifier, physical address, and mailing address, the contact person for the testing laboratory, the contact person's telephone number and email address, and the scope of the testing laboratory's accreditation. This notification may be provided by a Designating Authority.

3. Each Party shall promptly update, as necessary, any designation it has notified to the other Party, for example, to revise the scope of a testing laboratory's accreditation.

4. When a Party first designates a testing laboratory, that Party shall provide the other Party the most recent assessment documentation for the designated testing laboratory, including, for example, the accreditation body assessment report, accreditation body deficiency/non-conformity report, report on corrective actions implemented, and scope and certificate of accreditation.

5. Each Party shall list in Annex III all the testing laboratories that it has designated.

II. Procedures for the Recognition of Designated Testing Laboratories

1. When a Party receives a notification of the designation of a testing laboratory, the Party shall evaluate and make a determination on recognizing the testing laboratory under terms and conditions no less favorable than those it accords to testing laboratories in its territory that apply for recognition. The Party shall make a determination on recognizing the testing laboratory within 60 days after the date on which the notification of designation is provided.

2. Each Party generally shall recognize a testing laboratory designated in accordance with the procedures of Part I of this Appendix. However, neither Party shall be required to recognize any first-party testing laboratory or second-party testing laboratory. If a Party recognizes first-party testing laboratories or second-party

testing laboratories, the Party shall also recognize first-party testing laboratories or second-party testing laboratories designated by the other Party under terms and conditions no less favorable than those it accords to testing laboratories in its territory that apply for recognition.

3. If a Party determines not to recognize a designated testing laboratory, in whole or in part, the Party, within 60 days of the date on which the notification of the designation is provided, shall provide the designating authority, the designated testing laboratory, and the other Party a written explanation of the basis for its determination.

4. When a Party notifies its determination not to recognize a designated testing laboratory in accordance with paragraph 3, the Party shall provide the recipients of the notice no fewer than 60 days after the date on which the notice is provided to present information responding to or correcting any deficiencies that form the basis for the Party's determination to not recognize the testing laboratory.

5. If additional information is presented in accordance with paragraph 4, the Party that determined not to recognize the designated testing laboratory shall reevaluate its determination and make a further determination on recognizing the designated testing laboratory in light of the additional information presented, under terms and conditions no less favorable than those it accords the testing laboratories in the Party's territory that apply for recognition. Within 30 days of the date on which additional information is presented under paragraph 4, the Party shall notify the designating authority, the designated testing laboratory, and the other Party of its further determination.

6. The Parties may jointly refer any matter relating to the designation of a testing laboratory to a review process the Parties consider appropriate, or to a subcommittee of the Joint Committee for evaluation and assistance in resolving relevant technical issues.

7. Each Party shall list in Annex IV each of the testing laboratories that it has recognized.

III. Procedures for the Mutual Acceptance of Test Reports

1. After a Party has recognized a testing laboratory that the other Party has designated, the regulatory authorities of the Party shall accept test reports produced by the recognized testing laboratory in accordance with the procedures in Article 7 and this Appendix.

2. After receiving a test report, each Party's regulatory authorities shall:

   (a) examine the test report promptly to ensure that the data and documentation contained in the test report are complete;

(b) inform the applicant in writing of any deficiency in the Test Report in a timely and precise manner;

(c) limit any request for additional information from the testing laboratory to omissions, inconsistencies, and/or variances from the Party's technical regulations; and

(d) avoid re-testing and duplicate testing, in particular where, for example, there is a change in commercial distribution agreements, logo, packaging, or a minor equipment change that does not affect compliance with technical regulations.

3. Each Party shall grant applications for equipment certification that are accompanied by test reports produced by recognized testing laboratories in the other Party's territory under transparent terms and conditions no less favorable than those it accords to applications for equipment certification that are accompanied by test reports produced by recognized testing laboratories in the Party's territory.

4. Each Party shall process and communicate decisions regarding applications for equipment certification that are accompanied by test reports produced by recognized testing laboratories in the other Party's territory at least as promptly as it processes and communicates decisions regarding applications for equipment certification that are accompanied by test reports produced by recognized testing laboratories in the Party's territory.

ANNEX I

LIST OF RELEVANT TELECOMMUNICATIONS LAWS AND TECHNICAL REGULATIONS

MEXICO

A. LIST OF RELEVANT TELECOMMUNICATIONS LAWS

- Federal Telecommunications Law (PUBLISHED – June 7, 1995; AMMENDED – November 30, 2010)
- Federal Metrology and Standardization Law (PUBLISHED – July 1, 1992; AMMENDED – April 30, 2009)
- Telecommunications Regulations (PUBLISHED – October 29, 1990; AMMENDED – January 25, 2001)
- Conformity Assessment Procedures (PUBLISHED – August 11, 2005)

B. LIST OF TECHNICAL REGULATIONS

The technical regulations for which Mexico shall accept test reports from recognized testing laboratories designated by the United States are:

1. NOM-083-SCT1-2002, "Telecommunications - Radiocommunication - Technical specifications for transmitting equipment used in one way mobile radiolocation services." (PUBLISHED - April 16, 2003).

