

Please, check below all modifications done by ANATEL through the new published ATOS. Some of them will come into force in January 26th, 2021.

The OCD NCC has compiled this pioneering news for you, our customers, so you can have an overview of the changes related to certification and homologation applicants!

The entire NCC team is prepared to take all the doubts and questions that came up!

We take the opportunity to wish you a MERRY CHRISTMAS and a 2021 full of health and blessing!

Hugs to all, **Team NCC!**

[ATO Nº 4082, DE 31 DE JULHO DE 2020](#)

[Link:](#)

https://sei.anatel.gov.br/sei/modulos/pesquisa/md_pesq_documento_consulta_externa.php?eEP-wqk1skrd8hSlk5Z3rN4EVg9uLJqrLYJw_9INcO4XVbQwwDzefxudkoCHqC5CMmHL6gpWjCwQy6lPStm-Mch2u311heXKhFqrMKKm6B_DPMddyRT3Xy8mBbikB_QC

Operational Procedure that Establishes the Means of Exercising Rights and Fulfilling Obligations by Agents Involved in Conformity Assessment of Telecommunications Products

- 1) ***Social object of the social contract (articles of incorporation) from local holder:*** if **Commercial Representation** is listed under social object of the local holder -

Starting in January 26th, 2021, proof of registration with the regional council of commercial representatives of the federation unit where it has its headquarters or domicile. (***Until then there was no such requirement in the regulations. Attention!***) - item 8.4 of this act -

- 2) ***Declaration signed by the Local Holder, stating its awareness on the fulfillment of obligations to observe consumer rights and guarantees provided for in Brazilian legislation:*** starting in January 26th, 2021 – it will be necessary to be sent to the OCD, by the certificate holder, the Declaration in which the company undertakes to fulfill the obligations to observe the rights and guarantees of the consumer provided for in the Brazilian legislation, in particular regarding the provision of information on the characteristics of the product, guarantee against defects and technical assistance throughout the national territory. (***until then, the manufacturer declaring that the applicant was responsible for these activities, was enough. Now there is a need for the national applicant to declare the commitment! Attention!***) – item 8.4 of this act -

3) **OCD Mark:** If the national applicant wishes to use the OCD mark on the products or in the documentation associated with the product, he will be subject to the use license issued by the OCD in accordance with its procedures. - *item 9 of this act* -

4) **Homologation Sharing:** The possibility of sharing the approval was formalized. When applicable, there is no OCD involvement. - *item 10 of this act* -

[ATO Nº 4091, DE 31 DE JULHO DE 2020](#)

[Link:](#)

https://sei.anatel.gov.br/sei/modulos/pesquisa/md_pesq_documento_consulta_externa.php?eEP-wqk1skrd8hSlk5Z3rN4EVg9uLJqrLYJw_9INcO4zMNm1WQpxM6fsG1BaoFDdCW8KQYoxv2-zVW3S43uRuN4iP_8MyoNB8IT-WRGbzhu47rydExoB0u-oQ4wvddrh

Operational Procedure for Selection, Evaluation and Qualification of Testing Laboratories for the Conformity Assessment of Telecommunications Products

1) **Laboratory priority order:** in the 1st order of priority of laboratory selection we have that at the same level it was placed: third party laboratories located in Brazil and accredited by Inmetro or recognized by means of a Mutual Recognition Agreement - however, so far we have no lab recognized by mutual recognition agreement .

