

**DECISION OF THE GOVERNMENT OF THE RUSSIAN FEDERATION NO. 165 OF MARCH 29, 2005
ON APPROVAL OF THE RULES FOR ACCREDITATION OF CERTIFICATION BODIES AND TEST
LABORATORIES (CENTRES) CONDUCTING CERTIFICATION TESTING OF COMMUNICATIONS
FACILITIES (with the Amendments and Additions of December 12, 2007)**

Under Article 41 of the Federal Law on Communications, the Government of the Russian Federation hereby:

1. Approves the attached Rules for Accreditation of Certification Bodies and Test Laboratories (Centers) Conducting Certification Testing of Communications Facilities.

2. Orders that the accreditation documents issued in the established procedure prior to July 1, 2003 to certification bodies and test laboratories (centres) conducting certification testing of communications facilities be considered valid till the expiration of the term of validity specified therein.

Chairman of the Government of the Russian Federation

M. Fradkov

**Rules for Accreditation of Certification Bodies and Test Laboratories (Centres) Conducting
Certification Testing of Communications Facilities (approved by Decision of the Government of
the Russian Federation No. 165 of March 29, 2005) (with the Amendments and Additions of
December 12, 2007)**

1. These Rules establish the procedure for accreditation of legal entities and individual entrepreneurs as certification bodies and test laboratories (centres) conducting certification testing of communications facilities and also for issuing an accreditation certificate.

2. The accreditation shall be conducted of legal entities and individual entrepreneurs that desire to receive recognition of their respective competence to confirm the compliance of communications facilities with the pre-set requirements.

3. The accreditation shall be accomplished by the Federal Communications Agency.

4. The notions used in these Rules shall have the following meaning:

- "**accreditation certificate**" shall mean a document certifying the accreditation of a legal entity or individual entrepreneur as a certification body or as a test laboratory (center) in the specified sphere of accreditation;

- "**sphere of accreditation**" shall mean a sphere of activity of the certification body or test laboratory (center) to be specified as such are accredited;

- "**certification body**" shall mean a legal entity or individual entrepreneur accredited as appropriate to carry out operations of certification of communication facilities;

- "**test laboratory (centre)**" shall mean a legal entity or individual entrepreneur duly accredited to carry out the testing of communication facilities;

- "**certification testing**" shall mean studies, measurements of parameters of communications facilities conducted by test laboratories (centres) within their specific sphere of accreditation.

5. The certification body or test laboratory (centre) shall not be an affiliated persons and/or a party to an agreement of a particular partnership, including that of a private partnership, in relation to sellers, manufacturers of certified communications facilities or their representatives and also in relation to other test laboratories (centres) or certification bodies.

6. The certification body or test laboratory (centre) shall have:

a) a system of quality control of operations it performs and also appropriate documentation approved by the director of the certification body or test laboratory (centre);

b) technical possibility to formalise and keep a record of compliance certificates and test protocols;

c) rules approved by the director of the certification body or test laboratory (centre) on organisation of office work, maintaining records of certification and testing (stating periods for keeping files) which records shall include documents concerning operations that have been carried out in certification and testing.

The period for keeping documents regarding operations performed in certification and testing shall be no less than 7 (seven) years since performance of certification or testing;

d) premises essential for conducting the activity;

e) no less than 3 (three) specialists on the staff schedule with higher professional education confirmed with a government-type document and documentarily supported record of practical work (of no less than 3 (three) years) of such types of activity as development, testing (assessment) or servicing of communications facilities, in the specified area of accreditation;

f) officially published applicable regulatory legal acts laying down the requirements for communications facilities.

7. The certification body shall further have preliminary contracts for conduct of certification testing made with test laboratories (centres) whose area of accreditation corresponds to that of the certification body.

8. The test laboratory (centre) shall further have:

a) certified testing facilities and tested means of measurement required to make sure that the respective communications facilities comply with the pre-set requirements in the specified area of accreditation;

b) methodology for performing certification testing;

c) preliminary contracts for performance of certification testing made with certification bodies whose sphere of accreditation fits in with that of the test laboratory (centre).

9. The body for certification shall have no right to perform the functions of a test laboratory (centre) and the test laboratory (centre) shall have no right to perform the function of a certification body.

10. The Ministry of Information Technologies and Communications of the Russian Federation shall prescribe the procedure for submission by certification bodies and test laboratories (centres) of reports on received applications for certification, compliance certificates that have been given, compliance certificates that have expired, on the time limits for conduct of certification and certification testing, refusals to perform certification and issue compliance certificates (hereinafter referred to as reports).

