

## RADIOCOMMUNICATIONS (COMPLIANCE) NOTICE 2004

*Pursuant to Regulation 32(1)(d), (e), (f), (g) and (h) of the Radiocommunications Regulations 2001, the Chief Executive, Ministry of Economic Development, hereby gives the following notice.*

### NOTICE

#### 1. Title, commencement and purpose

- (a) This notice is the Radiocommunications (Compliance) Notice 2004.
- (b) This notice comes into force on 1 January 2004
- (c) This notice prescribes:
  - (i) the requirements to be met by suppliers of products for each level of conformity.
  - (ii) the requirements to be met for the labelling of products.
  - (iii) the requirements to be met for the security and availability of declarations of conformity and associated documentation.
  - (iv) the documentation, test facilities, and competent persons that are approved by the Chief Executive in relation to the testing of products, and any conditions or restrictions imposed in relation to the Chief Executive's approval.
  - (v) the form of the Declaration of Conformity.

#### 2. Interpretation

- (a) In this notice, unless the context otherwise requires:
  - “accredited testing body” means a test facility that is:
    - (i) accredited by International Accreditation New Zealand, an agency of the Government also known as IANZ.
    - (ii) accredited by an accreditation authority that has entered into a mutual recognition arrangement with IANZ.
    - (iii) approved pursuant to any agreement between New Zealand and any other country or countries as prescribed in a notice made under Regulation 32(1)(h) and (j) of the Regulations.
  - “Act” means the Radiocommunications Act 1989.
  - “applicable standard”, in relation to a product, means a standard or code of practice applying to the class of product to which the product belongs, as prescribed in a notice made under Regulation 32(1)(b) and (c) of the Regulations.
  - “Chief Executive” means:
    - (i) the Chief Executive of the Ministry of Economic Development.
    - (ii) a person acting under delegated authority from the Chief Executive.
  - “class of product” means a grouping, category, or family of products with a common purpose, use or application as prescribed in a notice made under Regulation 32(1)(a) of the Regulations.
  - “compliance folder” means, in relation to a product, a collection of documentation as prescribed in this notice.
  - “compliance mark” means the c-tick or the RCM.
  - “c-tick “ means the following symbol:



- “declaration of conformity” means a declaration that is in the form set out in the schedule to this notice.
- “label” means the compliance mark or the supplier identification engraved on, or otherwise affixed to, a product.
- “level of conformity” means, in relation to a class of product, a level of conformity as prescribed in a notice made under Regulation 32(1)(d).
- “Ministry” means the Ministry of Economic Development.
- “product” means interfering equipment or susceptible equipment as defined in the Radiocommunications Act 1989, and includes any assembly of components, modules or sub-assemblies that form a finished product;
- “product description” means sufficient information for a person to determine whether the product is the same as a product for which a declaration of conformity was prepared.
- “RCM” means the following symbol:



“Regulation” and “Regulations” means Regulations made pursuant to the Act.

“standard” means a publication, or those parts of a publication, prescribing the measurement procedures, processes, and limits relating to the emissions or electromagnetic compatibility of a product.

“supplier” means:

- (i) a person in New Zealand supplying products in New Zealand; or
- (ii) an authorised agent resident in New Zealand, of a person supplying products in New Zealand.

“supplier code number” means the letter “Z” and a unique numeric identifier allocated by the Chief Executive.

“supplier identification” means any of the following:

- (i) the supplier code number.
- (ii) the supplier’s registered name and address.
- (iii) the supplier’s registered company number.
- (iv) the supplier’s registered G.S.T. number.
- (v) the supplier’s registered trademark.

“test report” means:

- (i) the text, drawings, diagrams and tables specifying the standard or standards to which a product has been tested; and
  - (ii) the general procedure followed in testing the product; and
  - (iii) the measurement results; and
  - (iv) a statement as to whether the product conforms to the standard or standards to which the product has been tested.
- (b) Other words and expressions contained in this notice that are defined in the Act, Regulations and notices made under the Regulations, have the meanings so defined.