2) **Laboratory priority exceptions:** *laboratory priority exceptions may be contained in the product's technical requirements or operational procedure. (see laboratory exceptions contained in NOTES of ATO No. 7280 - Telecommunications Products Reference List Update - link:*

https://sei.anatel.gov.br/sei/modulos/pesquisa/md_pesq_documento_consulta_externa.php?eEP-wqk1skrd8hSlk5Z3rN4EVg9uLJqrLYJw_9INcO7cferos6uO0NlbEkrMrsoT38X4CnD5hoGpMGgU4o2v7LrFFmaQgkgVxtt8jTV0AlcdoBq7yLwDYZtf6iHITaaB

[ATO Nº 4083, DE 31 DE JULHO DE 2020](#)

[Link:](#)

https://sei.anatel.gov.br/sei/modulos/pesquisa/md_pesq_documento_consulta_externa.php?eEP-wqk1skrd8hSlk5Z3rN4EVg9uLJqrLYJw_9INcO4dsXIVG1X9OypQQ7vxZV_7mEEXHUAwVtzllAeSP0BKWsQFVXiiQm5mumjTZKRqrRge2djk5TNrllndWUz5uR5

Operational Procedure for Conformity Assessment of Telecommunications Products by Certification

1) **NEW Telecommunication Products Reference List eligible for approval** - link: https://sei.anatel.gov.br/sei/modulos/pesquisa/md_pesq_documento_consulta_externa.php?eEP-wqk1skrd8hSlk5Z3rN4EVg9uLJqrLYJw_9INcO7cferos6uO0NlbEkrMrsoT38X4CnD5hoGpMGgU4o2v7LrFFmaQgkgVxtt8jTV0AlcdoBq7yLwDYZtf6iHITaaB – the list indicates the conformity assessment model for each type or product family. The novelty will be that for all products whose CONFORMITY ASSESSMENT MODE is

Certification, the conformity assessment model will be: Certification based on a Type Test with Periodic Product and System Management Assessment every 2 or 3 years depending on the audience for which the product is intended. ***In other words, the evaluation of the factory management system will always be applicable, as well as periodic evaluation (maintenance) will always be applicable to products subject to approval.***

2) ***Choice of laboratory tests:*** When submitting to the Certification based on Type Testing, the Applicant must choose the Testing Laboratory observing the established in the Operational Procedure for Selection, Evaluation and Qualification of Testing Laboratories for the Conformity Assessment of Products for Telecommunications, giving notice of your choice to the OCD that is conducting the certification process.

3) ***Sample selection and identification:*** Starting in January 26th, 2021 the sample to be sent to the laboratory must be previously identified by the manufacturer by physical or electronic marking, permanent or temporary, or on the sample packaging, with the following minimum information: name of the manufacturer (or brand), model name and country of origin. Failure to comply with the sample selection procedures will result in Anatel's rejection of the homologation requirement.

4) ***The applicant must formally communicate to the OCD, prior to the start of the tests, starting in January 26th, 2021:***

I - the manufacturing unit in which the sample was produced; and

II - traceability of the sample sent for testing.

5) ***Evaluation of the factory management system for all products:*** Starting in January 26th, 2021, the assessment of the factory management system for all products will become mandatory regardless of the number factories listed during the certification process.

(see Telecommunications Products Reference list, ATO No. 7280 - link:

https://sei.anatel.gov.br/sei/modulos/pesquisa/md_pesq_documento_consulta_externa.php?eEP-wqk1skrd8hSlk5Z3rN4EVg9uLJqrLYJw_9INcO7cferos6uO0N1bEkrMrsoT38X4CnD5hoGpMGgU4o2v7LrFFmaQgkgVxtt8jTV0AlcdoBq7yLwDYZtf6iHITaaB)

6) ***Occurrence of non-compliance during laboratory tests:***

In the event of non-compliance during the performance of the laboratory tests, physical changes to the product must be performed only by the manufacturer or by third parties, under manufacturer's responsibility.

I - the change informed in the caput must be declared in the conformity assessment process regarding its implementation in the production line.

A new sample of the product, modified by the manufacturer or under its responsibility, must then be extracted from the production line, in the case of products directly used by end users and consumers of telecommunications services. The sample already tested can be used, in other cases, or when changes are made at the software level, subjecting it to new tests to demonstrate compliance with all items of the applicable technical requirements, affected by the changes.

II - it is up to the OCD specialist, responsible for conducting the product's conformity assessment, to determine which tests should be repeated in the Testing Laboratory, after the changes are implemented.

