

No. 53333*

**Canada
and
Mexico**

Mutual Recognition Agreement between the Government of Canada and the Government of the United Mexican States for conformity assessment of telecommunications equipment (with appendices and annexes). Honolulu, 12 November 2011

Entry into force: *1 June 2012, in accordance with article 21*

Authentic texts: *English, French and Spanish*

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**Canada
et
Mexique**

Accord de reconnaissance mutuelle entre le Gouvernement du Canada et le Gouvernement des États-Unis du Mexique concernant l'évaluation de la conformité de matériel de télécommunication (avec appendices et annexes). Honolulu, 12 novembre 2011

Entrée en vigueur : *1^{er} juin 2012, conformément à l'article 21*

Textes authentiques : *anglais, français et espagnol*

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[ENGLISH TEXT – TEXTE ANGLAIS]

MUTUAL RECOGNITION

AGREEMENT

BETWEEN

THE GOVERNMENT OF CANADA

AND

THE GOVERNMENT OF THE UNITED MEXICAN STATES

FOR CONFORMITY ASSESSMENT

OF TELECOMMUNICATIONS EQUIPMENT

THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE UNITED MEXICAN STATES (referred to in this Agreement collectively as “Parties” and individually as “Party”);

RECALLING that Article 1304(6) of the *North American Free Trade Agreement between the Government of Canada, the Government of the United Mexican States and the Government of the United States of America* (“NAFTA”) requires each NAFTA Party to “adopt, as part of its conformity assessment procedures, provisions necessary to accept the test results from laboratories or testing facilities in the territory of another Party for tests performed in accordance with the accepting Party’s standards-related measures and procedures;”

FURTHER RECALLING that Article 908(6) of the NAFTA encourages NAFTA Parties to negotiate agreements for the mutual recognition of results of conformity assessment; and

REAFFIRMING the commitment the Parties made in Annex 913.5.a-2 of the NAFTA to work through the NAFTA Telecommunications Standards Subcommittee (“TSSC”) to develop a work program, including a timetable, for making compatible to the greatest extent practicable, the standards-related measures of the NAFTA Parties, including technical regulations and conformity assessment procedures, for authorized telecommunications equipment;

HAVE AGREED as follows:

ARTICLE 1

Purpose of this Agreement

1. This Agreement is intended to streamline conformity assessment for a wide range of telecommunications and telecommunications-related equipment and thereby to facilitate trade between the Parties. This Agreement provides for the mutual recognition by the Parties of testing laboratories and mutual acceptance of the results of testing undertaken by recognized testing laboratories in assessing conformity of equipment to a Party's technical regulations.
2. For greater clarity, this Agreement shall not cover conformity assessment related to the electrical safety of telecommunications equipment.
3. This Agreement shall not cover homologation, which may be required by either Party outside of the context of the procedures set forth in this Agreement.

ARTICLE 2

Definitions

General terms associated with test reports and conformity assessment used in this Agreement shall have the meaning given to those terms in ISO/IEC 17000:2004, Conformity assessment – Vocabulary and general principles, of the International Organization for Standardization and the International Electrotechnical Commission. In addition, for the purpose of this Agreement, the following definitions shall apply:

administrative arrangement means any publicly available procedure or permission or legal or contractual agreement within a Party's jurisdiction that has an impact on conformity assessment of telecommunications equipment within the scope of this Agreement, as described in Article 3;

designation means the act by a designating authority of designating a testing laboratory to assess whether telecommunications equipment conforms to a Party's technical regulations;

homologation means permission for a product, process, or service to be marketed or used for stated purposes or under stated conditions;

public telecommunications network means public telecommunications infrastructure that permits telecommunications between defined network termination points;

recognition means the act by a regulatory authority of recognizing that a testing laboratory is competent to perform conformity assessment and that test reports will be accepted from that testing laboratory;

regulatory authority means a government agency or entity that exercises a legal right to control the use or sale of telecommunications equipment within a Party's territory and that may take enforcement action to ensure that products marketed within the Party's territory comply with the Party's legal requirements;

technical regulations means those technical requirements, legislative and regulatory provisions, and administrative arrangements that a Party has specified in Annex I pertaining to the testing of equipment with respect to which compliance is mandatory. For greater clarity, the Parties do not intend this definition to apply for any purpose other than this Agreement. The listing by a Party of technical regulations in Annex I is without prejudice to the rights and obligations of the Party under any other agreement;

testing laboratory means a laboratory that performs tests. In addition:

- ***first-party testing laboratory*** means a testing laboratory that performs first-party conformity assessment activity, as defined in ISO/IEC 17000:2004;