### **3. Scope**

- (a) Subject to subsection (b), unless expressly stated to the contrary in this notice:
- (i) a product used, sold, or otherwise distributed in New Zealand, or manufactured for supply in New Zealand; and
  - (ii) a person supplying a product in New Zealand
- must comply with the requirements of this notice, and any notices made under Regulation 32(1)(a) to (d) of the Regulations.
- (b) A product to which this notice applies is exempt from the requirements of this notice if the product meets the requirements of an agreement between New Zealand and another country or a body, as prescribed in the Radiocommunications (Regulatory Harmonisation) Notice 2004, or a notice in replacement thereof.

### **4. Levels of conformity – requirements to be met by suppliers**

- (a) The requirements to be met for levels of conformity 1, 2, 3, A1, A2 and A3 are:

#### Level of conformity 1

Where a product is in a class to which level of conformity 1 applies, then, prior to supplying the product, the supplier must ensure that the product conforms to an applicable standard and:

- (a) may, if the product is not a radio transmitter, label the product with a compliance mark and the supplier’s supplier identification in which case the supplier must create a compliance folder containing:
  - (i) a declaration of conformity; and
  - (ii) a product description.
- (b) must, if the product is a radio transmitter, label the product with a compliance mark and the supplier’s supplier identification and create a compliance folder containing:
  - (i) a declaration of conformity; and
  - (ii) a product description.

#### Level of conformity 2

Where a product is in a class to which level of conformity 2 applies, then, prior to supplying the product, the supplier must ensure that the product conforms to an applicable standard and:

- (a) must label the product with a compliance mark and the supplier’s supplier identification; and
- (b) must create a compliance folder containing:
  - (i) a declaration of conformity; and
  - (ii) a product description; and
  - (iii) a test report, or manufacturer’s performance specifications, or a certificate issued by another administration.

#### Level of conformity 3

Where a product is in a class to which level of conformity 3 applies, then, prior to supplying the product, the supplier must ensure that the product conforms to an applicable standard and:

- (a) must label the product with a compliance mark and the supplier’s supplier identification.
- (b) must create a compliance folder containing:

- (i) a declaration of conformity; and
- (ii) a product description; and
- (iii) a test report from an accredited testing body.

#### Level of conformity A1

Where a product is in a class to which level of conformity A1 applies, then, prior to supplying the product, the supplier must ensure that the product conforms to an applicable standard and:

- (a) must label the product with the supplier's supplier code number; and
- (b) must create a compliance folder containing:
  - (i) a declaration of conformity; and
  - (ii) a product description.

#### Level of conformity A2

Where a product is in a class to which level of conformity A2 applies then, prior to supplying the product, the supplier must ensure that the product conforms to an applicable standard and:

- (a) must label the product with the supplier's supplier code number; and
- (b) must create a compliance folder containing:
  - (i) a declaration of conformity; and
  - (ii) a product description; and
  - (iii) a test report, or manufacturers performance specifications, or other reasonable documented evidence of product conformity.

#### Level of conformity A3

Where a product is in a class to which level of conformity A3 applies then, prior to supplying the product, the supplier must ensure that the product conforms to an applicable standard and:

- (a) must label the product with the supplier's supplier code number; and
- (b) must create a compliance folder containing:
  - (i) a declaration of conformity; and
  - (ii) a product description; and
  - (iii) a test report from an accredited testing body.

- (b) A product declared to level of conformity A1, A2 or A3 must not be labelled with the compliance mark.

### **5. Labelling of products**

- (a) The label on any product:
  - (i) must be legibly and durably applied on the external surface of the product as near as is possible to the model identification. Where this is not possible due to the size or nature of the product, the label may be placed on the packaging or warranty or instructions for the product.
  - (ii) may be reproduced in any colour provided that there is sufficient contrast with the background colour or relief.
  - (iii) may also be placed on promotional material associated with the product.
- (b) The compliance mark on any label must be no smaller than 3mm in diameter and the supplier identification characters must be no less than 1mm in height.
- (c) If a supplier is labelling a product with the RCM compliance mark, the supplier must comply with the requirements of AS/NZS 4417.
- (d) Irrespective of the supplier identification used by a supplier, a supplier must not label a product unless the supplier has applied for, and been allocated, a supplier code number.
- (e) No variations are permitted to a compliance mark.
- (f) If the labelling of a product in accordance with the requirements of this section is not possible, the supplier must obtain a written exemption from the Chief Executive before supplying the product.

### **6. Compliance folder**

- (a) A compliance folder consists of documentation as prescribed in Section 4 of this notice. The compliance folder:
  - (i) must be in English.
  - (ii) may be kept in an electronic form.
  - (iii) must, if only available in a written form, be held at the supplier's place of business in New Zealand.
  - (iv) must be retained by the supplier for a period of 5 years from the date on which the product ceases to be supplied by the supplier.
  - (v) must, in regard to any variants of the product, contain a signed statement that the variations do not alter the electromagnetic compatibility or radio frequency emission characteristics of the product.
  - (vi) must, if a certificate issued by another administration is the basis for the declaration of conformity, include evidence that the product has been altered to comply with New Zealand requirements.

- (vii) must, at the written request of the Chief Executive, be made available by the supplier in written form within 10 working days of the request being made.
- (b) Strict compliance with prescribed forms is not necessary and substantial compliance, or such compliance as the particular considerations of the case allow, is sufficient.

**7. *Revocation***

The Radiocommunications (Compliance) Notice 2003 made pursuant to Regulation 32 of the Radiocommunications Regulations 2001 is hereby revoked on 1 January 2004.

**8. *Transitional provision***

Notwithstanding the revocation of the notice set out in clause 7, every product that is compliant with the requirements of that notice on the commencement date of this notice is deemed to be compliant with the requirements of this notice.

**SCHEDULE****Supplier's Declaration of Conformity**

Section 134(1)(g) of the New Zealand Radiocommunications Act 1989  
 Section 182 of the Australian Radiocommunications Act 1992

THIS COMPLETED FORM REMAINS WITH THE SUPPLIER AS PART OF THE DOCUMENTATION  
 REQUIRED FOR THE "COMPLIANCE FOLDER"

**Supplier's Details****Name** (of manufacturer, importer or authorised agent)
**Address**
  
 Postcode

**New Zealand: Company Number or GST Number:**  
**Australia: @, ARBN or ABN**

**Contact Information**

Telephone

Fax

E-mail

**Supplier Code Number (include 'Z' or 'N')**

**Postal Address** (if different)
  
 Postcode
**Product Details**

Brand Name	<input type="text"/>
Model, lot, batch or serial number	<input type="text"/>
Description and Function	<input type="text"/>
Applicable Standards title, number and edition	<input type="text"/>
Test Report Number	<input type="text"/>

**Declaration**

I hereby declare that the product mentioned above complies with the above mentioned standards, and all products supplied under this Declaration will be identical to the sample identified above.

Signature of supplier / agent

Date

**Position in Organisation**

**Print Name**

Dated at Wellington this Thursday, the 4th day of December 2003.

SANJAI RAJ,  
Manager Business Services, Radio Spectrum Management,  
Ministry of Economic Development.

***Explanatory Note***

This note is not part of the notice, but is intended to indicate its general effect.

This notice prescribes:

- (i) the requirements to be met by suppliers of products for each level of conformity; and
- (ii) the requirements to be met for the labeling of products; and
- (iii) the requirements to be met for the security and availability of declarations of conformity and associated documentation; and
- (iv) the documentation, test facilities, and competent persons that are approved by the Chief Executive in relation to the testing of products, and any conditions or restrictions imposed in relation to the Chief Executive's approval; and
- (v) the form of the Declaration of Conformity.