The manufacturer must send subsidiary documents to the OCD, such as photos, descriptions, etc .; demonstrating the modifications made to the product, as well as an express declaration that the sample collected and tested after the modifications comes from its production line, being a true copy of the product that will be marketed in Brazil.

If the Applicant declares that the non-conformity is restricted to the tested samples and a new sample, presented at a date after the batch under test, will attest to compliance with all technical requirements, **the manufacturer must present a declaration justifying the occurrence, which will be evaluated and confirmed by the OCD in the RACT, and a copy of that declaration attached to the file.**

7) ***OCD TRANSFERENCE***: it has been documented that the previous OCD has to send docs to the NEW OCD within 7 working days of the request.

8) ***Renewal Process***: We now have a differentiated process for renewals of products intended exclusively for technical assistance or warranty.

[ATO Nº 4084, DE 31 DE JULHO DE 2020](#)

[Link:](#)

https://sei.anatel.gov.br/sei/modulos/pesquisa/md_pesq_documento_consulta_externa.php?eEP-wqk1skrd8hSlk5Z3rN4EVg9uLJqrLYJw_9INcO500MI52NEtXk9V6TypTE6mpYsbbgGNIYOes0MD_CM-lxruZv2kzdQwWjYRU69phxx5GSDmtBvOYWLFcGTWbkSV

Operational Procedure for Approval of the Certificate of Conformity for Telecommunications Products

National manufacturer - information on the social object of its constitutive act and related activities – to be considered a national manufacturer, the company may include in the social object of its constitutive act activities related to product development, in addition to others. In case of national manufacturers, social object must include, in the case of a legal entity under Brazilian law, related activities in the manufacture, industrialization, assembly, manufacture or development of the product.

[ATO Nº 4088, DE 31 DE JULHO DE 2020](#)

[Link:](#)

https://sei.anatel.gov.br/sei/modulos/pesquisa/md_pesq_documento_consulta_externa.php?eEP-wqk1skrd8hSlk5Z3rN4EVg9uLJqrLYJw_9INcO4Pwyb7i3aLtiQe5Cv6Mxsev4woug1SZVGIoccbQM_1gRISbRaK6KsrTXKO4mWkXEbT0ds7JfrPv_vjU8by_iBj2

Operational Procedure for Marking Anatel Homologation Identification in Telecommunications Products

- 1) **Homologation Identification:** Greater variety as to the different possibilities of identification of the approval and even the possibility of identification of the electronic approval (**E-label**) (according to item 6 of this ATO) as well as approval identification through **QR Code** (according to item 7 of this ATO).
- 2) **Imported telecommunications products:** Starting in July 30th, 2021, in the case of imported telecommunications products, the identification of the approval must be carried out before the product enters the country, except for the following cases:
 - 2.1) Unfinished products subject to approval whose import is carried out by the Applicant to finalize the product in national territory;
 - 2.2) Products that require the display of identification through the Security Seal (mint label);
and
 - 2.3) Products for the importer's own use.

3) Products imported in bulk and not individually packed:

For products imported in bulk and not individually packaged, the use of temporary adhesive identification is allowed on the product's transport packaging or protective packaging, in accordance with the formats described in item 5.5 of ATO 4088/20.

In these cases, any physical and temporary identification must be marked to withstand transport and handling under normal conditions. Besides that, for the subsequent commercialization of these products in the national market, the definitive formats of individual marking are applicable, as established in this Procedure.

- 4) **Mandatory approval of products in kit form:** each equipment that makes up the kit subject to approval must receive the identification mark of the Anatel approval.

5) **Produto não passível de homologação que abarque produto homologado:**

Product not subject to homologation that includes homologated product must include in its manual, or quick guide, or in one of the conditions provided for in item 5.5, the following information: "**Incorporates product approved by Anatel under number HHHHH-AA-FFFFF**". (**WARNING!!!** There was an update in the sentence adopted for this type of identification of the approval!)

