



Federal Communications Commission
Washington, D.C. 20554

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SMALL ENTITY COMPLIANCE GUIDE
Amendment of Parts 0, 1, 2, 15 and 18 of the Commission's Rules
regarding Authorization of Radiofrequency Equipment
FCC 17-93
ET Docket No. 15-170
Released July 14, 2017

This Guide is prepared in accordance with the requirements of Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. It is intended to help small entities—small businesses, small organizations (non-profits), and small governmental jurisdictions—comply with the revised rules adopted in the above-referenced Federal Communications Commission (FCC or Commission) rulemaking dockets. This Guide is not intended to replace or supersede these rules, but to facilitate compliance with the rules. Although we have attempted to cover all parts of the rules that might be especially important to small entities, the coverage may not be exhaustive. This Guide cannot anticipate all situations in which the rules apply. Furthermore, the Commission retains the discretion to adopt case-by-case approaches, where appropriate, that may differ from this Guide. Any decision regarding a particular small entity will be based on the statute and any relevant rules.

In any civil or administrative action against a small entity for a violation of rules, the content of the Small Entity Compliance Guide may be considered as evidence of the reasonableness or appropriateness of proposed fines, penalties or damages. Interested parties are free to file comments regarding this Guide and the appropriateness of its application to a particular situation. The FCC will then consider whether the recommendations or interpretations in the Guide are appropriate in that situation. The FCC may decide to revise this Guide without public notice to reflect changes in the FCC's approach to implementing a rule, or it may clarify or update the text of the Guide. Direct your comments and recommendations, or calls for further assistance, to the FCC's Consumer Center:

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I. OBJECTIVES OF THE PROCEEDING

The Commission's Part 2 Equipment Authorization (EA) Program covers nearly all electronic communication devices that are operated and sold in the United States. The EA program is intended to further compliance with the Commission's technical requirements, thus minimizing the potential for harmful interference to radio communications.

In the *First Report and Order*, the Commission took actions to update various equipment authorization requirements. First, it combined the two existing self-approval procedures, thus simplifying the authorization procedures for many devices. It also codified and expanded guidance permitting electronic labeling, allowing the use of electronic labels in lieu of permanent physical labeling of any FCC-authorized equipment that has display capability except in rare cases. Additionally, it modified certain requirements related to the compliance of imported devices and discontinued the requirement to file an import declaration and eliminated the information collection requirement associated with it. Finally, it also revised some measurement procedures by streamlining and consolidating requirements for devices used in different services.

The new rules better align the equipment authorization processes with the current state of radiofrequency (RF) device technology and the global marketplace and increase the Commission's ability to respond to changes in technology.

II. COMPLIANCE REQUIREMENTS

Supplier's Declaration of Conformity (47 CFR §§ 2.906, 2.909, 2.931, 2.938, 2.1071, 2.1072, 2.1074, and 2.1077)

The *First Report and Order* set forth a new self-approved equipment authorization process, Supplier's Declaration of Conformity (SDoc), which replaced the existing verification and Declaration of Conformity (DoC) procedures.

- Under SDoC, a responsible party determines that, based upon the appropriate testing, the RF device complies with all pertinent Commission technical requirements. Such a device will be uniquely identified and marketed with the appropriate compliance information, including the responsible party's contact information and any other information required by the Commission's rules.
- The former verification and DoC processes continued to be permissible forms of equipment authorization for eligible RF devices until November 2, 2018. As of November 2, 2018, new authorizations under verification and DoC are no longer permitted and any changes to RF devices authorized under the previous procedures requires a new equipment authorization under the SDoC procedure. (47 CFR §§ 2.950(i) and (j)).

