

DECISION OF THE GOVERNMENT OF THE RUSSIAN FEDERATION NO. 214 OF APRIL 13, 2005 ON THE APPROVAL OF REGULATIONS ON THE ORGANISATION AND PERFORMANCE OF WORK OF COMPULSORY CONFIRMATION OF COMPLIANCE OF COMMUNICATIONS FACILITIES

Under Articles 41, 42 and 43 of the Federal Law on Communication the Government of the Russian Federation hereby:

1. Approves the attached Regulations on the Organisation and Performance of Work of Compulsory Confirmation of Compliance of communication facility.

2. Orders that pending the entry into force of the technical regulations and regulatory legal acts of the Ministry of Information Technologies and Communication of the Russian Federation on matters of application of communication facility, the compulsory confirmation of compliance of communication facility shall be carried out in respect of compliance with the requirements set under the regulatory legal acts of the Russian Federation adopted prior to July 1, 2003 and regulatory legal acts of the federal executive bodies in the field of communication adopted prior to January 1, 2004.

Chairman of the Government of the Russian Federation

M. Fradkov

Regulations on the Organisation and Performance of Work of Compulsory Confirmation of Compliance of Communication Facility (approved by Decision of the Government of the Russian Federation No. 214 of April 13, 2005)

1. These Regulations serve to establish a procedure of compulsory confirmation of compliance of communication facility used in communications network of public use and also in technological communications networks and special-purpose communications networks when those are connected to the public communications network (hereinafter referred to as communication facility).

The communication facility used in technological communications networks and special-purpose communications networks shall be subject to compulsory confirmation in so far as concerns connected of same to the public communications network.

2. The terms used in these Regulations shall have the following meaning:

- "**compulsory confirmation of compliance of communication facility**" - document-supported certification of compliance of communication facility with the technical regulations adopted in accordance with the laws of the Russian Federation on technical regulation and requirements specified under regulatory legal acts of the Ministry of Information Technologies and Communication of the Russian Federation on issues of application of communication (hereinafter referred to as specified requirements) by means of their compulsory certification or adoption of a declaration of compliance;

- "**declarant**" - a legal entity or an individual entrepreneur that has adopted and registered as is provided under these Regulations with the Federal Agency for Communication a declaration of compliance;

- "**holder of the certificate of compliance**" - a legal entity or an individual entrepreneur that was granted in the established procedure a certificate of compliance;

- "**applicant**" - a legal entity or an individual entrepreneur that filed an application for compulsory confirmation of compliance of a communication facility.

3. The communication facility not entered in the list of communication facility subject to compulsory certification shall be subject to declaration of compliance.

The declaration of compliance shall be carried out by adopting by the applicant of a declaration of compliance on the basis of its own proofs and the proofs obtained with the participation of duly accredited testing laboratory (center).

4. The Ministry of Information Technologies and Communication of the Russian Federation shall:

- adopt regulatory legal acts on application of communication facility;

- determine a procedure for exercising control over observance by the holders of certificates of compliance and declarants of the obligations to ensure compliance of to-be-delivered communication facility with the specified requirements;

- determine a procedure for maintaining registers of certificates of compliance and declarations of compliance of the system of certification in the field of communication;

- approve a form of application for compulsory certification of communication;

- approve in the established procedure forms of certificates of compliance and declaration of compliance;

- approve the methodology for conduct of testing;

- publish in sectoral printed editions a list of specified requirements applied in confirming the compliance.

5. The Federal Service of supervision in the sphere of Communication shall:

- exercise control over observance by the holders of certificates of compliance and declarants of the obligations to ensure compliance of to-be-delivered communication facility with the specified requirements during the validity period of certificates of compliance and declarations of compliance;
- give orders the holder of certificate of compliance or declarant to make good, within the period not exceeding 90 (ninety) days, the non-compliance detected;
- advise the body for certification that has issued certificate of compliance and the Federal agency of communication as to non-fulfillment by the holder of certificate of compliance or declarant of the order to make good the detected non-compliance.

