

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

February 16, 2007

Mr. Yutaka Yokoi
Minister
Embassy of Japan in the United States
2520 Massachusetts Avenue, NW.
Washington, DC 20008-2869

Dear Mr. Yokoi:

I am pleased to inform you of the following arrangement that the United States intends to implement regarding the acceptance of Declaration of Conformity (DoC), as defined in title 47 of the Code of Federal Regulations (CFR), part 2.906, for Electro-Magnetic Compatibility (EMC) with respect to Unintentional Radiators and Industrial, Scientific, and Medical (ISM) Equipment, as defined in title 47 of the CFR, parts 15.3(z) and 18.107(c) respectively.

1. Under this arrangement and subject to the applicable United States laws and regulations defining its authority and obligations, the U.S. Federal Communications Commission (FCC) will accept with respect to Unintentional Radiators and ISM Equipment DoC for EMC based on testing performed by testing laboratories in Japan, provided that:

- (a) the DoC attests that the Unintentional Radiator or ISM Equipment meets relevant FCC requirements;
- (b) the testing laboratory is accredited to ISO/IEC Standard 17025 and relevant FCC requirements by an accreditation body that meets ISO/IEC Standard 17011;
- (c) the testing laboratory is designated based on the procedures specified in the attachment to this letter;
- (d) the FCC has received a written communication from the Voluntary Control Council for Interference by Information Technology Equipment (VCCI), through the Government of Japan, that the VCCI will accept Registration of Product Conformity, as defined in Article 9 of VCCI Rules for Voluntary Control Measures (VCCI Rules), for Information Technology Equipment (IT Equipment), as defined in Article 4 of VCCI Rules, based on testing performed by testing laboratories in the United States that are accredited to ISO/IEC Standard 17025 and relevant VCCI requirements; and

- (e) the VCCI accepts Registration of Product Conformity for IT Equipment based on testing performed by testing laboratories in the United States that are accredited to ISO/IEC Standard 17025 and relevant VCCI Rules by an accreditation body that meets ISO/IEC Standard 17011.

2. This arrangement is premised on the understanding that:

- (a) IT Equipment comprises a subset of Unintentional Radiators;
- (b) in accordance with Japanese law, the Ministry of Internal Affairs and Communications (MIC) or the Ministry of Economy, Trade and Industry (METI) accept supplier's declaration of conformity (SDoC) for EMC with respect to Unintentional Radiators (with the exception of IT Equipment) or ISM Equipment that attests that such equipment meets relevant MIC or METI requirements without requiring the SDoC to be based on test results performed by a testing laboratory that: (i) is independent or unaffiliated with the supplier of such equipment; (ii) Japan has authorized, or an appointed body has accredited, to test such equipment for EMC; or (iii) is located in Japan; and
- (c) neither Unintentional Radiators (with the exception of IT Equipment) nor ISM Equipment are subject to VCCI requirements for EMC.

3. Nothing in this arrangement will be construed to require the United States to accept the results of conformity assessment procedures performed by a testing laboratory in Japan that the FCC considers not to meet FCC requirements.

4. Should any questions arise concerning the operation of this arrangement the FCC will seek to address those questions in cooperation with the Government of Japan. The United States anticipates that the Government of Japan will provide appropriate assistance, consistent with its laws and regulations, to facilitate this arrangement.

5. The United States will implement this arrangement when the Office of the United States Trade Representative (USTR) receives a letter from the Government of Japan that confirms it has received this letter and that encloses a copy of the written communication from the VCCI referenced in subparagraph 1(d).

6. If a mutual recognition agreement concerning telecommunications terminal equipment and radio equipment between Japan and the United States does not enter into force within one year of the date of this letter, the United States may at any time thereafter modify, suspend, or terminate this arrangement. The United States will consult with the Government of Japan before taking any such action.

7. The United States may modify, suspend, or terminate this arrangement at any time if it determines it is appropriate to protect health or safety or to address any other risks of concern to the United States. The United States will consult with the Government of Japan before taking any such action.

Sincerely,

A handwritten signature in cursive script that reads "Meredith Broadbent".

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

Attachment

Procedures in Japan for Designating Testing Laboratories for Unintentional Radiators and Industrial, Scientific, and Medical Equipment

- (a) The Government of Japan, through MIC or METI, will notify the FCC of accreditation bodies that accredit testing laboratories in Japan to test Unintentional Radiators and ISM Equipment for conformity with relevant FCC requirements regarding EMC. The accreditation body will comply with ISO/IEC Standard 17011.
- (b) Procedures for designating a testing laboratory:
- (1) A testing laboratory that seeks to test Unintentional Radiators or ISM Equipment for conformity with relevant FCC requirements regarding EMC will apply to an accreditation body notified pursuant to paragraph (a) for accreditation to ISO/IEC Standard 17025 and relevant FCC requirements.
 - (2) The accreditation body will accredit the testing laboratory if it determines the testing laboratory meets ISO/IEC Standard 17025 and relevant FCC requirements.
 - (3) A testing laboratory will be deemed designated when MIC or METI enters the required information for the testing laboratory in the relevant FCC database.
- (c) Procedures for renewing, confirming, or withdrawing a designation:
- (1) An accreditation body notified pursuant to paragraph (a) will renew a testing laboratory's accreditation only if it determines that the testing laboratory meets ISO/IEC Standard 17025 and relevant FCC requirements.
 - (2) If the FCC seeks to confirm that a testing laboratory meets ISO/IEC Standard 17025 and relevant FCC requirements, it will request the accreditation body, through MIC or METI, to conduct a confirmation of the testing laboratory. The accreditation body will conduct a confirmation in accordance ISO/IEC Standard 17025.
 - (3) If as a result of a confirmation under subparagraph (c)(2), the accreditation body finds that the testing laboratory does not meet ISO/IEC Standard 17025 or relevant FCC requirements, the accreditation body will withdraw the testing laboratory's accreditation.

- (4) The testing laboratory's designation will be deemed withdrawn when the accreditation body withdraws the testing laboratory's accreditation.
- (5) The Government of Japan, through MIC or METI, will promptly notify the FCC of the withdrawal of the accreditation referenced in subparagraph (4) above.