11. The certification body and test laboratory (centre) shall submit to the Federal Communications Agency reports in the procedure as may be established by the Ministry of Information Technologies and Communications of the Russian Federation.

12. An application for accreditation as a certification body or test laboratory (centre) shall be filed with the Federal Communications Agency specifying the following data:

a) name (brand name), organisational and legal form of a legal entity and its location - in case of a legal entity;

b) family name, surname, patronymic, residence, essential data of identification document of a citizen of the Russian Federation - in case of an individual entrepreneur;

c) data on non-affiliation and non-participation in agreements of particular partnership, including those of private partnership, in relation to sellers of certified communication facilities, manufacturers of certified communication facilities and their representatives and also to other test laboratories (centres) or certification bodies.

13. The application shall enclose:

a) a copy of document confirming entry of a notice of a legal entity in the Combined State Register of Legal Persons, copies of constituent documents available in the registration file of the legal entity - in the case of a legal entity;

b) a copy of certificate of state registration of an individual as an individual entrepreneur - in the case of individual entrepreneurs;

c) a list of communications facilities and also regulatory legal acts having obligatory requirements for the communications facilities in the expected area of accreditation;

d) documents signed and certified with the seal of the applicant to confirm compliance of the applicant with the requirements specified under Items 5-9 of these Rules.

14. The Federal Communications Agency shall:

a) notify the applicant in writing not later than within 10 (ten) days of receipt of the application for accreditation that his/her application has been accepted for consideration or return the documents along with a well-motivated denial;

b) carry out a check of documents submitted within a period not in excess of 90 (ninety) days and also of an applicant at the place of his/her activity for compliance with the requirements specified under these Rules;

c) engage, in checking the applicant, the services of representatives of state agencies carrying out operational-investigative activities when the list applied for includes communication facilities that provide for performance of prescribed actions when conducting operational-investigative activities in communications networks;

d) issue to the applicant an accreditation certificate for a 5 (five) years' period made out in the form as per Appendix to these Rules or a notice with a well-motivated denial of that accreditation;

e) make up in the established procedure a list of certification bodies and test laboratories (centres);

f) publish in the sectoral printed publications information on certification bodies and test laboratories (centres) accredited by it;

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g) it carries out the planned inspection of the activity of the certification bodies, testing laboratories or centres once in two years with a notice of them about the forthcoming examination at least 10 days before it;

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h) it carries out the unscheduled inspection of the activity of the certification bodies, testing laboratories or centres when complaints about their activities are received or when there are sufficient grounds to believe that the certification bodies, testing laboratories or centres cite unreliable information in the submitted reports. The certification bodies and the testing laboratories or centres shall be notified about the forthcoming inspection at least ten days before the date of its conduct.

15. The grounds for denying accreditation to the applicant as a certification body or test laboratory (centre) shall be as follows:

a) non-submission of documents necessary for accreditation as a certification body or test laboratory (centre) as is envisaged under these Rules;

b) non-compliance of the submitted documents with the requirements set under these Rules;

c) presence in the submitted documents of inaccurate or distorted information;

d) non-compliance of the applicant with the requirements established under these Rules for certification bodies and test laboratories (centres).

16. Abrogated.

17. The Federal Communications Agency shall have the right to suspend the accreditation certificate of the certification body or test laboratory (centre) upon detection of the following violations:

a) non-observance by the certification body or test laboratory (centre) of the rules of certification, conduct of testing and of the requirements of these Rules;

b) conducting certification and testing of communications facilities that fall outside their area of accreditation;

c) conducting of certification by the certification body on the basis of regulatory legal acts that have become invalid;

d) non-submission of reports or submission in the reports of inaccurate data.

18. The Federal Communications Agency shall be obligated to set a period during which the certification body or test laboratory (centre) shall make good the violations that have entailed suspension of the accreditation certificate. Said period may not exceed 6 (six) months.

19. The certification body or test laboratory (centre) shall be obligated to notify in writing the Federal Communications Agency of elimination by them within the pre-set period of the violations that have been detected.

20. The Federal Communications Agency, following receipt of a relevant notice from the certification body or test laboratory (centre):

a) make sure that the certification body or test laboratory (centre) has made good the detected violations that entailed suspension of the accreditation certificate;

b) make a decision to resume the accreditation certificate;

c) inform within 3 (three) days the certification body or test laboratory (centre) in writing of the decision that has been taken.

