

**AGREEMENT ON MUTUAL RECOGNITION  
BETWEEN THE UNITED STATES OF AMERICA  
AND  
THE EEA EFTA STATES**

## **TABLE OF CONTENTS**

1.	Framework	2
2.	Telecommunications Equipment	14
3.	Electromagnetic Compatibility (EMC)	27
4.	Recreational Craft	38

**AGREEMENT ON MUTUAL RECOGNITION**  
**BETWEEN THE UNITED STATES OF AMERICA AND**  
**THE EEA EFTA STATES**

The United States of America, on the one hand, and the Republic of Iceland, the Principality of Liechtenstein and the Kingdom of Norway, on the other,

CONSIDERING the traditional links of friendship that exist between the United States of America (the United States) and the EEA EFTA States;

DESIRING to facilitate bilateral trade between them;

RECOGNIZING that mutual recognition of conformity assessment activities is an important means of enhancing market access between the United States and the EEA EFTA States;

RECOGNIZING that an agreement providing for mutual recognition of conformity assessment activities is of particular interest to small and medium-sized businesses in the United States and the EEA EFTA States;

RECOGNIZING that any such mutual recognition also requires confidence in the continued reliability of the conformity assessments of the United States and the EEA EFTA States;

RECOGNIZING the importance of maintaining the high levels of health, safety, environmental and consumer protection in the United States and the EEA EFTA States;

RECOGNIZING that mutual recognition agreements can positively contribute in encouraging greater international harmonization of standards;

RECOGNIZING that the Mutual Recognition Agreement between the United States and the European Community, and the close relationship between the European Community and the EEA EFTA States through the Agreement on the European Economic Area, enhance the benefits of a parallel mutual recognition agreement between the United States and the EEA EFTA States;

NOTING that this Agreement is not intended to displace private sector bilateral and multilateral arrangements among conformity assessment bodies or to affect regulatory regimes allowing for manufacturers' self-assessments and declarations of conformity;

BEARING IN MIND that the Agreement on Technical Barriers to Trade, an agreement annexed to the Agreement Establishing the World Trade Organization (WTO), encourages WTO Members to enter into negotiations for the conclusion of agreements for the mutual recognition of results of each other's conformity assessment procedures;

RECOGNIZING that any such mutual recognition needs to offer an assurance of conformity with applicable technical regulations or standards equivalent to the assurance offered by the Party's own procedures;

RECOGNIZING the need to conclude an Agreement on Mutual Recognition (MRA) in the field of conformity assessment with sectoral annexes; and

BEARING IN MIND the respective commitments of the Parties under bilateral, regional and multilateral environment, health, safety and consumer protection agreements,

*Have agreed as follows:*

### *Article 1*

#### **DEFINITIONS**

1. The following terms and definitions shall apply to this Agreement only:
  - **Party** means the United States, the Republic of Iceland, the Principality of Liechtenstein, or the Kingdom of Norway, as the case may be.
  - **EEA EFTA States** means those members of the European Free Trade Association that are Parties to the Agreement on the European Economic Area (EEA), i.e., the Republic of Iceland, the Principality of Liechtenstein and the Kingdom of Norway.
  - **Side** means the United States or the EEA EFTA States, as the case may be.
  - **Designating Authority** means a body with power to designate, monitor, suspend, remove suspension of, or withdraw conformity assessment bodies as specified under this Agreement.
  - **Designation** means the identification by a Designating Authority of a conformity assessment body to perform conformity assessment procedures under this Agreement.
  - **Regulatory Authority** means a government agency or entity that exercises a legal right to control the use or sale of products within a Party's jurisdiction, and may take enforcement action to ensure that products marketed within its jurisdiction comply with legal requirements.
2. Other terms concerning conformity assessment used in this Agreement shall have the meaning given elsewhere in this Agreement or in the definitions contained in Guide 2 (1996 edition) of the International Organization for Standardization (ISO) and the International Electrotechnical Commission (IEC). In the event of an inconsistency between ISO/IEC Guide 2 and definitions in this Agreement, the definitions in this Agreement shall prevail.

### *Article 2*

#### **PURPOSE OF THE AGREEMENT**

This Agreement specifies the conditions by which the United States, on the one hand, and the EEA EFTA States, on the other hand, will accept or recognize results of conformity assessment procedures, produced by the conformity assessment bodies or authorities of the other side, in assessing conformity to an importing Party's requirements, as specified on a sector-specific basis in the

Sectoral Annexes, and to provide for other related cooperative activities. The objective of such mutual recognition is to provide effective market access between the United States and the EEA EFTA States with regard to conformity assessment for all products covered under this Agreement. If any obstacles to such access arise, consultations will promptly be held. In the absence of a satisfactory outcome of such consultations, the side alleging its market access has been denied, may, within 90 days of such consultation, invoke its right to terminate the Agreement in its entirety, or any individual Sectoral Annex thereof, in accordance with Article 21.

### *Article 3*

#### **GENERAL OBLIGATIONS**

1. The United States shall, as specified in the Sectoral Annexes, accept or recognize results of specified procedures, used in assessing conformity to specified legislative, regulatory, and administrative provisions of the United States, produced by designated conformity assessment bodies and/or authorities in the EEA EFTA States.
2. The EEA EFTA States shall, as specified in the Sectoral Annexes, accept or recognize results of specified procedures, used in assessing conformity to specified legislative, regulatory and administrative provisions of the EEA EFTA States, produced by designated conformity assessment bodies and/or authorities in the United States.
3. Where sectoral transition arrangements have been specified in Sectoral Annexes, the above obligations will apply following the successful completion of those sectoral transition arrangements, with the understanding that the conformity assessment procedures utilized assure conformity to the satisfaction of the importing Party, with applicable legislative, regulatory and administrative provisions of that Party, equivalent to the assurance offered by the importing Party's own procedures.

### *Article 4*

#### **GENERAL COVERAGE OF THE AGREEMENT**

1. This Agreement applies to conformity assessment procedures for products and/or processes and to other related cooperative activities as described in this Agreement.
2. Sectoral Annexes may include:
  - a) a description of the relevant legislative, regulatory and administrative provisions pertaining to the conformity assessment procedures and technical regulations;
  - b) a statement on the product scope and coverage;
  - c) a list of Designating Authorities;
  - d) a list of agreed conformity assessment bodies or authorities or a source from which to obtain a list of such bodies or authorities and a statement of the scope of the conformity assessment procedures for which each has been agreed;

- e) the procedures and criteria for designating the conformity assessment bodies;
  - f) a description of the mutual recognition obligations;
  - g) a sectoral transition arrangement;
  - h) the identity of a sectoral contact point in each Party's territory; and
  - i) a statement regarding the establishment of a Joint Sectoral Committee.
3. This Agreement shall not be construed to entail mutual acceptance of standards or technical regulations of the Parties and, unless otherwise specified in a Sectoral Annex, shall not entail the mutual recognition of the equivalence of standards or technical regulations.

#### *Article 5*

### **TRANSITIONAL ARRANGEMENTS**

Each Party shall implement the transitional commitments on confidence building as specified in the Sectoral Annexes.

1. Each sectoral transitional arrangement shall specify a time period for completion.
2. The Parties may amend any transitional arrangement by mutual agreement through a decision of the Joint Committee.
3. Passage from the transitional phase to the operational phase shall proceed as specified in each Sectoral Annex, unless either side, documents that the conditions provided in such Sectoral Annex for a successful transition are not met.

#### *Article 6*

### **DESIGNATING AUTHORITIES**

Each Party shall ensure that the Designating Authorities specified in the Sectoral Annexes have the power and competence in their respective territories to carry out decisions under this Agreement to designate, monitor, suspend, remove suspension of, or withdraw conformity assessment bodies.