6. The Federal Agency of communication shall:

- organise the system of certification in the field of communication, comprising bodies for certification and testing laboratories (centers), regardless of their organisational-legal forms and form of ownership;
- register the declaration of compliance within 3 (three) days from the day of its receipt and notify the applicant thereof in declaring the compliance;
- issue to the declarant a duly registered declaration of compliance of communication facility with the specified requirements after receipt of a document on payment of the state duty for the registration of the declaration of compliance;
- keep a second copy of the declaration of compliance registered in the prescribed procedure, within the period of validity of that declaration and within 3 (three) years from the expiration of the period of its validity;
- deny registration of the declaration of compliance in case of it being improperly executed or it is impossible to identify a communication facility being declared and serve a notice of denial of registration of the declaration stating the reasons for the denial within 10 (ten) days since the time of taking that decision;
- cancel the registration of the declaration of compliance in case of non-fulfillment by the declarant of the order of the Federal Service of Supervision in the Sphere of Communication and non-submission of a document of payment of the state duty for the registration of the declaration of compliance within 60 (sixty) days from the day of registration;
- keep count of forms of certificates of compliance;
- terminate the validity of the certificate of compliance issued by the body for certification that has ceased its activity, in case of non-fulfillment by the holder of the certificate of compliance an order given by the Federal Service of supervision in the sphere of Communication;
- maintain registers of certificates of compliance and declarations of compliance of the system of certification in the field of communication and publish in sectoral printed editions information on entering certificates of compliance and declarations of compliance in said registers or on exclusion them from those registers;
- consider complaints of the applicants against illegal actions of the bodies for certification and testing laboratories (centers).

7. The body for certification shall:

- effect acceptance and examination of applications for compulsory certification within the period not exceeding 30 (thirty) days from acceptance of same and notify the applicant of the decision taken;
- carry out identification of communication facility submitted for compulsory certification and pick up the specified requirements for compliance with which it is required to carry out compulsory certification of those communication facility;
- make contracts with the applicants on performance of work associated with compulsory certification of communication facility which shall specify the data on the denomination, make-up and quantity of communication facility to be submitted for certification and periods for conducting testing;
- make contracts on conduct of the testing of communication facility with testing laboratories (centers);
- make the sampling to conduct the testing;
- take decisions based on the results of the testing of communication facility to issue certificates of compliance or to deny the issuance of same on a well-motivated basis;
- issue certificates of compliance and maintain a register of certificates of compliance that have been issued;
- pass duly certified copies of executed certificates of compliance over to the Federal Agency of Communication for the purpose of their registration in the register of certificates of compliance of the system of certification in the field of communication;
- forward to the Federal Service of Supervision in the sphere of Communication information on communication facility that have failed compulsory certification;
- exercise inspection control over the certified communication facility when that is envisaged by the scheme of compulsory certification;

- approve programs for checking the manufacturer's capability to produce within the period of validity of the certificate of compliance communication facility in correspondence with the specified requirements;

- terminate the validity of certificates of compliance issued by it in instances specified under the laws of the Russian Federation;

- furnish, within its respective competence, at the request of the state bodies information in instances prescribed under the laws of the Russian Federation;

- provide the applicants with information on the procedure for conducting compulsory certification.

8. The testing laboratory (center) shall:

- perform certification testing of samples of communication facility on the basis of contracts to be made with the bodies for certification;

- formalise protocols on the results of certification testing of communication facility and submit them to the body for certification with which a contract was made;

- conclude with the applicants in case of declaration contracts on conduct of testing of communication facility;

- formalise protocols on the results of testing of communication facilities and forward those to the applicant with whom a contract was made.

9. In case of compulsory certification, the applicant may include the seller, manufacturer or a legal entity or an individual entrepreneur duly registered in line with the laws of the Russian Federation on its territory which, under a contract, with the manufacturer, ensure the compliance of to-be-delivered communication facility with the specified requirements.

In case of declaring the compliance of communication facility, the applicant may include a legal entity or an individual entrepreneur duly registered under the laws of the Russian Federation on its territory which is either manufacturer or ensures under a contract with the manufacturer the compliance of to-be-delivered communication facility with the specified requirements.

10. The applicant shall, in declaring the compliance:

- choose the specified requirements which the communication facility comply with;

- make a contract with the testing laboratory (center) for testing;

- deliver to the testing laboratory (center) samples of to-be-declared communication facility, their technical description in the Russian language;

- send for registration to the Federal Agency of Communication 2 (two) copies of declaration of compliance;

- make payment of the state duty for registration to be effected by the Federal Agency of Communication, within the time limits not in excess of 60 (sixty) days from the date of registration of the declaration of compliance;

- apply, if need be, to the Federal Agency of Communication with complaints against illegal actions of testing laboratories (centers).

