

## Radiocommunications (Compliance) Notice 2020

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

### Notice

#### 1. Title, Commencement and Purpose

- a. This notice is the Radiocommunications (Compliance) Notice 2020.
- b. This notice comes into force on **18 December 2020**.
- c. This notice prescribes:
  - i. the requirements to be met by suppliers for different levels of conformity.
  - ii. the form of a declaration of conformity.
  - iii. the requirements to be met for the labelling of products.
  - 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 requirements to be met for the availability of documentation, including test reports.

#### 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 Business, Innovation, and Employment.
- 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.

“declaration of conformity” means a declaration containing the information set out in the schedule to this notice.

“electromagnetic compatibility” means the ability of systems, equipment, and devices that utilise the electromagnetic spectrum to operate in their intended operational environments without suffering unacceptable degradation or causing unintentional degradation because of electromagnetic radiation or response.

“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 Business, Innovation & Employment.

“New Zealand radio label” means the characters “R-NZ”.

“product” means interfering equipment, susceptible equipment and radio apparatus, 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.

“Regulatory Compliance Mark (RCM)” means the following symbol:



“Responsible Supplier number” means a unique identifier issued by the Electrical Regulatory Authorities Council (ERAC) to a supplier, and recorded in the National Registration Database (NRD).

“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 electromagnetic compatibility of a product.

“supplier” means a person in New Zealand who installs, sells, distributes, manufactures or imports a product, and includes a person who, in trade, is acting as an agent for another, whether or not that other is supplying in trade.

“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 or not 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**

(1) This notice, in conjunction with other notices made under regulation 32(1)(a) to (d) of the regulations applies to:

- a. product suppliers in New Zealand; and
- b. products supplied in New Zealand.

(2) This notice does not apply to products that meet the exemption requirements in the Radiocommunications (Mutual Recognition: Australia) Notice 2008 or a notice in replacement thereof.

### **4. Suppliers**

The requirements to be met by a supplier of a product are:

Level of conformity 1 - If the 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 complies with an applicable standard and:

- a. may label the product (other than a radio transmitter) with a RCM compliance mark in which case the supplier must:
  - i. provide a product description; and
  - ii. make a declaration of conformity.
- b. must, if the product is a radio transmitter:
  - i. provide a product description; and
  - ii. make a declaration of conformity; and
  - iii. label the product with a RCM compliance mark.

Level of conformity 2 - If the 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 complies with an applicable standard and must:

- i. obtain a test report, or other reasonable documented confirming compliance with an applicable standard; and
- ii. provide a product description; and
- iii. make a declaration of conformity; and
- iv. label the product with a RCM compliance mark.

## NEW ZEALAND GAZETTE

Level of conformity 3 - If the 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 complies with an applicable standard and must:

- i. obtain a test report from an accredited testing body, confirming compliance with an applicable standard; and
- ii. provide a product description; and
- iii. make a declaration of conformity; and
- iv. label the product with a RCM compliance mark.

Level of conformity A1 - If the 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 complies with an applicable standard and must:

- i. provide a product description; and
- ii. make a declaration of conformity; and
- iii. label the product with the New Zealand radio label R-NZ.

Level of conformity A2 - If the 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 complies with an applicable standard and must:

- i. obtain a test report, or other reasonable documented confirming compliance with an applicable standard; and
- ii. provide a product description; and
- iii. make a declaration of conformity; and
- iv. label the product with the New Zealand radio label R-NZ.

Level of conformity A3 - If the 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 complies with an applicable standard and must:

- i. obtain a test report from an accredited testing body, confirming compliance with an applicable standard; and
- ii. provide a product description; and
- iii. make a declaration of conformity; and
- iv. label the product with the New Zealand radio label R-NZ.

### **5. Documentation**

- a. A test report, or other reasonable documented evidence of conformity of the product with an applicable standard must:
  - i. be in English; and
  - ii. if only available in paper form, be held at the supplier's place of business in New Zealand; and
  - iii. be retained by the supplier for a period of five years from the date on which the product ceases to be supplied by the supplier; and
  - iv. must include any variants of the product.
- b. Declarations of conformity, test reports and other documentation required by or provided for by this notice:
  - i. must be made available, at the written request of the Chief Executive, within 10 working days of the request being made;
  - ii. may be kept in an electronic form

### **6. Labelling**

- a. The RCM compliance mark or the New Zealand radio label "R-NZ" must:
  - i. be placed on the external surface of the product as near as practical to the model identification; and
  - ii. be durably applied by any suitable means such as printing, painting, moulding, etching and engraving; and
  - iii. be legible with normal, or corrected to normal, vision and no smaller than 3mm in height
- b. The product can be electronically labelled by means of an integral display or screen provided that:
  - i. the documentation that accompanies the product when it is supplied to the user sets out a method for displaying the compliance label; and
  - ii. the compliance label is applied in a way that would make it difficult to delete, modify or prevent the display of the label.

- c. If it is not possible to apply a compliance label to the surface of a device because of the size or physical nature of the device, the compliance label must be applied to:
- i. the external surface of the packaging used for the device; and
  - ii. the documentation (including any warranty or guarantee certificates) that accompanies the device when it is supplied to the user.

## 7. Revocation

The Radiocommunications (Compliance) Notice 2013 No 2 ([New Zealand Gazette, 8 August 2013, No. 103, page 2777](#)) made pursuant to regulation 32 of the Radiocommunications Regulations 2001 is hereby revoked on 18 December 2020.

## 8. Transitional Provision

- a. Notwithstanding the revocation of the notice set out in clause 7, every product which is being supplied in compliance 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 - Declaration of Conformity

A declaration of conformity must include the following:

- a. the name of the New Zealand supplier;
- b. the New Zealand address at which the supplier can be contacted;
- c. the supplier's New Zealand Company Number or GST number (if applicable);
- d. the supplier's contact information, for example, telephone, or e-mail (as applicable);
- e. the supplier's Responsible Supplier number (ERAC number);
- f. the product details being (as applicable):
  - i. brand name;
  - ii. model, lot, batch or serial number;
  - iii. description and function;
  - iv. applicable standard(s) title, number and edition;
  - v. test report number or other identifier;
  - vi. transmitter power and frequency, or frequency range (radio transmitters only);
- g. the declaration of conformity, being the statement "I hereby declare that the product to which this declaration of conformity relates complies with the mentioned standard(s), and all products supplied under this Declaration will be identical to the sample identified in this Declaration". "
- h. the name of the person responsible for the declaration of conformity, and the nature of their authority to make the statement in relation to the product
- i. The date the declaration was made.

Dated at Wellington this 15th day of December 2020.

FADIA MUDAFAR, National Manager Radio Spectrum Management, Ministry of Business, Innovation and Employment.

## Explanatory Note

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

1. This notice prescribes:
  - a. the requirements to be met by suppliers of products for each level of conformity;
  - b. the form of a declaration of conformity;
  - c. the requirements to be met for the labelling of products;
  - d. 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;
  - e. the requirements to be met for the availability of documentation, including test reports.
2. This notice includes new provisions for:

NEW ZEALAND GAZETTE

- a. supplier definition;
- b. greater flexibility for physical labelling due to size or nature of device.

2021-go52

13-01-2021 09:31

---