#### *Article 7*

### **DESIGNATION AND LISTING PROCEDURES**

The following procedures shall apply with regard to the designation of conformity assessment bodies and the inclusion of such bodies in the list of conformity assessment bodies in a Sectoral Annex:

- a) The Designating Authority identified in a Sectoral Annex shall designate conformity assessment bodies in accordance with the procedures and criteria set forth in that Sectoral Annex;

- b) A Party proposing to add a conformity assessment body to the list of such bodies in a Sectoral Annex shall forward its proposal of one or more designated conformity assessment bodies in writing to the other side with a view to a decision by the Joint Committee;
- c) Within 60 days following receipt of the proposal, the other side shall indicate its position regarding either its confirmation or its opposition. Upon confirmation through a decision by the Joint Committee, the inclusion in the Sectoral Annex of the proposed conformity assessment body or bodies shall take effect;
- d) In the event that the other side contests on the basis of documented evidence the technical competence or compliance of a proposed conformity assessment body, or indicates in writing that it requires an additional 30 days to more fully verify such evidence, such conformity assessment body shall not be included on the list of conformity assessment bodies in the applicable Sectoral Annex. In this instance, the Joint Committee may decide that the body concerned be verified. After the completion of such verification, the proposal to list the conformity assessment body in the Sectoral Annex may be resubmitted to the other side.

### *Article 8*

#### **SUSPENSION OF LISTED CONFORMITY ASSESSMENT BODIES**

The following procedures shall apply with regard to the suspension of a conformity assessment body listed in a Sectoral Annex:

- a) One side shall notify the other of its contestation of the technical competence or compliance of a conformity assessment body listed in a Sectoral Annex and its intent to suspend such conformity assessment body. Such contestation shall be exercised when justified in an objective and reasoned manner in writing to the other side;
- b) The conformity assessment body shall be given prompt notice by the other side and an opportunity to present information in order to refute the contestation or to correct the deficiencies which form the basis of the contestation;
- c) The Parties shall discuss any such contestation in the relevant Joint Sectoral Committee. If there is no Joint Sectoral Committee, the contesting side shall refer the matter directly to the Joint Committee. If agreement to suspend is reached by the Joint Sectoral Committee or, if there is no Joint Sectoral Committee, by the Joint Committee, the conformity assessment body shall be suspended;
- d) Where the Joint Sectoral Committee or Joint Committee decides that verification of technical competence or compliance is required, it shall normally be carried out in a timely manner by the Party in whose territory the body in question is located, but may be carried out jointly by the Parties in justified cases;
- e) If the matter has not been resolved by the Joint Sectoral Committee within 10 days of the notice of contestation, the matter shall be referred to the Joint Committee for a decision. If there is no Joint Sectoral Committee, the matter shall be referred directly to the Joint Committee.

If no decision is reached by the Joint Committee within 10 days of the referral to it, the conformity assessment body shall be suspended upon the request of the contesting side;

- f) Upon the suspension of a conformity assessment body listed in a Sectoral Annex, the contesting side is no longer obligated to accept or recognize the results of conformity assessment procedures performed by that conformity assessment body subsequent to suspension. However, it shall continue to accept the results of conformity assessment procedures performed by that conformity assessment body prior to suspension, unless a Regulatory Authority of that side decides otherwise based on health, safety or environmental considerations or failure to satisfy other requirements within the scope of the applicable Sectoral Annex; and
- g) The suspension shall remain in effect until agreement has been reached by the Joint Committee with respect to the future status of that conformity assessment body.

### *Article 9*

#### **WITHDRAWAL OF LISTED CONFORMITY ASSESSMENT BODIES**

The following procedures shall apply with regard to the withdrawal from a Sectoral Annex of a conformity assessment body:

- a) A side proposing to withdraw a conformity assessment body listed in a Sectoral Annex shall forward its proposal in writing to the other side;
- b) Such conformity assessment body shall be promptly notified by the Party in whose territory the body is located and shall be provided a period of at least 30 days from receipt to provide information in order to refute or to correct the deficiencies which form the basis of the proposed withdrawal;
- c) Within 60 days following receipt of the proposal, the other side shall indicate its position regarding either its confirmation or its opposition. Upon confirmation through a decision by the Joint Committee, the withdrawal from the list in the Sectoral Annex of the conformity assessment body shall take effect;
- d) In the event that the other side opposes the proposal to withdraw by supporting the technical competence and compliance of its conformity assessment body, the conformity assessment body shall not at that time be withdrawn from the list of conformity assessment bodies in the applicable Sectoral Annex. In this instance, the Joint Sectoral Committee or the Joint Committee may decide to carry out a joint verification of the body concerned. After the completion of such verification, the proposal for withdrawal of the conformity assessment body may be resubmitted to the other side; and
- e) Subsequent to the withdrawal of a conformity assessment body listed in a Sectoral Annex, the contesting side shall continue to accept the results of conformity assessment procedures performed by that conformity assessment body prior to withdrawal, unless a Regulatory Authority of that side decides otherwise based on health, safety and environmental considerations or failure to satisfy other requirements within the scope of the applicable Sectoral Annex.



## *Article 10*

### **MONITORING OF CONFORMITY ASSESSMENT BODIES**

The following shall apply with regard to the monitoring of conformity assessment bodies listed in a Sectoral Annex:

- a) Designating Authorities shall assure that their conformity assessment bodies listed in a Sectoral Annex are capable and remain capable of properly assessing conformity of products or processes, as applicable, and as covered in the applicable Sectoral Annex. In this regard, Designating Authorities shall maintain, or cause to maintain, ongoing surveillance over their conformity assessment bodies by means of regular audit or assessment;
- b) The two sides undertake to compare methods used to verify that the conformity assessment bodies listed in the Sectoral Annexes comply with the relevant requirements of the Sectoral Annexes. Existing systems for the evaluation of conformity assessment bodies may be used as part of such comparison procedures;
- c) A Designating Authority shall consult as necessary with its counterpart(s), to ensure the maintenance of confidence in conformity assessment procedures. With the consent of each Party concerned, this consultation may include joint participation in audits/inspections related to conformity assessment activities or other assessments of conformity assessment bodies listed in a Sectoral Annex; and
- d) Designating Authorities shall consult, as necessary, with the relevant Regulatory Authorities of the other side to ensure that all technical requirements are identified and are satisfactorily addressed.

## *Article 11*

### **CONFORMITY ASSESSMENT BODIES**

The United States and the EEA EFTA States recognize that the conformity assessment bodies listed in the Sectoral Annexes fulfill the conditions of eligibility to assess conformity in relation to their respective requirements as specified in the Sectoral Annexes, and they shall specify the scope of the conformity assessment procedures for which such bodies are listed.

## *Article 12*

### **EXCHANGE OF INFORMATION**

1. The two sides shall exchange information concerning the implementation of the legislative, regulatory, and administrative provisions identified in the Sectoral Annexes.
2. Each side shall notify the other of legislative, regulatory and administrative changes related to the subject matter of this Agreement at least 60 days before their entry into force. Where considerations of safety, health or environmental protection require more urgent action, a side shall notify the other side as soon as practicable.

3. Each side shall promptly notify the other of any changes to its Designating Authorities and/or conformity assessment bodies.
4. The two sides shall exchange information concerning the procedures used to ensure that the listed conformity assessment bodies under their responsibility comply with the legislative, regulatory, and administrative provisions outlined in the Sectoral Annexes.
5. Regulatory Authorities identified in the Sectoral Annexes shall consult as necessary with their counterparts, to ensure the maintenance of confidence in conformity assessment procedures and to ensure that all technical requirements are identified and are satisfactorily addressed.

### *Article 13*

#### **SECTORAL CONTACT POINTS**

Each Party shall appoint and confirm in writing contact points to be responsible for activities under each Sectoral Annex.