11. The declaration of compliance shall be executed in Russian and shall contain:

- the name and location of the applicant and manufacturer of the communication facility;

- technical description of the communication facility in Russian;

- written confirmation to the effect that the communication facility when used in accordance with the specified purpose and relevant measures are taken by the applicant to ensure the compliance of the communication facility with the specified requirements will not have any destabilising effect upon the integrity, stability of functioning and the safety of the unified electric communications network of the Russian Federation;

- data regarding investigations (testing) conducted in the established procedure and also documents used as a basis to confirm the compliance of the communication facility;

- period of validity of the declaration of compliance.

12. The evidential materials shall comprise results of one's own testing and testing performed with the accredited testing laboratory (center) in the scope prescribed by the specified requirements which shall be formalised as protocols.

13. The declarant shall:

- ensure the compliance with the specified requirements of communication facility covered by duly registered declarations of compliance;

- put into circulation the communication facility subject to declaration for compliance, after registration of the declaration of compliance;

- specify in the passport and in the accompanying technical documentation for the communication facility data regarding duly registered declaration which confirms compliance of the given communication facility with the specified requirements;

- stop realisation of the communication facilities when the validity of the declaration of compliance has either expired or registration of the declaration of compliance has been cancelled;

- suspend realisation of the communication covered by the declaration of compliance if non-compliance has been detected of samples of those communication facility with the specified requirements;

- keep a copy of the declaration of compliance registered in the established procedure and the evidential materials within the period of validity of that declaration and within 3 (three) years from the expiration of its validity.

14. Upon liquidation or reorganisation of a legal entity - the declarant or upon termination of the certificate of state registration as an individual entrepreneur of a citizen - the declarant, the duly registered declaration of compliance shall be valid in respect of earlier manufactured and marked communication facility in case of their delivery (sale) within the period of worthiness (service) fixed under the laws of the Russian Federation.

15. The Applicant shall, in case of conduct of compulsory certification:

- file an application to the body for certification whose scope of accreditation covers communication facility which the applicant intends to certify, for conduct of compulsory certification of a communication facility and its technical description in Russian specifying the technical parameters making it possible to identify a communication facility and assess compliance of the communication facility with the specified requirements and also, furnish if need be to the body for certification any further information;

- make with the body for certification a contract for conduct of operations of compulsory certification;

- present to the body for certification a document issued by the manufacturer to confirm the manufacture by it of the communication facility applied for compulsory certification (in case when the applicant is the seller);

- pick up a scheme of compulsory certification;

- make it possible for the body for certification to take samples to perform the testing;

- enable representatives of beer to freely exercise their respective powers;

- apply, if need be, to the Federal Agency of Communication with complaints against the illegal actions of bodies for certification.

16. The technical description of the communication facility shall specify:

- the denomination, purpose, completeness of the communication facility and functions performed by it;

- software version (if available);

- electric (optic) characteristics;

- radio frequency (r.f.) emission characteristics (in case of radioelectronic communication facility);

- conditions for use in the public communications network;

- capacity of the switching field (in case of communication facility performing the functions of the switching systems);

- schemes of connection to the public communication network specifying the to-be-used interfaces and protocols of sygnalisation;

- data on the availability (non-availability) of in-built means of cryptography, receivers of global satellite navigation systems;

- conditions for operation, including climate-related and mechanical requirements, methods of deployment, types of electric energy supply.

17. In case of compulsory certification of communication facility the use is made of the following schemes of certification;

- **scheme No. 1** - is used in certifying communication facility at the application of the seller and provides for certification testing of samples taken from the seller and inspection checks of the certified communication facility within the validity period of the certification of compliance. The certification of compliance shall be issued for a one year period;

- **scheme No. 2** - is used in certifying communication facility at the application of the manufacturer and provides for certification testing of samples taken from the manufacturer and inspection checks of the certified communication facility within the validity period of the certification of compliance. The certificate of compliance shall be issued for a one year period;

- **scheme No. 3** - is used in certifying communication facility at the application of the manufacturer and provides for certification testing of samples taken from the manufacturer and verification of the manufacturer's capability to manufacture within the validity of the certificate of compliance of a communication facility in correspondence with the specified requirements. The inspection checks of the certified communication facility shall be performed within the whole period of validity of the certification of compliance. The certificate of compliance shall be issued for a 3 year period;

- **scheme No. 4** - is used in certifying a consignment of manufactured communication facility at the application of the manufacturer or seller and provides for certification testing of samples taken from that consignment. The certificate of compliance shall be formalised by specifying identification signs of communication facility included in the consignment presented and shall be given for 3 (three) years.

