

Regulatory Proposals

1999-2000 Telecommunications

July 1999

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Telecommunications Apparatus Regulations

Description

The Telecommunications Act (the Act) was amended to implement the results of General Agreement on Trade in Services Agreement on Basic Telecommunications (GATS-ABT) negotiations. In addition to these amendments, provisions providing a framework for the implementation of regulations applicable to the issuance of technical acceptance certificates and compliance with technical specifications and markings were added to the Act. The purpose of these modifications is to provide the Department of Industry with the authority to issue technical acceptance certificates for telecommunications apparatus and to ensure compliance of telecommunications apparatus with Departmental technical specifications and markings.

As a result, the Department is developing the Telecommunications Apparatus Regulations which will provide the legal provisions required to implement the prohibitions found in the Telecommunications Act.

Benefits and Costs

The primary benefit of these regulations is that the Canadian consumer will be afforded some assurance that telecommunications apparatus sold or imported for sale in Canada will meet our technical requirements. They will also provide a marketplace which will encourage the protection of our telecommunications infrastructure, respect our hearing aid compatibility requirements and will ensure that telecommunications apparatus of quality are available to the Canadian public.

The costs of this initiative will be kept to a minimum both for the Department and for industry.

Consultation

Consultations with the Terminal Attachment Programme Advisory Committee (TAPAC) on the amendments to the Telecommunications Act were held. TAPAC is an advisory committee to the Department consisting of telecommunications apparatus manufacturers, consumer associations, testing laboratories, and service providers. Their feedback was positive and supported the amendments to the Telecommunications Act. Further consultations on these regulations are expected to be conducted in the Fall of 1999 before and during the public consultation period, which shall be for 60 days as prescribed by subsection 15(3) of the Telecommunications Act, following the publication of these regulations in the Canada Gazette, Part I.

The Department will seek to ease any economic impact on the importation process through ongoing consultation with the import industry by further refining the model and by staging its implementation as

requested.

Alternatives

The only alternative to regulating in this situation is to maintain the status quo which is represented by the current system of quasi-judicial compliance as governed by the Canadian Radio-television and Telecommunications Commission (CRTC) Decision 82-14, that use TAPAC's standard and Industry Canada's certification procedures as guidelines for telecommunications apparatus certification, and which is enforced by service providers. This CRTC decision allows service providers to disconnect service to users in possession of non-certified telecommunications apparatus.

Duplication

There is no duplication of regulatory requirements. Parliament has been granted the power to legislate telecommunications.

Enforcement and Compliance

The Department will issue warnings and prosecute when there is failure to comply with the Telecommunications Act and the Regulations. Also, Revenue Canada (Customs) and the import industry are being consulted on a monitoring / enforcement initiative to be implemented at Canadian borders.

Contact

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Status: The project is currently in its developmental stages. Pre-publication in the Canada Gazette, Part I - Fall 1999. Publication in the Canada Gazette, Part II - Spring 2000

The Department is also considering implementing similar import provisions for the Radiocommunication Regulations.