### *Article 14*

#### **JOINT COMMITTEE OF THE PARTIES**

1. The Parties hereby establish a Joint Committee consisting of representatives of each Party. The Joint Committee shall be responsible for the effective functioning of the Agreement.
2. The Joint Committee may establish Joint Sectoral Committees comprised of appropriate Regulatory Authorities and others deemed necessary.
3. Each side shall each have one vote in the Joint Committee. The Joint Committee shall make its decisions by unanimous consent. The Joint Committee shall determine its own rules and procedures.
4. The Joint Committee may consider any matter relating to the effective functioning of this Agreement. In particular it shall be responsible for:
  - a) listing, suspension, withdrawal and verification of conformity assessment bodies in accordance with this Agreement;
  - b) amending transitional arrangements in Sectoral Annexes;
  - c) resolving any questions relating to the application of this Agreement and its Sectoral Annexes not otherwise resolved in the respective Joint Sectoral Committees;
  - d) providing a forum for discussion of issues that may arise concerning the implementation of this Agreement;
  - e) considering ways to enhance the operation of this Agreement;
  - f) coordinating the negotiation of additional Sectoral Annexes; and
  - g) considering whether to amend this Agreement or its Sectoral Annexes in accordance with Article 21.

5. When either side introduces new or additional conformity assessment procedures affecting a Sectoral Annex, the Parties shall discuss the matter in the Joint Committee with a view to bringing such new or additional procedures within the scope of this Agreement and the relevant Sectoral Annex.

#### *Article 15*

#### **PRESERVATION OF REGULATORY AUTHORITY**

1. Nothing in this Agreement shall be construed to limit the authority of a Party to determine, through its legislative, regulatory and administrative measures, the level of protection it considers appropriate for safety; for protection of human, animal, or plant life or health; for the environment; for consumers; and otherwise with regard to risks within the scope of the applicable Sectoral Annex.
2. Nothing in this Agreement shall be construed to limit the authority of a Regulatory Authority to take all appropriate and immediate measures whenever it ascertains that a product may: (a) compromise the health or safety of persons in its territory; (b) not meet the legislative, regulatory, or administrative provisions within the scope of the applicable Sectoral Annex; or (c) otherwise fail to satisfy a requirement within the scope of the applicable Sectoral Annex. Such measures may include withdrawing the products from the market, prohibiting their placement on the market, restricting their free movement, initiating a product recall, and preventing the recurrence of such problems, including through a prohibition on imports. If the Regulatory Authority takes such action, it shall inform its counterpart authority(ies) and the other side within fifteen days of taking such action, providing its reasons.

#### *Article 16*

#### **SUSPENSION OF RECOGNITION OBLIGATIONS**

Either side may suspend its obligations under a particular Sectoral Annex, in whole or in part, if:

- a) it suffers a loss of market access for its products within the scope of the Sectoral Annex as a result of the failure of the other side to fulfill its obligations under the Agreement;
- b) the adoption of new or additional conformity assessment procedures, as referenced in Article 14(5), by the other side results in a loss of market access for its products within the scope of the Sectoral Annex because conformity assessment bodies designated by it in order to meet such requirements have not been recognized by the other side; or
- c) the other side fails to maintain legal and regulatory authorities capable of implementing the provisions of this Agreement.

#### *Article 17*

#### **CONFIDENTIALITY**

1. Each Party shall maintain, to the extent allowed under its laws, the confidentiality of information exchanged under this Agreement.
2. In particular, no Party shall disclose to the public, nor permit a conformity assessment body to disclose to the public, information exchanged under this Agreement that constitutes trade secrets, confidential commercial or financial information, or information that relates to an ongoing investigation.
3. A Party or a conformity assessment body may, upon exchanging information with the other side or with a conformity assessment body of the other side, designate the portions of the information that it considers to be exempt from disclosure.
4. Each Party shall take all precautions reasonably necessary to protect information exchanged under this Agreement from unauthorized disclosure.

### *Article 18*

#### **FEES**

Each Party shall endeavor to ensure that fees imposed for services under this Agreement shall be commensurate with the services provided. Each Party shall ensure that, for the sectors and conformity assessment procedures covered under this Agreement, it shall charge no fees with respect to conformity assessment services provided by the other side.

### *Article 19*

#### **AGREEMENTS WITH OTHER COUNTRIES**

Except where there is written agreement between the two sides, obligations contained in mutual recognition agreements concluded by a Party with a party not a signatory to this Agreement (a third party) shall have no force and effect with regard to the other side in terms of acceptance of the results of conformity assessment procedures in the third party.

### *Article 20*

#### **TERRITORIAL APPLICATION**

This Agreement shall apply, on the one hand, to the territories of the EEA EFTA States, and, on the other hand, to the territory of the United States.

### *Article 21*

#### **ENTRY INTO FORCE, AMENDMENT, WITHDRAWAL AND TERMINATION**

1. This Agreement, including its Sectoral Annexes on Telecommunications Equipment, Electromagnetic Compatibility and Recreational Craft, shall enter into force on the first day of the second month following the date on which the Depositary has received notices from all Parties confirming the completion of their respective procedures for the entry into force of this Agreement.

2. The Parties may amend this Agreement, including the Sectoral Annexes, through a signed, written decision of the Joint Committee. The Parties may add a Sectoral Annex to this Agreement by notifying the Depositary of their approval of any proposed additional Sectoral Annex. Such Annex shall enter into force on the first day of the second month following the date on which the Depositary has received notices from all Parties confirming the completion of their respective procedures for the entry into force of such Annex.
3. Any Party may withdraw from this Agreement in its entirety or from any individual Sectoral Annex thereof by giving the other Parties six months notice in writing. If an EEA EFTA State withdraws from this Agreement or from one or more Sectoral Annexes, the remaining Parties will seek to amend this Agreement, in accordance with the procedures in this Article. If the remaining Parties cannot agree on an amendment to the Agreement or Sectoral Annex, the Agreement or Sectoral Annex shall terminate six months from the date of notice.
4. Following termination of the Agreement in its entirety or any individual Sectoral Annex thereof, a Party shall continue to accept the results of conformity assessment procedures performed by conformity assessment bodies under this Agreement prior to termination, unless a Regulatory Authority of that Party decides otherwise based on health, safety and environmental considerations or failure to satisfy other requirements within the scope of the applicable Sectoral Annex.

#### *Article 22*

#### **DEPOSITARY**

The Government of the Kingdom of Norway, acting as Depositary, shall notify all Parties of the completion by all Parties of their respective procedures for the entry into force of this Agreement or any new Sectoral Annexes.

#### *Article 23*

#### **FINAL PROVISIONS**

1. The Sectoral Annexes referred to in Article 21(1), as well as any new Sectoral Annexes added pursuant to Article 21(2), shall form an integral part of this Agreement.
2. For a given product or sector, the provisions contained in the relevant Sectoral Annexes shall apply in the first place, and the provisions of this text in addition to those provisions. In the case of any inconsistency between the provisions of a Sectoral Annex and this text, the Sectoral Annex shall prevail, to the extent of that inconsistency.
3. This Agreement shall not affect the rights and obligations of the Parties under any other international agreement.

This Agreement and the Sectoral Annexes are drawn up in four originals in the English language.

Done at Washington, this 17<sup>th</sup> day of October, 2005:

For the Republic of Iceland

For the United States of America

.....

.....

For the Principality of Liechtenstein

.....

For the Kingdom of Norway

.....

**EEA EFTA States- U.S. MRA**

**SECTORAL ANNEX  
FOR  
TELECOMMUNICATIONS EQUIPMENT**

**PREAMBLE**

This Annex constitutes a Sectoral Annex to the Agreement on Mutual Recognition Between the United States of America and the EEA EFTA States.