18. The compulsory certification of communication facility shall be carried out within 3 (three) months from the date of conclusion of contract for the operations of compulsory certification. In certifying sophisticated equipment of communication the period may be extended up to 6 (six) months.

19. The connection of communication facility of the communications network of public use to perform certification testing shall be allowed given the consent in writing of the operator of communication in whose communications network it is proposed to perform the testing.

20. The testing laboratories (centers) shall make sure that the manufacturer is capable of producing within the validity of the certificate of compliance communication facility which meet the specified requirement, if and when that is envisaged by the scheme of certification, in keeping with the program approved by the body for certification.

21. The body for certification shall, following receipt of documentally supported results of certification testing, within a period of no more than 30 (thirty) days take a decision either to issue or deny on good grounds the issuance of a certificate of compliance.

22. Given a positive decision, the body of certification shall execute a certificate of compliance and forward a duly certified copy of same to the Federal Agency of Communication for registration in the register of certifications of compliance of the system of certification in the field of communication.

23. The Federal Agency of Communication shall within 10 (ten) days register a certificate of compliance in the register of certificates of compliance of the system of certification in the field of communication and advise the body for certification thereof in writing or send a well-motivated denial of registration to the body for certification.

24. The body for certification shall, within 10 (ten) days following receipt of a written notice of the Federal agency of communication of registration of the certificate of compliance, issue it to the applicant.

25. The certificate of compliance shall become valid from the date of its registration in the register of certificates of compliance of the system of certification in the field of communication.

26. The holder of the certificate of compliance shall:

- ensure the compliance with the specified requirement of the communication facility which are covered by the registered certificates of compliance;
- specify data on the certificate of compliance in the passport and accompanying technical documentation for the communication facility subject to compulsory certification;
- provide for unimpeded exercise of their respective powers by the representatives of the body for certification and also by persons performing inspection checks;
- stop the realisation of a communication facility when the validity of the certificate of compliance has expired or the validity of the certificate of compliance has been terminated.

27. The body for certification shall carry out inspection checks of the certified communication facility when that is envisaged by the scheme of certification.

28. Inspection checks shall be performed not rarely than once a year. The regularity, time-limits and scope of inspection checks shall be such as prescribed by the program agreed upon by the body for certification and the holder of the certificate of compliance.

29. The body for certification shall prepare, proceeding from the results of the inspection check a conclusion as to the compliance or non-compliance of a communication facility with the specified requirement of which it shall inform the holder of the certificate of compliance.

30. The body for certification shall terminate the certificate of compliance in case when a communication facility fails to conform to the specified requirement or when the holder of the certificate of compliance failed to abide by these Regulations.

31. The body for certification shall terminate the certificates of compliance issued by it within 30 (thirty) days after receipt of a notice of the Federal Service of Supervision in the Sphere of Communication and advise the Federal Agency of Communication there about in writing within a 3 (three) day period.

32. The Federal Service of Supervision in the Sphere of Communication shall have the right to go to court with an application for compulsory withdrawal of a communication facility in case of failure of the body for certification to take relevant measures to Terminate the certificate of compliance within 30 (thirty) days following receipt of the notice.

33. Upon detection, as a result of an inspection check, of a failure of a communication facility to meet the specified requirement, the body for certification shall terminate the certificate of compliance and shall within a 3 (three) day period inform the holder of the certificate of compliance thereabout and also furnish date to the Federal Agency of Communication on the termination of the certificate of compliance.

34. The Federal Agency of Communication shall, within 10 (ten) days after receipt of a written application of the body for certification for termination of the certificate of compliance, cancel the certificate of compliance from the register of certificates of compliance of the system of certification in the field of communication and publish information to that effect in sectoral printed editions.

35. The holder of the certificate of compliance or the declarant shall state in the passport and accompanying technical documentation for the communication facility data on the registered declarations

of compliance or certificates of compliance which serve as a proof that the holder of the certificate or the declarant guarantees compliance of the communication facility with the specified requirement.

36. The communication facility acquired in the period of validity of the declaration or certificate of compliance may be used across the territory of the Russian Federation within the whole period of worthiness (service) of the communication facility in accordance with the field of application.