2. NOM-084-SCT1-2002, "Telecommunications - Radiocommunication - Technical specifications of transmitting equipment used in specialized fleet radiocommunication mobile services." (trunking) (PUBLISHED - April 17, 2003).

3. NOM-088/1-SCT1-2002, "Telecommunications - Radiocommunication - Microwave equipment for multi-channel systems in the fixed service point to point and point to multipoint - Part 1: Radio multiple access." (PUBLISHED - April 18, 2003).

4. NOM-088/2-SCT1-2002, "Telecommunications - Radiocommunication - Microwave equipment for multi-channel systems in the fixed service point to point and point to multipoint - Part 2: Transport." (PUBLISHED - April 21, 2003).

5. NOM-151-SCT1-1999, "Public network interface for terminal equipment." (PUBLISHED - September 20, 1999).

6. NOM-152-SCT1-1999, "Digital interface to public networks (2.048 kbps digital interface)." (PUBLISHED - September 20, 1999).

7. NOM-121-SCT1-2009, "Telecommunications - Radicommunication - Radiocommunication systems employing spread spectrum techniques - radiocommunication equipment with frequency hopping and digital modulation operating in the bands 902-928 MHz, 2400-2483.5 MHz and 5725-5850 MHz - specifications, limits and test methods." (PUBLISHED - June 21, 2010).

UNITED STATES

A. LIST OF RELEVANT TELECOMMUNICATIONS LAWS

Communications Act of 1934, as amended by the Telecommunications Act of 1996 (Title 47 of the United States Code)

B. LIST OF TECHNICAL REGULATIONS

The existing technical regulations for which the United States shall accept test reports from recognized testing laboratories designated by Mexico are:

1. U.S. FCC Rules and Regulations for Telephone Terminal Equipment that are contained in the following:

   a. Code of Federal Regulations (CFR):

Frequency Allocations and Radio Treaty Matters; General Rules and Regulations	47 CFR Part 2
Telephone Terminal Equipment	47 CFR Part 68

   b. documents published by the Administrative Council for Terminal Attachment (ACTA), established in the FCC CC Docket 99-216:

TIA-968-B (September 22, 2009), Telecommunications - Telephone Terminal Equipment - Technical Requirements for Connection of Terminal Equipment to the Telephone Network

2. U.S. FCC Rules and Regulations for Transmitter Equipment that are contained in the following:

Frequency Allocations and Radio Treaty Matters; General Rules and Regulations	47 CFR Part 2
Emergency Alert Systems (EAS)	47 CFR Part 11
Radio Frequency Devices	47 CFR Part 15
Commercial Mobile Radio Services	47 CFR Part 20
Public Mobile Services	47 CFR Part 22
Personal Communications Services	47 CFR Part 24

Satellite Communications	47 CFR Part 25
Miscellaneous Wireless Communications Services	47 CFR Part 27
Radio Broadcast Services	47 CFR Part 73
Experimental Radio, Auxiliary, Special Broadcast and Other Program Distributional Services	47 CFR Part 74
Cable Television Relay Service	47 CFR Part 78
Stations in the Maritime Services	47 CFR Part 80
Aviation Services	47 CFR Part 87
Private Land Mobile Radio Services	47 CFR Part 90
Personal Radio Services	47 CFR Part 95
Amateur Radio Service	47 CFR Part 97
Fixed Microwave Services	47 CFR Part 101

3. U.S. FCC Rules and Regulations for Electromagnetic Compatibility (EMC) that are contained in the following:

Frequency Allocations and Radio Treaty Matters; General Rules and Regulations	47 CFR Part 2
Radio Frequency Devices	47 CFR Part 15
Industrial, Scientific, and Medical Equipment	47 CFR Part 18

C. PUBLIC AVAILABILITY OF DOCUMENTS

The texts of documents cited above may be obtained through links at the following Internet addresses, or by purchase from the U.S. Government Printing Office (see www.gpo.gov for ordering information):

Document	Available at following website
Communications Act of 1934, as amended by the Telecommunications Act of 1996	http://www.fcc.gov/telecom.html
FCC Rules and Regulations	http://www.fcc.gov/oet/info/rules/
Documents published by the Administrative Council for Terminal Attachment (ACTA)	http://www.part68.org/

ANNEX II

LIST OF DESIGNATING AUTHORITIES, REGULATORY AUTHORITIES, AND ACCREDITATION BODIES

MEXICO

Designating Authorities

Name of Designating Authority: Comisión Federal de Telecomunicaciones / Federal Telecommunications Commission
Physical address: Bosque de Radiatas 44, Col. Bosques de las Lomas, C.P. 05120, Delegación Cuajimalpa, México, D.F.
Mailing address: Bosque de Radiatas 44, Col. Bosques de las Lomas, C.P. 05120, Delegación Cuajimalpa, México, D.F.
Home page address: http://www.cft.gob.mx
Name/title of contact person: Mario Fromow
Phone: +52-5550154005
Fax: +52-5550154062
E-mail address: mario.fromow@cft.gob.mx