**SECTION I**

**LEGISLATIVE, REGULATORY AND ADMINISTRATIVE PROVISIONS**

EEA EFTA States	United States
<p>EEA Agreement, Annex II, Chapter XVIII, point 4 zg:                      Directive 1999/5/EC of the European Parliament and of the Council of 9 March 1999 on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity.</p>	<p>Communication Act of 1934, as amended by the Telecommunication Act of 1996, (Title 47 of the United States Code),</p> <p>the U.S. regulatory and administrative provisions in respect of telecommunications equipment, including 47 CFR Part 68, and FCC interpretation thereof;</p> <p>(The Parties recognize that the FCC Form 730 Application Guide provides useful guidelines for the implementation of conformity assessment procedures for telecommunications terminal equipment falling within these regulations.);</p> <p>The U.S. regulatory and administrative provisions in respect of all radio transmitters subject to an equipment authorization requirement. A non-exclusive list of FCC regulations are contained in Section II;</p> <p>For electromagnetic compatibility aspects, see Electromagnetic Compatibility (EMC) Sectoral Annex to the Agreement.</p>

**SECTION II**

**SCOPE AND COVERAGE**

1. This Sectoral Annex shall apply to equipment, interfaces, and services subject to Section I. In general terms the provisions of this Sectoral Annex shall apply to the following types of telecommunications terminal equipment, satellite terminal equipment, radio transmitters, and information technology equipment:
  - (a) equipment intended for connection to the public telecommunications network in order to send, process or receive information, whether the equipment is to be connected directly to the “termination” of the network or to inter-work with such a network, being connected directly or indirectly to the termination point. The system of connection may be wire, radio, optical or other electro-magnetic means;
  - (b) equipment capable of being connected to a public telecommunications network even if it is not its intended purpose, including information technology equipment having a communication port; and
  - (c) all radio transmitters subject to an equipment authorization procedure by each Party.
  
2. The following is a non-exclusive list of the equipment, interfaces, and services included within the scope of this Sectoral Annex:



**SCOPE AND COVERAGE**

EEA EFTA States	United States
U.S. access to the EEA EFTA market	EEA EFTA access to the U.S. market
The following equipment categories are included :	Equipment categories covered under 47 CFR Part 68, including:
ISDN Basic Rate Access	ISDN Basic Access
ISDN Primary Rate Access	ISDN Primary Rate Access
ISDN Telephony	Digital Service Access :
X21/V.24/V.35 Access	2.4 kbps
X25 Access	3.2 kbps (2.4 kbps with Secondary Channel)
PSTN Non-Voice	4.8 kbps
PSTN Voice Band (Analog)	6.4 kbps (4.8 kbps with SC)
ONP Leased Line Terminal types :	9.6 kbps
-64 kbits/sec	12.8 kbps (9.6 kbps with SC)
-2048 kbits/s unstructured	19.2 kbps
-2048 kbits/s structured	25.0 kbps (19.2 kbps with SC)
-34 Mbits/s access	56.0 kbps
-140 Mbits/s access	64.0 kbps (uses 72 kbps channel)
-2 wire analogue	72.0 kbps (56.0 kbps with SC)
-4 wire analogue	1.544 Mbps
Radio transmitters subject to an equipment authorization requirement, including:	2 wires analog tie trunks/ops
<i>(To be provided by the EEA EFTA States)</i>	4 wire analog tie trunks/ops
Equipment listed in directive 1999/5: <a href="http://europa.eu.int/comm/enterprise/rtte/equip.htm">http://europa.eu.int/comm/enterprise/rtte/equip.htm</a>	PSTN Voice Band (Analog) Access
	Private Line (Analog) Access
	Radio transmitters subject to an equipment authorization requirement, including:
	Commercial Mobile Radio (Part 20)
	Domestic Public Fixed (Part 21)
	Domestic Mobile (Part 22)
	Personal Communication Service (Part 24)
	Satellite Communications (Part 25)
	Broadcast (Part 73)
	Auxiliary Broadcast (Part 74)
	Cable Television Radio (Part 78)
	Maritime (Part 80)
	GMDSS (Part 80W)
	Private Land Mobile (Part 90)
	Private-Fixed Microwave (Part 94)
	Personal Radio Services (Part 95)
	IVDS (Part 95 F)
	Amateur Radio (Part 97)
	Radio Frequency Devices (Part 15)
	Fixed Microwave Services (Part 101)

*Note: A list of acronyms and a glossary is contained in Appendix 1 to this Sectoral Annex.*

\* \* \* \* \*

**SECTION III**

**CONFORMITY ASSESSMENT PROCEDURES  
FOR TELECOMMUNICATIONS EQUIPMENT**

1. Description of Mutual Recognition Obligations

In accordance with the provisions of the Agreement, the results of the conformity assessment procedures produced by a Party's conformity assessment bodies listed in Section V shall be recognized by the Regulatory Authorities of the other side without any further conformity assessment of the products, pursuant to Section I.

2. Conformity Assessment Procedures

Taking into account the legislative, regulatory, and administrative provisions as identified in Section I, each side recognizes that the conformity assessment bodies of the other side, listed in Section V, are authorized to perform the following procedures with regard to an importing Party's technical requirements for telecommunications terminal equipment, satellite terminal equipment, radio transmitters or information technology equipment:

- a) testing and issuing of test reports;
- b) issuing certificates of conformity to the requirements of the laws and regulations applicable in the territories of the Parties for products covered under this Sectoral Annex; and
- c) performing quality assurance certification pursuant to Council Directive 1999/5/EC (EEA Agreement, Annex II, Chapter XVIII, point 4).
- d) prescription of radio tests to be performed pursuant to annexes III and IV of Directive 1999/5/EC (EEA Agreement, Annex II, Chapter XVIII, point 4).
- e) issuing of an opinion on a technical file pursuant to annex IV of Directive 1999/5/EC (EEA Agreement, Annex II, Chapter XVIII, point 4).

\* \* \* \* \*

**SECTION IV**

**AUTHORITIES RESPONSIBLE FOR DESIGNATING THE  
CONFORMITY ASSESSMENT BODIES LISTED IN SECTION V**

EEA EFTA STATES	United States
<i>Iceland:</i> Ministry of Transportation  <i>Liechtenstein:</i> Government of Liechtenstein <sup>1</sup>  <i>Norway:</i> Ministry of Transport and Communications	National Institute of Standards and Technology (NIST)

**AUTHORITIES RESPONSIBLE FOR APPROVING THE CONFORMITY  
ASSESSMENT BODIES LISTED IN SECTION V**

EEA EFTA STATES	United States
<i>Iceland:</i> Post and Telecommunication Administration  <i>Liechtenstein:</i> Office of National Economy  <i>Norway:</i> Norwegian Post and Telecommunications Authority	Federal Communications Commission (FCC)

\* \* \* \* \*

---

<sup>1</sup> The Government of the Principality of Liechtenstein is entitled to appoint appropriate specific national administration bodies as designators of conformity assessment bodies at a future date.