The term of validity of the accreditation certificate shall not be extended for the period of its suspension.

21. In cases when the certification body or test laboratory (centre) fails to make good within the pre-set time limits violations detected, the Federal Communications Agency shall file an application with a court for termination of the accreditation certificate of the certification body or test laboratory (centre). Notably, the Federal Communications Agency shall suspend the accreditation certificate of the certification body or test laboratory (center) for a period until the court decision takes effect.

22. The decision to suspend the accreditation certificate and file an application for termination of the accreditation certificate with a court shall be communicated by the Federal Communications Agency to the certification body or test laboratory (centre) in writing along with a well-motivated substantiation not later than within 3 (three) days after it has been taken.

23. The decision of the Federal Agency Communications may be appealed in the procedure established under the laws of the Russian Federation.

24. The accreditation certificate may be terminated early at the application of the certification body or test laboratory (centre).

25. Expansion of the area of accreditation or accreditation for a fresh term shall be made at the application of the body certification or test laboratory (centre) in the procedure provided under Items 12-14 of these Rules.

Curtailement of the area of accreditation shall be made at the application of the certification body or test laboratory (centre) which shall be sent to the Federal Communications Agency.

The Federal Communications Agency shall issue a fresh accreditation certificate providing for a modified area of accreditation.

26. In the case of accreditation for a fresh period, the certification body or test laboratory (centre) shall, within no less than 90 (ninety) days prior to the expiration of the term of the accreditation certificate, send to the Federal Communications Agency documents specified under Items 12 and 13 of these Rules.

In the case of compliance by the certification body and test laboratory (centre) with these Rules in the period of validity of the accreditation certificate and with the availability of positive results of the check of submitted documents, the Federal Communications Agency shall renew the accreditation certificate within 30 (thirty) days from the date of receipt of relevant application therefor.

27. In the case of alteration of the location (residence), place of conduct of activity of the certification body or test laboratory (centre), the certification body or test laboratory (centre) shall, within 10 (ten) days, send to the Federal Communications Agency by registered letter with notification of delivery, data on the new location (residence) or place of conduct of activity of the certification body or test laboratory (centre).

28. In the case of reorganisation of a legal entity by merger, take-over, reformation or alteration of its denomination, the accreditation certificate shall be re-executed at the request of the legal successor. The request shall enclose documents specified under Items 12 and 13 of these Rules.

29. In the case of reorganisation of a legal entity as split-off or separation, the accreditation of the legal successor or successors shall be carried out in the procedure envisaged under Items 12-14 of these Rules.

30. An individual entrepreneur who has changed his/her family name, surname, patronymic, place of residence, data of the document identifying the personality of the citizen of the Russian Federation shall be obligated, within 10 (ten) days from the time of entry of respective alterations in the Uniform State Register of Individual Entrepreneurs, to file an application for re-execution of the accreditation certificate by enclosing documents to confirm the alterations specified in said application.

The re-exemption of the accreditation certificate shall be effected by the Federal Communications Agency within 30 (thirty) days from receipt of the relevant application.

In the case when the application is not filed within the specified time limits, the validity of the accreditation certificate shall be terminated and the individual entrepreneur who has changed his/her family name, surname, patronymic, place of residence, data of the document identifying personality of the citizen of the Russian Federation shall undergo accreditation in the procedure envisaged under Items 12-14 of these Rules.

**Appendix to the Rules
for Accreditation of Certification Bodies
and Test Laboratories (Centres)
Conducting Certifications Testing
of Communication Facilities**

Form of accreditation certificate

Federal Communications Agency

Accreditation Certificate

(of certification body, test laboratory, testing centre)

No.

Valid till _____
(date, month, year)

(full denomination of the applicant (short denomination of the applicant))

(location (residence))

Has been accredited by the Federal Agency of Communications as

(body for certification, test laboratory, test centre)

The area of accreditation is specified in Appendix to this certificate.

Statement of verification

dated _____
 (date, month, year)

Director (deputy Director)
 Sealed by the
 Federal Communications Agency

 (signature) (name in full)

Registered on _____
 (date, month, year)

Appendix to
 the Accreditation Certificate
 No. _____ of _____

on _____
 (specify number of pages)

Area of Accreditation

 (applicant's denomination in full (applicant's short denomination))

 (location (residence))

No. documents setting requirements for communications facilities	Description of communications facilities	Denomination of obligatory
1	2	
3		

Director (deputy Director)
 of the Federal Communication
 Agency

Seal

(signature) (name in full)