

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE
WASHINGTON, D.C. 20508

Mr. M. H. Au
Director-General of Telecommunications
Office of the Telecommunications Authority
29/F Wu Chung House
213 Queen's Road East
Wan Chai, Hong Kong

April 4, 2005

Dear Mr. Au:

I have the honor to inform you that the Government of the United States of America is prepared to implement Phase I and Phase II of the Asia-Pacific Economic Cooperation Mutual Recognition Arrangement for Conformity Assessment of Telecommunications Equipment (APEC Telecom MRA) with the Government of Hong Kong, China for equipment subject to the telecommunications and Electro-Magnetic Compatibility (EMC) regulations of the United States.

The United States confirms that it is prepared to initiate participation in the provisions of the APEC Telecom MRA and its Phase I and Phase II Procedures as set out in Appendices A, B and C with Hong Kong, China. The exchange of these letters will constitute the official agreement to commence the implementation of the APEC Telecom MRA between our two economies. The text of the APEC Telecom MRA is an integral part of this letter.

Specifically, the United States will apply the Phase I Procedures for the recognition of a test laboratory designated by Hong Kong, China as a Conformity Assessment Body (CAB) and for the acceptance of test reports prepared by such recognized CAB, for equipment subject to the telecommunications and EMC regulations of the United States. The United States will also apply the Phase I procedures for the designation of a CAB to test equipment subject to the telecommunications and EMC regulations of Hong Kong, China.

In addition, the United States will apply the Phase II Procedures for the recognition of a certification body designated by Hong Kong, China as a CAB, and for the acceptance of the certification results of equipment certified by such recognized CAB, for equipment subject to the telecommunications and EMC regulations of the United States. The United States will also apply the Phase II Procedures for the designation of a CAB to certify equipment subject to the telecommunications and EMC regulations of Hong Kong, China.

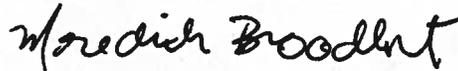
Mr. M. H. Au
Page 2

Attached is the list of Technical Regulations for which the United States will accept the results of conformity assessment of a Hong Kong, China recognized CAB. Each party should be notified if the list of technical regulations is modified, in accordance with the provisions of APEC Telecom MRA.

I am pleased to inform you that the Federal Communications Commission is the telecommunications regulatory authority of the United States responsible for recognizing CABs. Mr. William Hurst (whurst@fcc.gov) is the contact for the FCC for the purposes of this arrangement. The National Institute of Standards and Technology (NIST) of the United States is the designating authority responsible for designating CABs. Mr. Jogindar Dhillon (dhillon@nist.gov) is the contact person for NIST responsible for the activities under this mutual recognition arrangement.

From the date of the exchange of these letters, the United States may designate testing laboratories and certification bodies in accordance with the provisions of the APEC Telecom MRA and its Appendices A, B and C. The United States understands that designation and recognition of CABs will occur only after the necessary training and exchanges of technical criteria and related information for accrediting CABs have taken place.

Sincerely,



Meredith Broadbent
Assistant U.S. Trade Representative for
Industry, Market Access and Telecommunications

Attachment: Annex I – List of Technical Regulations for the United States

cc: APEC TEL WG Chair
Chairman of MRA Task Force Group

**ANNEX I
TO PHASE I AND PHASE II PROCEDURES**

**LIST OF TECHNICAL REGULATIONS
FOR THE UNITED STATES**

The technical regulations for which the United States will accept test reports from recognized Conformity Assessment Bodies designated by the other party are: (Note: CFR stands for United States Code of Federal Regulations)

- 1) The Rules and Regulations for Electro-Magnetic Compatibility (EMC) requirements are contained in the rule parts of the Federal Communications Commission shown below:

Administrative Provisions	47 CFR Part 2
Electromagnetic Requirements	47 CFR Parts 15 and 18