**SECTION V**

**CONFORMITY ASSESSMENT BODIES**

EEA EFTA STATES	United States
<p data-bbox="321 532 852 569">EEA EFTA access to the U.S. market</p> <p data-bbox="321 604 852 792">Conformity assessment bodies located in the EEA EFTA States shall be designated by the Authorities identified in Section IV following the procedures set out in Section VI of this Annex.</p> <p data-bbox="321 900 852 940"><i>(to be provided by the EEA EFTA States)</i></p>	<p data-bbox="894 532 1425 569">U.S. access to the EEA EFTA market</p> <p data-bbox="894 604 1425 792">Conformity assessment bodies located in the United States shall be designated by the Authorities identified in Section IV following the procedures set out in Section VI of this Annex.</p> <p data-bbox="894 900 1425 940"><i>(to be provided by the United States)</i></p>

\* \* \* \* \*

**SECTION VI**

**DESIGNATING, LISTING, SUSPENDING, WITHDRAWING AND  
MONITORING CONFORMITY ASSESSMENT BODIES LISTED IN  
SECTION V**

EEA EFTA STATES	United States
<p><i>EEA EFTA access to the U.S. market:</i></p> <p>Authorities in the EEA EFTA States identified in Section IV shall designate conformity assessment bodies located in the EEA EFTA States in accordance with the U.S. legislative, regulatory, and administrative provisions identified in Section I that govern designation of conformity assessment bodies, based on compliance with the appropriate ISO/IEC Guides (e.g. Guide 22, 25, 28, 58, 61, 62, 65, etc.) or the comparable EN-45000 Series Standards.</p> <p>Procedures for designating, listing, suspending, withdrawing, and monitoring a conformity assessment body listed in Section V shall be undertaken pursuant to Articles 7, 8, 9, and 10 of the Agreement.</p>	<p><i>U.S. access to the EEA EFTA market:</i></p> <p>U.S. Authorities identified in Section IV shall designate conformity assessment bodies located in the United States in accordance with the EEA EFTA States' legislative, regulatory, and administrative provisions identified in Section I that govern designation of conformity assessment bodies, based on compliance with the appropriate EN-45000 Series Standards or the comparable ISO/IEC Guides (e.g. Guide 22, 25, 28, 58, 61, 62, 65, etc.).</p> <p>Procedures for designating, listing, suspending, withdrawing, and monitoring a conformity assessment body listed in Section V shall be undertaken pursuant to Articles 7, 8, 9, and 10 of the Agreement.</p>

\* \* \* \* \*

## SECTION VII

### ADDITIONAL PROVISIONS

#### 1. SUB - CONTRACTING

1.1 Any sub-contracting by conformity assessment bodies of one side shall be in accordance with the sub-contracting requirements of the other side. Notwithstanding the use of sub-contracting, the final results of conformity assessment remain the full responsibility of the listed conformity assessment body. In the EEA EFTA States, these requirements are described in Council Decision 93/465/EEC (EEA Agreement, Annex II, Chapter XIX, point 3d as inserted by Decision No 7/94).

1.2 The conformity assessment bodies shall record and retain details of their investigation of the competence and compliance of their subcontractors and maintain a register of all sub-contracting. These details will be made available to the other side on request.

#### 2. POST-MARKET SURVEILLANCE, BORDER MEASURES AND INTERNAL MOVEMENT

2.1 For the purpose of post-market surveillance, the Parties may maintain any existing labeling and numbering requirements. The assignment of the numbers may take place in the territory of the exporting Party. The numbers will be allocated by the importing Party. Numbering and labeling systems shall not introduce additional requirements within the meaning of this Sectoral Annex.

2.2 Nothing in this Sectoral Annex shall prevent the Parties from removing products from the market that do not in fact conform to the requirements for approval.

2.3 Border inspections and checks of products which have been certified, labeled or marked as conforming with the importing Party's requirements specified in Section I shall be completed as expeditiously as possible. With regard to any inspections related to internal movement within their respective territories, these shall be completed in no less a favorable manner than for like-domestic goods.

#### 3. JOINT SECTORAL COMMITTEE

3.1 A combined Joint Sectoral Committee for this Sectoral Annex and the EMC Sectoral Annex is hereby established (the JSC). The JSC shall operate during the transitional period and after completion of the transitional arrangement. The JSC shall meet as appropriate to discuss technical, conformity assessment and technology issues relating to this Sectoral Annex and the EMC Sectoral Annex. The JSC shall determine its own rules of procedure.

3.2 The JSC consists of representatives of the United States and the EEA EFTA States for telecommunications and EMC. JSC representatives may each invite manufacturers and other entities as deemed necessary. The representatives for the United States shall have one vote in the JSC. The representatives of the EEA EFTA States shall have one vote in the JSC. Decisions of the JSC shall be made by unanimous consent. In the event of disagreement, the representatives of the United States or the EEA EFTA States may raise the matter in the Joint Committee.

**US - EEA EFTA MRA Telecommunications Equipment Annex**

---

3.3 The JSC may address any matter related to the effective functioning of this Sectoral Annex, including:

- a) providing a forum for discussion of issues and resolving problems that may arise concerning the implementation of this Sectoral Annex;
- b) developing a mechanism for ensuring consistency of interpretations of legislation, regulations, standards, and conformity assessment procedures;
- c) advising the Parties on matters relating to this Sectoral Annex;  
and
- d) providing guidance and, if necessary, developing guidelines during the transitional period to facilitate the successful completion of the transitional period.

**4. CONTACT POINT**

Each Party shall establish a contact point to provide answers to all reasonable inquiries from the other side regarding procedures, regulations, and complaints under this Sectoral Annex.

EEA EFTA Contact points	U.S. Contact point
<p><i>Iceland:</i> Loggildingarstofa Borgartúni 21 105 Reykjavík Iceland Tel. +354 510 1100 Fax. +354 510 1101 <a href="http://www.ls.is">www.ls.is</a></p> <p><i>Liechtenstein:</i> Office of National Economy Gerberweg 5 FL-9490 Vaduz Liechtenstein Tel. +423 236 68 71 Fax. +423 236 68 89 <a href="http://www.avw.llv.li">www.avw.llv.li</a></p> <p><i>Norway:</i> Norwegian Post and Telecommunications Authority Postboks 447 Sentrum 0104 Oslo Norway Tel. +47 22 82 46 00 Fax. +47 22 82 46 40 <a href="http://www.npt.no">www.npt.no</a></p>	<p>Federal Communications Commission (FCC) 7435 Oakland Mills Road Columbia, MD 21046 Tel: 301-362-3000 Fax: 301-362-3290 <a href="http://www.fcc.gov">www.fcc.gov</a></p>

**5. REGULATORY CHANGES AND UPDATING THE SECTORAL ANNEX**

In the event that there are changes to the legislative, regulatory, and administrative provisions referenced in Section I or the introduction of new legislative, regulatory, and administrative provisions affecting a Party’s conformity assessment procedures under the Agreement, such changes shall take effect for the purpose of this Sectoral

## US - EEA EFTA MRA Telecommunications Equipment Annex

---

Annex at the same time they take effect domestically within the territory of that Party. The Parties shall update this Sectoral Annex to reflect the changes.

\* \* \* \* \*



**SECTION VIII**

**TRANSITIONAL ARRANGEMENT**

1. There shall be a transitional period of one month.
2. The purpose of this transitional arrangement is to provide a means whereby each side can build confidence in and an understanding of the other's systems for designating and listing conformity assessment bodies and in the ability of these bodies to test and certify products. Successful completion of the transitional arrangement should result in the determination that conformity assessment bodies listed in Section V comply with the applicable criteria and are competent to conduct conformity assessment activities on behalf of the importing Party. Upon completion of the transition period, the results of conformity assessment procedures performed by one side's conformity assessment bodies listed in Section V shall be accepted by the other side.
3. During this transitional period, the two sides shall:
  - a) consider new legislative changes needed to support the objectives of the Agreement;
  - b) initiate regulatory changes needed to support the objectives of the Agreement;
  - c) exchange information on and develop better understanding of their respective regulatory requirements;
  - d) develop mutually agreed mechanisms for exchanging information on changes in technical requirements or methods of designating conformity assessment bodies; and
  - e) monitor and evaluate the performance of the listed conformity assessment bodies during the transitional period.
4. Parties may designate, list, suspend and withdraw conformity assessment bodies during the transitional period according to the procedures in Section VI of this Sectoral Annex.
5. During the transitional period each Party shall accept and evaluate test reports and related documents issued by designated conformity assessment bodies of the other side. To this end, the importing Party shall ensure that:
  - a) on receipt of test reports, related documents and a first evaluation of conformity, the dossiers are promptly examined for completeness;
  - b) an applicant is informed in a precise and complete manner of any deficiency;
  - c) any request for additional information is limited to omissions, inconsistencies or variances from the technical regulations or standards; and
  - d) procedures for assessing the conformity for equipment modified subsequent to a determination of compliance, are limited to procedures necessary to determine continued conformance.