6) **Exception of approval identification for implantable or sterile medical equipment:**

There was the inclusion of the exception of the homologation identification for implantable or sterile medical equipment, as long as the physical identification is placed in the manual, quick start guide, or in the product package.

[ATO Nº 4077, DE 31 DE JULHO DE 2020](#)

[Link:](#)

https://sei.anatel.gov.br/sei/modulos/pesquisa/md_pesq_documento_consulta_externa.php?eEP-wqk1skrd8hSlk5Z3rN4EVg9uLJqrLYJw_9INcO469AGyp2vMLYkWbTmBg5a9jRQifSSrSRxqN-jlnVSd3E0EqQWTF2NJeQGqskXOrYeTk3bZ8L_gemDLduzg89Rc

Operational Procedure for Technical Change in Telecommunications Product Approved by Certificate of Conformity or Declaration of Conformity

1) "**Notice of Change in Approved Product**" :

The Applicant's communication to the OCD responsible for the conformity assessment process will take place with the presentation of the Anatel form "**Communication of Change in an Approved Product**", duly completed and signed, in addition to the applicable documents depending on the modifications presented.

- 2) Declaration of modifications and confirmation that the altered product is a true copy of the product that will be marketed in Brazil - **Now it must be signed by the LOCAL HOLDER**. According to item 6.1 - VII of this ATO - Declaration signed by the local holder, containing:

* detailed information on the changes made to the product that will be marketed in the country; and

* information that the product to be marketed in Brazil is a faithful copy of the sample sent for further laboratory tests.

[ATO Nº 7280, DE 26 DE NOVEMBRO DE 2020](#)

Link:

https://sei.anatel.gov.br/sei/modulos/pesquisa/md_pesq_documento_consulta_externa.php?eEP-wqk1skrd8hSlk5Z3rN4EVg9uLJqrLYJw_9INcO7cferos6uO0NIbEkrMrsoT38X4CnD5hoGpMGgU4o2v7LrFFmaQgkgVxtt8jTV0AlcdoBq7yLwDYZtf6iHITaaB

Update of the Reference List of Telecommunications Products, in the form of the annex to this Act, after 180 (one hundred and eighty) days from the date of its publication on December 3rd, 2020.

1) ***This ATO comes into force in June 1st, 2021;***

2) There was a change in the certification modality of some products from certification to declaration, being maintained for others. For the family of BROADCASTING EQUIPMENT, it will become possible to be approved either by certification or by declaration of conformity.

3) All products whose certification modality is certification will have the conformity assessment model or by Certification based on Type Testing with Periodic Evaluation of the Product and the Factory Management System every 3 (three) years or Certification based on Testing of Type with Periodic Evaluation of the Product and the Manufacturing Management System every 2

(two) years, depending on products applicability. Thus, for all products subject to certification, it will be applicable: **RENEWAL PROCESS every 2 or 3 years, depending on the product, and will also become applicable for all products subject to certification, being manufactured in 1 or "n" units (s) factory (s) the Evaluation of the factory management system, as mentioned before in this document.**

4) Transition rule, where we highlight for **ATTENTION OF ALL, item II of art 1:** "

Art. 1 To approve the updating of the Reference List of Products for Telecommunications, in the form of the Attachment to this Act, after 180 (one hundred and eighty) days from the date of its publication.

I - Products approved by Certification based on Type Testing with Periodic Evaluation, as established in the Reference List, approved by Act No. 2222, April 20, 2020, must conform to the new rules during the period of maintenance of the certificate of conformity from the term established in the caput; and

II - Products approved by Certification based on Type Testing without Periodic Evaluation, as established in the Reference List mentioned in the previous item, will remain with their Homologation Certificates in force, as long as there are no changes in the product that require a new conformity assessment or that changes in the applicable technical requirements arise that require product adequacy.

Art. 2 Repeal Act nº 2222, of April 20, 2020, after the period established in article 1.

Art. 3 This Act enters into force on the date of its publication in Anatel's Electronic Service Bulletin. "

5) Attention to the notes applicable to the products, since they change general rules, for example: laboratory priority.