Electronic Labeling (e-labeling) of radiofrequency devices (47 CFR 2.935)

The *First Report and Order* amended the Commission's rules to provide for the voluntary electronic display of the FCC Identifier, any warning statements, or other information that the Commission's rules would otherwise require to be shown on a physical label attached to the device. The option for e-labeling is available for any RF device that is: (1) equipped with an integrated electronic display screen, or (2) without an integrated screen that can only operate in conjunction with a device that has an electronic display screen. If e-labeling is used, the following requirements must be met:

- Users of the device must be provided with prominent instructions on how to access the information in the operating instructions, inserts in packaging material, or other easily accessible format at the time of purchase. The access instructions may also be provided via the product-related Web site, if such a Web site exists; the packaging material must provide specific instructions on how to locate the Web site information.
- Electronically provided information must be accessible without special codes, accessories or permissions and the access to this information must not require more than three steps from the device setting menu.
- The electronically displayed information must be displayed in a manner that is clearly legible without the aid of magnification.
- The necessary label information must be programmed by the responsible party and must be secured in such a manner that third-parties cannot modify it.
- Devices displaying the FCC Identifier, warning statements, or other information electronically must also be labeled, either on the device or its packaging, with the FCC Identifier or other information (such as a model number and identification of a Web page that hosts the relevant regulatory information) that permits the devices to be identified at the time of importation, marketing, and sales as complying with the FCC's equipment authorization requirements. Such labeling may be provided in a temporary manner. For example, devices can be labeled with a stick-on label, printing on the packaging, a label on a protective bag, or by similar means. Any removable label shall be of a type intended to survive normal shipping and handling and must only be removed by the customer after purchase.

Importation of Devices Capable of Causing Harmful Interference (47 CFR Part 2, Subpart K)

- The *First Report and Order* eliminated the requirement (47 CFR § 2.1205) to file a declaration of compliance (FCC Form 740) when importing RF devices into the United States.
- The *First Report and Order* increased the number of RF devices that may be imported for the sole purpose of demonstration at trade shows from 200 to 400. (47 CFR § 2.1204(a)(4)).
- The *First Report and Order* clarified the criteria by which certain unintentional radiators are excluded from compliance with the Commission's importation conditions. (47 CFR § 2.1202(a)).
- The *First Report and Order* updated the criteria applicable when individuals wish to import up to three devices solely for their own personal use. (47 CFR § 2.1204(a)(7)).

Measurement Procedures

In the *First Report and Order*, the Commission took several steps to keep up with changes in technology and in device measurement standards. Collectively, these modifications made it easier to ensure that the devices subject to the Commission's rules are tested properly and address the evolution of how new technologies are adopted in the latest generation of devices.

- Provided direct references in the rules (47 CFR §§ 2.947 (a)(3), 15.32, and 18.311) to the OET Laboratory’s Knowledge Database (KDB), which provides current guidance on practices accepted under the Commission’s rules. Additionally, the Commission made some revisions to how certain ANSI ASC C63 measurement procedures are referenced in our Part 15 rules (47 CFR §§ 15.33 and 15.35).
- Incorporated into the rules a reference to measurement procedures recently adopted by ANSI ASC C63, “ANSI C63.26, “Compliance Testing for Licensed Radio Services,” that will streamline the test procedures manufacturers use to show compliance with our technical requirements (47 CFR §§ 2.910 and 2.1041).
- Moved the rules regarding measurements for composite systems (those that operate under multiple rule sections with distinct authorization requirements) from Part 15 to Part 2 of the rules to better indicate their more general applicability. (47 CFR § 2.947).

III. RECORDKEEPING AND REPORTING REQUIREMENTS

The records retention requirements for Supplier’s Declaration of Conformity are identical to those of the former verification and Declaration of Conformity processes. While the FCC Form 740 filing requirement was eliminated, we did retain the existing requirement to retain records related to the importation of RF devices. Accordingly, the Commission’s actions in the *First Report and Order* did not create any new recordkeeping or reporting requirements.

IV. IMPLEMENTATION DATE

The rules in the *First Report and Order* became effective November 2, 2017.

V. INTERNET LINKS

A copy of the *First Report and Order* is available at:

https://apps.fcc.gov/edocs_public/attachmatch/FCC-17-93A1.pdf

A copy of the Federal Register Summary of the *First Report and Order* is available at:

<https://www.gpo.gov/fdsys/pkg/FR-2017-11-02/pdf/2017-23217.pdf>