## US - EEA EFTA MRA Telecommunications Equipment Annex

---

6. Each Party shall ensure that issuance of approvals, certificates, or advice to the applicant is given no later than six weeks from receipt of the test report and evaluation from designated conformity assessment bodies of the other side.
7. Any proposal made during or at the end of the transitional period to limit the scope of recognition of any designated conformity assessment body or to exclude it from the list of bodies designated under this Sectoral Annex shall be based on objective criteria and documented. Any such body may apply for reconsideration once the necessary corrective action has been taken. To the extent possible, the Parties shall implement such action prior to the expiry of the transitional period.

\* \* \* \* \*

**APPENDIX 1**

**LISTS OF ACRONYMS AND GLOSSARY**

CAB	Conformity Assessment Body
CFR	U.S. Code of Federal Regulations, Title 47 CFR
EEA	European Economic Area
EC	European Community
EEC	European Economic Community
EEA EFTA	European Economic Area - European Free Trade Association
EN	Norme Européenne (European Standard)
EU	European Union
FCC	Federal Communications Commission
IEC	International Electrotechnical Commission
ISDN	Integrated Services Digital Network
ISO	International Organization for Standardization
ITU	International Telecommunications Union
MRA	Mutual Recognition Agreement
NIST	National Institute of Standards and Technology
OJ	Official Journal (of the European Union)
ONP	Open Network Provision
PSTN	Public Switched Telephone Network
X21	ITU-T Recommendation X21
X25	ITU-T Recommendation X25

\* \* \* \* \*

**EEA EFTA STATES - U.S. MRA**

**SECTORAL ANNEX  
FOR  
ELECTROMAGNETIC COMPATIBILITY  
(EMC)**

**PREAMBLE**

This Annex constitutes a Sectoral Annex to the Agreement on Mutual Recognition Between the United States of America and the EEA EFTA States.

**SECTION I**

**LEGISLATIVE, REGULATORY AND ADMINISTRATIVE PROVISIONS**

EEA EFTA STATES	United States
<p>EEA Agreement, Annex II, Chapter X, point 3c), point 4 and point 6:                      Council Directive 89/336/EEC of 3 May 1989 on the approximation of the laws of the Member States relating to electromagnetic compatibility (OJ L 139, 23.05.1989, p. 19), as amended by Council Directive 92/31/EEC of 28 April 1992 (OJ L 126, 12.5.1992, p. 11), Council Directive 98/13/EC of 12 February 1998 (OJ L 74, 12.3.1998, p.1) and Council Directive 99/5/EC of 9 March 1999 (OJ L 91, 7.4.1999, p.10) and EMC WG interpretation thereof.</p> <p>For telecommunications equipment and radio transmitters, see also Telecommunications Equipment Sectoral Annex to the Agreement.</p>	<p>Communications Act of 1934, as amended by the Telecommunication Act of 1996, (Title 47 of the United States Code),</p> <p>the U.S. regulatory and administrative provisions in respect of equipment subject to electromagnetic requirements including:</p> <ul style="list-style-type: none"> <li>- 47 CFR Part 15</li> <li>- 47 CFR Part 18,</li> </ul> <p>and FCC interpretation thereof.</p> <p>For telecommunications equipment and radio transmitters, see also Telecommunications Equipment Sectoral Annex to the Agreement.</p>

\* \* \* \* \*

**SECTION II**

**SCOPE AND COVERAGE**

EEA EFTA STATES	United States
<p><i>U.S. access to the EEA EFTA market:</i></p> <p>Any product falling under the scope of Council Directive 89/336/EEC (EEA Agreement, Annex II, Chapter X, point 6).</p>	<p><i>EEA EFTA access to the U.S. market:</i></p> <p>Any products falling under the scope of 47 CFR Part 15 and 18.</p>

\* \* \* \* \*

**SECTION III**

**CONFORMITY ASSESSMENT PROCEDURES FOR EQUIPMENT IDENTIFIED IN SECTION II**

1. Description of Mutual Recognition Obligations

In accordance with the provisions of the Agreement, the results of the conformity assessment procedures produced by a Party's conformity assessment bodies listed in Section V, shall be recognized by the Regulatory Authorities of the other side without any further conformity assessment of the products, pursuant to Section I.

## US - EEA EFTA MRA Electromagnetic Compatibility Annex

---

### 2. Conformity Assessment Procedures

Taking into account the legislative, regulatory, and administrative provisions as identified in Section I, each Party recognizes that the conformity assessment bodies of the other side, listed in Section V, are authorized to perform the following procedures with regard to an importing Party's technical requirements for equipment identified in Section II:

- a) testing and issuing of test reports;
- b) issuing certificates of conformity to the requirements of the laws and regulations applicable in the territory of the importing Party for products covered under this Sectoral Annex.

\* \* \* \* \*

**SECTION IV**

**AUTHORITIES RESPONSIBLE FOR DESIGNATING THE  
CONFORMITY ASSESSMENT BODIES LISTED IN SECTION V**

EEA EFTA STATES	United States
Iceland: Ministry of Industry and Commerce  Liechtenstein: Government of Liechtenstein <sup>2</sup>  Norway: Ministry of Labour and Government Administration and Ministry of Transport and Communications	National Institute of Standards and Technology (NIST)

**AUTHORITIES RESPONSIBLE FOR APPROVING THE CONFORMITY  
ASSESSMENT BODIES LISTED IN SECTION V**

EEA EFTA STATES	United States
<i>Iceland:</i> Loggildingarstofa  <i>Liechtenstein:</i> Office of National Economy  <i>Norway:</i> Norwegian Post and Telecommunications Authority (telecommunications equipment and radio transmitters)  Directorate for Civil Protection and Emergency Planning (electrical equipment in general)	Federal Communications Commission (FCC)

---

<sup>2</sup> The Government of the Principality of Liechtenstein is entitled to appoint appropriate specific national administration bodies as designators of conformity assessment bodies at a future date.

**SECTION V**

**CONFORMITY ASSESSMENT BODIES**

EEA EFTA STATES	United States
<p><i>EEA EFTA access to the U.S. market:</i></p> <p>Conformity assessment bodies located in the EEA EFTA States shall be designated by the Authorities identified in Section IV following the procedures set out in Section VI of this Annex.</p> <p>(to be provided by the EEA EFTA States)</p>	<p><i>U.S. access to the EEA EFTA market:</i></p> <p>Conformity assessment bodies located in the U.S. shall be designated by the Authorities identified in Section IV following the procedures set out in Section VI of this Annex.</p> <p>(to be provided by the United States)</p>

\* \* \* \* \*



**SECTION VI**

**DESIGNATING, LISTING, SUSPENDING, WITHDRAWING AND  
MONITORING CONFORMITY ASSESSMENT BODIES  
LISTED IN SECTION V**

EEA EFTA States	United States
<p><i>EEA EFTA access to the U.S. market:</i></p> <p>Authorities in the EEA EFTA States identified in Section IV shall designate conformity assessment bodies located in the EEA EFTA States in accordance with the U.S. legislative, regulatory, and administrative provisions identified in Section I that govern designation of conformity assessment bodies, based upon compliance with the appropriate ISO/IEC Guides (e.g. Guide 22, 25, 28, 58, 61, 62, 65, etc.) or the comparable EN-45000 Series Standards.</p> <p>Procedures for designating, listing, suspending, withdrawing, and monitoring a conformity assessment body listed in Section V shall be undertaken pursuant to Articles 7, 8, 9, and 10 of the Agreement.</p>	<p><i>U.S. access to the EEA EFTA market:</i></p> <p>U.S. Authorities identified in Section IV shall designate conformity assessment bodies located in the United States in accordance with the legislative, regulatory, and administrative provisions of the EEA EFTA States identified in Section I that govern designation of conformity assessment bodies, based on compliance with the appropriate EN-45000 Series Standards or the comparable ISO/IEC Guides (e.g. Guide 22, 25, 28, 58, 61, 62, 65, etc.).</p> <p>Procedures for designating, listing, suspending, withdrawing, and monitoring a conformity assessment body listed in Section V shall be undertaken pursuant to Articles 7, 8, 9, and 10 of the Agreement.</p>

\* \* \* \* \*

**SECTION VII  
ADDITIONAL PROVISIONS**

1. SUB - CONTRACTING
  - 1.1 Any sub-contracting by conformity assessment bodies shall be in accordance with the sub-contracting requirements of the importing Party. Notwithstanding the use of sub-contracting, the final results of conformity assessment remain the full responsibility of the listed conformity assessment body. In the EEA EFTA States, these requirements are described in Council Decision 93/465/EEC (EEA Agreement, Annex II, Chapter XIX, point 3d as inserted by Decision No 7/94).
  - 1.2 The conformity assessment bodies shall record and retain details of their investigations of the competence and compliance of their subcontractors and maintain a register of all sub-contracting. These details will be available to the importing Party on request.
2. POST-MARKET SURVEILLANCE, BORDER MEASURES AND INTERNAL MOVEMENT
  - 2.1 For the purpose of post-market surveillance, the Parties may maintain any existing labeling and numbering requirements. The assignment of the numbers may take place in the territory of the exporting Party. The numbers will be allocated by the importing Party. Numbering and labeling systems shall not introduce additional requirements within the meaning of this Sectoral Annex.
  - 2.2 Nothing in this Sectoral Annex shall prevent the Parties from removing products from the market that do not in fact conform to the requirements for approval.
  - 2.3 Border inspections and checks of products which have been certified, labeled or marked as conforming with the importing Party's requirements specified in Section I shall be completed as expeditiously as possible. With regard to any inspections related to internal movement within their respective territories, these shall be completed in no less a favorable manner than for like-domestic goods.
3. JOINT SECTORAL COMMITTEE
  - 3.1 A combined Joint Sectoral Committee for this Sectoral Annex and the Telecommunications Equipment Sectoral Annex is hereby established (the JSC). The JSC shall operate during the transitional period and after completion of the transitional arrangement. The JSC shall meet as appropriate to discuss technical, conformity assessment and technology issues relating to this Sectoral Annex and the Telecommunications Equipment Sectoral Annex. The JSC shall determine its own rules of procedure.
  - 3.2 The JSC consists of representatives of the United States and the EEA EFTA States for telecommunications and EMC. JSC representatives may each invite manufacturers and other entities as deemed necessary. The representatives for the United States shall have one vote in the JSC. The representatives of the EEA EFTA States shall have one vote in the JSC. Decisions of the JSC shall be made by unanimous consent. In the event of disagreement either representatives of the United States or the EEA EFTA States may raise the matter in the Joint Committee.

- 3.3 The JSC may address any matter related to the effective functioning of this Sectoral Annex, including:
- a) providing a forum for discussion of issues and resolving problems that may arise concerning the implementation of this Sectoral Annex;
  - b) developing a mechanism for ensuring consistency of interpretations of legislation, regulations, standards, and conformity assessment procedures;
  - c) advising the Parties on matters relating to this Sectoral Annex; and
  - d) providing guidance and, if necessary, developing guidelines during the transitional period to facilitate the successful completion of the transitional period.

**US - EEA EFTA MRA Electromagnetic Compatibility Annex**

---

**4. CONTACT POINTS**

Each Party shall establish a contact point to provide answers to all reasonable inquiries from the other side regarding procedures, regulations and complaints under this Sectoral Annex.

EEA EFTA Contact points	U.S. Contact point
<p><i>Iceland:</i>                      Loggildingarstofa                      Borgartúni 21                      105 Reykjavík                      Iceland                      Tel. +354 510 1100                      Fax. +354 510 1101  <a href="http://www.is.is">www.is.is</a></p> <p><i>Liechtenstein:</i>                      Office of National Economy                      Gerberveg 5                      FL-9490 Vaduz                      Liechtenstein                      Tel. +423 236 68 71                      Fax. +423 236 68 89  <a href="http://www.avw.llv.li">www.avw.llv.li</a></p> <p><i>Norway:</i>                      Norwegian Post and Telecommunications                      Authority                      Postboks 447 Sentrum                      0104 Oslo                      Norway                      Tel. +47 22 82 46 00                      Fax. +47 22 82 46 40  <a href="http://www.npt.no">www.npt.no</a></p> <p>Directorate for Civil Protection and                      Emergency Planning                      Postboks 2014                      3103 Tønsberg                      Norway                      Tel. +47 3341 2500                      Fax. +47 3331 0660  <a href="http://www.dbe.no">www.dbe.no</a></p>	<p>Federal Communications Commission                      (FCC)                      7435 Oakland Mills Road                      Columbia, MD 21046                      Tel: 301-362-3000                      Fax: 301-362-3290  <a href="http://www.fcc.gov">www.fcc.gov</a></p>

**5. REGULATORY CHANGES AND UPDATING THE SECTORAL ANNEX**

In the event that there are changes to the legislative, regulatory and administrative provisions referenced in Section I or the introduction of new legislative, regulatory and administrative provisions affecting a Party’s conformity assessment procedures under the Agreement, such changes shall take effect for the purpose of this Sectoral Annex at the same time they take effect domestically within the territory of that Party. The Parties shall update this Sectoral Annex to reflect the changes.

**SECTION VIII**

**TRANSITIONAL ARRANGEMENT**

1. There shall be a transitional period of one month.
2. The purpose of this transitional arrangement is to provide a means whereby each side can build confidence in and understanding of the other's systems for designating and listing conformity assessment bodies and in the ability of these bodies to test and certify products. Successful completion of the transition arrangement should result in the determination that conformity assessment bodies listed in Section V comply with the applicable criteria and are competent to conduct conformity assessment activities on behalf of the importing Party. Upon completion of the transition period, the results of conformity assessment procedures performed by one side's conformity assessment bodies listed in Section V shall be accepted by the other side.
3. During this transitional period, the two sides shall:
  - a) consider new legislative changes needed to support the objectives of the Agreement;
  - b) initiate regulatory changes needed to support the objectives of the Agreement;
  - c) exchange information on and develop better understanding of their respective regulatory requirements;
  - d) develop mutually agreed mechanisms for exchanging information on changes in technical requirements or methods of designating conformity assessment bodies; and
  - e) monitor and evaluate the performance of the listed conformity assessment bodies during the transitional period.
4. Parties may designate, list, suspend and withdraw conformity assessment bodies during the transitional period according to the procedures in Section VI of this Sectoral Annex.
5. During the transitional period each Party shall accept and evaluate test reports and related documents issued by designated conformity assessment bodies of the other side. To this end, the importing Party shall ensure that:
  - a) on receipt of test reports, related documents and a first evaluation of conformity, the dossiers are promptly examined for completeness;
  - b) an applicant is informed in a precise and complete manner of any deficiency;
  - c) any request for additional information is limited to omissions, inconsistencies or variances from the technical regulations or standards;
  - d) procedures for assessing the conformity for equipment modified subsequent to a determination of compliance, are limited to procedures necessary to determine continued conformance;

## US - EEA EFTA MRA Electromagnetic Compatibility Annex

---

6. Each Party shall ensure that issuance of approvals, certificates or advice to the applicant is given no later than six weeks from receipt of the test report and evaluation from designated conformity assessment bodies of the other side.
7. Any proposal made during or at the end of the transitional period to limit the scope of recognition of any designated conformity assessment body or to exclude it from the list of bodies designated under this Sectoral Annex shall be based on objective criteria and documented. Any such body may apply for reconsideration once the necessary corrective action has been taken. To the extent possible, the Parties shall implement such action prior to the expiry of the transitional period.

\*\*\*\*\*

**EEA EFTA STATES - U.S. MRA**

**SECTORAL ANNEX  
FOR  
RECREATIONAL CRAFT**

This Annex constitutes a Sectoral Annex to the Agreement on Mutual Recognition Between the United States of America and the EEA EFTA States.

The purpose of this Sectoral Annex is to establish a framework to accept certificates of conformity issued by conformity assessment bodies of one side in accordance with the regulatory requirements of the other side as referenced in this Sectoral Annex.

To facilitate that purpose, a transitional period of one month is arranged to build confidence as defined in this Sectoral Annex, Section VI.

## SECTION I

### LEGISLATIVE, REGULATORY, AND ADMINISTRATIVE REQUIREMENTS

1. For the EEA EFTA States:

European Parliament and European Council Directive 94/25/EEC (EEA Agreement, Annex II, Chapter XXXI, point 1) on the Approximation of the Laws, Regulations, and Administrative Provisions of the Member States Relating to Recreational Craft.

2. For the United States:

46 U.S.C. Chapter 43, 33 CFR 81, 84, 159, 179, 181, 183 and 46 CFR 58.

## SECTION II

### SCOPE AND COVERAGE

1. This Sectoral Annex applies to all recreational craft which in the EEA EFTA States or the United States are subject to conformity assessment by a conformity assessment body or an approval procedure, as applicable, before being put on the market.
2. The product coverage for each side shall be determined by the following relevant requirements:
  - (a) for the EEA EFTA States:

Recreational craft as defined in Directive 94/25/EEC (EEA Agreement, Annex II, Chapter XXXI, point 1).
  - (b) for the United States:

Any product falling under the scope of 46 U.S.C. Chapter 43, 33 CFR 81, 84, 159, 179, 181, 183 and 46 CFR 58.
3. For mutual recognition to operate under this Sectoral Annex, the following arrangements apply:
  - (a) for approvals to the requirements of the EEA EFTA States, conformity assessment bodies designated by the United States shall establish compliance as required to be demonstrated by Directive 94/25/EEC (EEA Agreement, Annex II, Chapter XXXI, point 1). This demonstration of compliance shall be recognized in the EEA EFTA States and products so certified shall have unrestricted access to the market of the EEA EFTA States for sale as recreational craft, pursuant to Section I.
  - (b) for approvals to U.S. requirements, conformity assessment bodies designated by the EEA EFTA States shall establish compliance as required to be demonstrated as set forth in paragraph 2(b) of this Section and products so certified shall have unrestricted access to the U.S. market for sale as recreational craft, pursuant to Section I.



**SECTION III**

**AUTHORITIES RESPONSIBLE FOR DESIGNATING  
THE CONFORMITY ASSESSMENT BODIES**

EEA EFTA States	United States
<i>Iceland:</i> Ministry of Transport and Communication  <i>Liechtenstein:</i> Government of Liechtenstein <sup>3</sup>  <i>Norway:</i> Ministry of Trade and Industry	National Institute of Standards and Technology (NIST)

**AUTHORITIES RESPONSIBLE FOR APPROVING THE CONFORMITY  
ASSESSMENT BODIES**

EEA EFTA STATES	United States
Iceland: Ministry of Transport and Communication  Liechtenstein: Office of National Economy  Norway: Norwegian Maritime Directorate	U.S. Coast Guard

---

<sup>3</sup> The Government of the Principality of Liechtenstein is entitled to appoint appropriate specific national administration bodies as designators of conformity assessment bodies at a future date.

**SECTION IV**

**DESIGNATING, LISTING, SUSPENDING AND WITHDRAWING  
CONFORMITY ASSESSMENT BODIES**

1. For the purpose of this Sectoral Annex, each Party shall designate competent conformity assessment bodies to carry out conformity assessment and approval to the requirements of the other side. Such designation shall be carried out according to the procedures set out in Article 7 of the Agreement. A list of conformity assessment bodies, together with the products and procedures for which they have been listed, is in Section V below.
2. Each side agrees that the following conformity assessment bodies comply with the requirements for such bodies established by the other side:
  - (a) for the EEA EFTA States, bodies which are Notified Bodies in accordance with Directive 94/25/EEC (EEA Agreement, Annex II, Chapter XXXI, point 1), are deemed to be in compliance with U.S. requirements;
  - (b) for the United States, in accordance with the requirements set out in the regulations listed in Section I, the conformity assessment bodies listed in Section V are designated by NIST using the evaluation procedures contained in the appropriate EN 45000 series of standards or the corresponding ISO/IEC Guides.
3. With regard to the designation, listing, suspension and withdrawal of conformity assessment bodies under this Sectoral Annex, the specific procedures in Articles 7, 8 and 9 of the Agreement shall be followed.

## SECTION V

### CONFORMITY ASSESSMENT BODIES

1. EEA EFTA States

The conformity assessment bodies are those Notified Bodies which have been notified by the EEA EFTA States, in accordance with Directive 94/25/EEC (EEA Agreement, Annex II, Chapter XXXI, point 1), and whose names and reference numbers have been published in the Official Journal of the European Community.

United States

(To be provided by United States)

## SECTION VI

### TRANSITIONAL ARRANGEMENT

1. There shall be a transitional period of one month prior to the operations of this Sectoral Annex.
2. The purpose of the transitional arrangement is to provide a means whereby the sides can cooperate to establish a system for designating conformity assessment bodies and can mutually build confidence in the abilities of these bodies. Successful completion of this transitional arrangement should result in the determination that conformity assessment bodies listed in Section V comply with the applicable criteria and are competent to conduct conformity assessment activities on behalf of the importing Party. Upon completion of the transition period, the results of conformity assessment procedures performed by one side's conformity assessment bodies listed in Section V shall be accepted by the other side.
3. During this transitional period, the two sides shall:
  - (a) exchange information on technical data and conformity assessment criteria and procedures, thus developing greater familiarity with their respective regulatory requirements; and
  - (b) carry out or recommend any applicable policy, legislative and regulatory changes necessary for the provisions of this Annex.
4. Product Scope

All products covered by Section II of this Annex.
5. Cooperation

The Parties shall coordinate any seminars for the purpose of improving the understanding of technical specifications applicable in each Party's jurisdiction with those that may be sponsored by the United States and the European Community.
6. Inspections

Inspections or audits shall be permitted to verify compliance of conformity assessment bodies with their responsibilities under this Agreement. The scope of these inspections or audits shall be agreed upon in advance by the Parties concerned.

## SECTION VII

### ADDITIONAL PROVISIONS

1. In accordance with the relevant provisions of the Agreement, the Parties shall ensure the continued availability of the names of their respective notified bodies or conformity assessment bodies, and shall regularly supply details of certifications issued in order to facilitate market surveillance.
2. To the extent that requirements for electromagnetic compatibility may apply to products covered by this Sectoral Annex, the provisions of the Sectoral Annex on Electromagnetic Compatibility apply.

## SECTION VIII

### DEFINITIONS

**Notified Body** means a third party authorized to perform the conformity assessment tasks specified in Directive 94/25/EEC (EEA Agreement, Annex II, Chapter XXXI, point 1) and which has been appointed by an EEA EFTA State from the bodies falling within its jurisdiction. The Notified Body has the necessary qualifications to meet requirements laid down in Directive 94/25/EEC and has been notified according to internal EEA EFTA procedures.

\* \* \* \* \*