Regulatory Authorities

Name of Designating Authority: Comisión Federal de Telecomunicaciones / Federal Telecommunications Commission
Physical address: Bosque de Radiatas 44, Col. Bosques de las Lomas, C.P. 05120, Delegación Cuajimalpa, México, D.F.
Mailing address: Bosque de Radiatas 44, Col. Bosques de las Lomas, C.P. 05120, Delegación Cuajimalpa, México, D.F.
Home page address: http://www.cft.gob.mx
Name/title of contact person: Mario Fromow
Phone: +52-5550154005
Fax: +52-5550154062
E-mail address: mario.fromow@cft.gob.mx

Accreditation Bodies

Name of Accreditation Body: Entidad Mexicana de Acreditación (EMA)
Physical address: Manuel Ma. Contreras 133, 1er. Piso, Col. Cuauhtémoc, C.P. 06597, México D.F.
Mailing address: Manuel Ma. Contreras 133, 1er. Piso, Col. Cuauhtémoc, C.P. 06597, México D.F.
Home page address: http://www.ema.org.mx
Name/title of contact person: Maribel López

Phone: +52-5591484300
Fax: +52-5555910529
E-mail address: maribel@ema.org.mx

UNITED STATES

Designating Authorities

1. Name of Designating Authority: National Institute of Standards and Technology (NIST) or an authority succeeding this institute.
Physical address: 100 Bureau Drive, Gaithersburg, MD 20899-1070
Mailing address: 100 Bureau Drive, Stop 1070, Gaithersburg, MD 20899-1070
Home page address: http://www.nist.gov
Name/title of contact person: Ramona Saar
Phone: +1 (301) 975-5521
Fax: + 1 (301) 975-4715
E-mail address: ramona.saar@nist.gov

Regulatory Authorities

1. Name of Designating Authority: Federal Communications Commission
Physical address: 7435 Oakland Mills Road, Columbia, MD 21046
Mailing address: 7435 Oakland Mills Road, Columbia, MD 21046
Home page address: http://www.fcc.gov
Name/title of contact person: William Hurst
Phone: +1 (301) 362-3031
Fax: +1 (301) 362-3290
E-mail address: William.Hurst@fcc.gov

Accreditation Bodies

1. Name of Accreditation Body: American Association for Laboratory Accreditation (A2LA)
Physical address: 5301 Buckeystown Pike, Frederick, MD 21704
Mailing address: 5301 Buckeystown Pike, Suite 350, Frederick, MD 21704
Home page address: www.a2la.org
Name/title of contact person: Adam Gouker
Phone: +1 301 644-3217
Fax: +1 301 662-2974
E-mail address: agouker@a2la.org

2. Name of Accreditation Body: ANSI-ASQ National Accreditation Board/ACLASS (ACLASS)
Physical address: 500 Montgomery Street, Alexandria, VA 22314
Mailing address: 500 Montgomery Street, Suite 625, Alexandria, VA 22314
Home page address: www.aclasscorp.com
Name/title of contact person: Bill Hirt
Phone: +1 (703) 836-0025
Fax: + 1 (703) 836-0040
E-mail address: Bill.hirt@aclasscorp.com

3. Name of Accreditation Body: National Voluntary Laboratory Accreditation Program (NVLAP)
Physical address: 100 Bureau Drive Gaithersburg, MD 20899-2140
Mailing address: 100 Bureau Drive, M/S 2140 Gaithersburg, MD 20899-2140
Home page address: www.nist.gov/pml/nvlap/index.cfm
Name/title of contact person: Brad Moore
Phone: +1 (301) 975-5740
Fax: +1 (301) 926-2884
E-mail address: brad.moore@nist.gov

ANNEX III

LIST OF DESIGNATED TESTING LABORATORIES

MEXICO

Name of Testing Laboratory:
Six-character identifier:
Physical address:
Mailing address:
Name/title of contact person:
Phone:
Fax:
E-mail address:
Technical regulations for which this Testing Laboratory has been designated:

UNITED STATES

Name of Testing Laboratory:
Six-character identifier:
Physical address:
Mailing address:
Name/title of contact person:
Phone:
Fax:
E-mail address:
Technical regulations for which this Testing Laboratory has been designated:

ANNEX IV

LIST OF RECOGNIZED TESTING LABORATORIES

MEXICO

Name of Testing Laboratory:
Six-character identifier:
Physical address:
Mailing address:
Name/title of contact person:
Phone:
Fax:
E-mail address:
Technical regulations for which this Testing Laboratory has been designated:

UNITED STATES

Name of Testing Laboratory:
Six-character identifier:
Physical address:
Mailing address:
Name/title of contact person:
Phone:
Fax:
E-mail address:
Technical regulations for which this Testing Laboratory has been designated: