



**TELECOMMUNICATIONS
INDUSTRY ASSOCIATION**

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ADG
Telecom Engineering Center (TEC) – Radio Division
Dept. of Telecommunications
Khurshid Lal Bhawan
Janpath
New Delhi – 110001

Dear Sir:

The Telecommunications Industry Association (TIA) appreciates the opportunity to provide comment on the “Procedure for Certification of Telecommunications Equipment.”

TIA, which is based near Washington, D.C., represents approximately 250 manufacturers and suppliers of high-tech telecommunications networks and services here in the United States and around the world. TIA is also an ANSI-accredited standards development organization. Our members’ products and services empower communications in many industries and markets, including healthcare, education, security, public safety, transportation, and government.

Many of our members have invested very substantial sums in India, are proud to employ a large and highly innovative Indian work force, and are committed to creating the foundations for long-term growth in India’s information and communications technology (ICT) market. In this capacity, we would encourage the government to reconsider a measure which we believe will burden ICT suppliers and impose unnecessary costs without providing appreciable benefits.

Before discussing the substance of the proposed changes, we would first respectfully take note of the need to abide by notification procedures for technical regulations as outlined in the WTO. The draft certification measure appears to introduce a very meaningful change in India’s treatment of telecommunications equipment products. In keeping with India’s commitments under the WTO’s Agreement on Technical Barriers to Trade (TBT), it would have been appropriate to notify the measure so that interested parties could enjoy the opportunity to carefully consider the policy (TBT Article 2.9.1). We did not learn of the measure until only a few days before the deadline for filing comments. We regret that we did not have further time for review.

We also seek clarity on the goals of the proposed certification procedure. Under TBT procedure, notification of draft rules should be accompanied by a brief indication of their objective and rationale (TBT Article 2.9.2). In this case, it is not clear how a new certification procedure would in any way improve the ICT market or benefit consumers and end users.

TIA members already certify telecom equipment products to a high level of international standards in areas such as radio frequency and safety. We are concerned that requirements to test once again for the Indian market will not advance the cause of safety, but merely incur needless and unnecessary costs for suppliers. Indeed, under the compulsory registration order (CRO) that applies to a growing number of ICT goods, our



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members are already required to undertake safety testing within India itself. The CRO merely serves to duplicate tests already carried out in the country of manufacture or origin.

To add yet another layer of testing and certification onto the existing framework would burden ICT suppliers still further. The proposed measure would forbid the sale of products that have not been certified (Article 12.1) and create a new fee that manufacturers must pay to regional telecommunications engineering centers (RTECs).

It would also establish a fee structure that would undermine TEC-designated domestic conformance assessment bodies (CABs) and TEC-recognized CABs of MRA partner countries, providing a competitive advantage to government-backed testing labs.

It is not clear from the draft document which standards within the different areas outlined (general, security, technical, and other requirements) vendors may need to meet. In addition, Article 13.0 (titled "Surveillance") suggests government may have the right to conduct potentially intrusive inspections to inspect and test products.

At a more detailed level, the proposed change appears to create overlap with existing regulation of some products. For example, the Wireless Planning and Coordination (WPC) Wing, also within the Dept. of Telecommunications, currently regulates unlicensed devices such as Wi-Fi and Bluetooth. For this reason, we were surprised to see a number of Wi-Fi and Bluetooth products included within the scope of TEC certification.

The list of covered equipment also includes several types of wireless trunking equipment (including mobile radio trunking communication equipment and mobile radio trunking subscriber equipment) that are subject to a separate approval process through the WPC wing.

If the regulation were to take effect, we would urge you to exempt these items.

However, for all the reasons outlined above, we would respectfully ask you to reconsider implementing this measure. We thank you for your time, and would be happy to provide further technical details if it would be helpful.

Sincerely yours,

Wesley J. Johnston
Chief Executive Officer
Telecommunications Industry Association