Web site: www.fcc.gov/oet/info/rules/

- 2) The U.S. FCC Rules and Regulations for Telephone Terminal Equipment are contained in:

- a. The FCC Rule parts shown below:

Administrative Provisions	47 CFR Parts 2
Telephone Terminal Equipment	47 CFR Parts 68

Web site: www.fcc.gov/wtb/rules.html

- b. Technical criteria published by the Administrative Council for Terminal Attachments (ACTA). (See CFR §68.7)

Web site: <http://www.part68.org/documents.cfm>

Note: The requirements for telephone terminal equipment were privatized and transferred to the Administrative Council for Terminal Attachments in the Report and Order in CC Docket 99-216, adopted by the FCC in November, 2000. The FCC does not require laboratories performing measurements on telephone terminal equipment to be accredited. The FCC no longer accepts applications for Part 68 certification. However, certification of telephone terminal equipment to Part 68 may be performed by Telecommunication Certification Bodies (TCBs).

- 3) The U.S. FCC Rules and Regulations for Licensed Radio Service Equipment are contained in the FCC Rule Parts shown below:

Administrative Provisions	47 CFR Part 2
Emergency Alert Systems	47 CFR Part 11
Commercial Mobile Radio	47 CFR Part 20
Domestic Public Fixed	47 CFR Part 21
Public Mobile	47 CFR Part 22
Personal Communications Service	47 CFR Part 24
Satellite Communications	47 CFR Part 25
Miscellaneous Communications	47 CFR Part 27
Broadcast	47 CFR Part 73
Auxiliary Broadcast	47 CFR Part 74
Cable Television Relay	47 CFR Part 78
Maritime	47 CFR Part 80
Aviation	47 CFR Part 87
Private Land Mobile	47 CFR Part 90
Personal Radio Services	47 CFR Part 95
Amateur Radio	47 CFR Part 97
Fixed Microwave Services	47 CFR Part 101

Web site: www.fcc.gov/wtb/rules/html

Note: The FCC does not require laboratories performing measurements on licensed radio service equipment to be accredited; however, to submit an application for certification to a TCB the laboratory must demonstrate competency to perform the tests.

Your Ref 來函檔號 :
Our Ref 本局檔號 : LM(6) in D21/10/1 (2)

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Ms. Meredith Broadbent
Assistant U.S. Trade Representative for
Industry, Market Access and Telecommunications
Office of the United States Trade Representative
Washington, D.C. 20508
United States

24 February 2005

Dear Ms. Broadbent,

I have the honour to inform you that the Government of Hong Kong, China is prepared to implement Phase I and Phase II of the Asia-Pacific Economic Cooperation Mutual Recognition Arrangement for Conformity Assessment of Telecommunications Equipment (APEC Telecom MRA) with the Government of the United States of America for equipment subject to telecommunications and Electro-Magnetic Compatibility (EMC) regulations of Hong Kong, China.

Hong Kong, China confirms that it is prepared to initiate participation in the provisions of the APEC Telecom MRA and its Phase I and Phase II Procedures as set out in Appendices A, B, and C with the United States of America. The exchange of these letters will constitute the official agreement to commence the implementation of the APEC Telecom MRA between our two economies. The text of the APEC Telecom MRA is an integral part of this letter.

Specifically, Hong Kong, China will apply the Phase I Procedures for the recognition of a test laboratory designated by the United States as a Conformity Assessment Body (CAB) and for the acceptance of test reports prepared by such recognized CAB for equipment subject to the telecommunications and EMC regulations of Hong Kong, China. Hong Kong, China will also apply the Phase I Procedures for the designation of a CAB to test equipment subject to the telecommunications and EMC regulations of the United States.

In addition, Hong Kong, China will apply the Phase II Procedures for the recognition of a certification body designated by the United States as a CAB and for the acceptance of the certification results of equipment certified by such recognized CAB for equipment subject to the telecommunications and EMC regulations of Hong Kong, China. Hong Kong, China will also apply the Phase II Procedures for the designation of a CAB to certify equipment subject to the telecommunications and EMC regulations of the United States.

Attached is the list of Technical Regulations for which Hong Kong, China will accept the results of conformity assessment of a United States recognized CAB. Each party should be notified if the list of technical regulations is modified, in accordance with the provisions of APEC Telecom MRA.

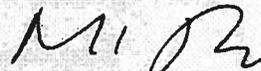
Office of the Telecommunications Authority
29/F Wu Chung House 213 Queen's Road East Wan Chai Hong Kong
電訊管理局
香港灣仔皇后大道東 213 號胡忠大廈 29 字樓

<http://www.ofta.gov.hk>

I am pleased to inform you that the Office of the Telecommunications Authority (OFTA) is the telecommunications regulatory authority and the designating authority of Hong Kong, China responsible for recognizing and designating CABs. Mr. W K Luk (wkluk@ofta.gov.hk) is the contact for OFTA responsible for the activities under this mutual recognition arrangement.

From the date of the exchange of these letters, Hong Kong, China may designate testing laboratories and certification bodies in accordance with the provisions of the APEC Telecom MRA and its Appendices A, B, and C. Hong Kong, China understands that designation and recognition of CABs will occur only after the necessary training and exchanges of technical criteria and related information for accrediting CABs have taken place.

Yours sincerely,



(M H Au)

Director-General
of Telecommunications

Attachment: Annex I -- List of Technical Regulations for Hong Kong, China

cc: APEC TEL WG Chair
Chairman of MRA Task Force Group

**ANNEX I
TO PHASE I AND PHASE II PROCEDURES**

**LIST OF TECHNICAL REGULATIONS
FOR HONG KONG, CHINA**

The Technical Regulations for which Hong Kong, China will accept test reports and certificates from recognized Conformity Assessment Bodies designated by the other Party are:

1. Technical requirements for radio equipment as stipulated in the HKTA 10XX and 12XX series of specifications. Details can be obtained at:

<http://www.ofta.gov.hk/standards/HKTASpec/hkta-spec.html>

2. Technical requirements for wireline equipment as stipulated in the HKTA 2XXX series of specifications. Details can be obtained at:

<http://www.ofta.gov.hk/standards/HKTASpec/hkta-spec.html>

3. EMC requirements for radio equipment exempted from licensing under the Telecommunications (Telecommunications Apparatus) (Exemption from Licensing) Order. Details can be obtained at:

http://www.gld.gov.hk/cgi-bin/gld/egazette/gazettefiles.cgi?lang=e&year=2003&month=1&day=17&vol=07&no=03&gn=4&header=1&part=1&move=1&df=1&nt=s2&agree=1¤tpage=12&gaz_type=1s2

4. Schedule 1 of Chapter 106B of Hong Kong Law -- Telecommunications (Control of Interference) Regulations under the Telecommunications Ordinance. Details can be obtained at:

http://www.legislation.gov.hk/blis_ind.nsf/e1bf50c09a33d3dc482564840019d2f4/07a23ea1b90c85d8c82564800040c2d9?OpenDocument

The following "Information Notes" provide useful guidelines for implementation of conformity assessment procedures for telecommunications equipment :

- a) OFTA I 401 "How to Apply for Type-approval or Type-Acceptance of Radio Equipment"
<http://www.ofta.gov.hk/tec/information-notes/in40103.pdf>
- b) OFTA I 412 "How to Apply for Certification of Customer Premises Equipment to be connected to the Public Telecommunications Networks in Hong Kong"
<http://www.ofta.gov.hk/tec/information-notes/in41203.pdf>
- c) OFTA I 421 "Hong Kong Telecommunications Equipment Evaluation and Certification (HKTEC) Scheme "
<http://www.ofta.gov.hk/tec/information-notes/in42103.pdf>