Act No. 4088, of July 31, 2020

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Note: This text does not replace the one published in the Electronic Service Bulletin on 7/31/2020.

THE SUPERINTENDENT OF GRANTING AND RESOURCES FOR THE PROVISION OF THE NATIONAL TELECOMMUNICATIONS AGENCY, in the use of the powers conferred on him by article 156, Item VI of Anatel's Internal Regulations, established by Resolution No. 612, of April 29, 2013; by article 22, paragraph 2 of the Regulation on Conformity Assessment and Approval of Telecommunications Products, established by Resolution No. 715, of October 23, 2019, and

WHEREAS, the Operational Procedures provide for the conduct of the conformity assessment process, addressing, among others, the performance of the agents in the process, and the procedures related to each conformity assessment model, as well as rules, conditions, procedural requirements to be followed in the conformity assessment process, observing the general rules established in the Conformity Assessment and Approval of Telecommunications Products Regulations;

CONSIDERING that approved products must contain the identification of the approval, as provided for in article 63 of the Regulation on Conformity Assessment and Approval of Telecommunications Products; and

CONSIDERING what is contained in the records of Case No. 53500.055416/2019-17.

RESOLVES :

Art. 1 To approve, in the form of the annex to this Act, the Operational Procedure for Marking the Identification of Anatel Homologation in Telecommunications Products.

Sole Paragraph. The provisions of Act No. 2221, of April 20, 2020, may be used for a period of 180 (one hundred and eighty) days from the publication of this act.

~~Article 2 The obligations established in item 5.2.1 of this Procedure shall become mandatory after three hundred and sixty-five (365) days from the publication of this Act.~~

Article 2 The obligations established in item 5.2.1 of this Procedure shall become mandatory after seven hundred and thirty (730) days from the publication of this Act. (Text given by Act No. 5701, of July 29, 2021)

Art. 3 Repeal article 3 and item 5.2.1 of Act No. 2221/2020.

Article 4 Repeal Act No. 2221/2020 after the deadline established in the sole paragraph of Article 1.

Art. 5 This Act enters into force on the date of its publication in Anatel's Electronic Service Bulletin.

LUIZA MARIA THOMAZONI LOYOLA GIACOMIN

Superintendent of Granting and Provision Resources, Substitute

ANNEX TO ACT NO. 4088, OF JULY 31, 2020

OPERATIONAL PROCEDURE FOR MARKING THE IDENTIFICATION OF ANATEL APPROVAL IN TELECOMMUNICATIONS PRODUCTS

1. OBJECTIVE

1.1. This Procedure establishes the guidelines for marking the identification of Anatel approval in telecommunications products.

2. FIELD OF APPLICATION

2.1. This procedure applies to the Designated Certification Body and the Applicant for approval in the exercise of their functions as agents of the conformity assessment process for telecommunications products.

3. REFERENCE DOCUMENT

3.1. Regulation for Conformity Assessment and Approval of Telecommunications Products, approved by Resolution No. 715, of October 23, 2019.

4. DEFINITIONS

4.1. For the purposes of this Procedure, the definitions of the Regulation on Conformity Assessment and Approval of Telecommunications Products, the other Operational Procedures and the following are considered:

4.2. Approval code: is the composition of 12 (twelve) digits that identifies each approved product, presented in the format "HHHHH-AA-FFFFF", where:

I - "HHHHH" identifies the approval of the product by means of a sequential numbering with 5 characters;

II - "AA" identifies the year in which the homologation code was generated, making use of 2 numerical characters; and

III - "FFFFF" identifies the manufacturer of the product using 5 characters.

4.3. Anatel Logo: is the logo (symbol) that characterizes the National Telecommunications Agency accompanied by the name "ANATEL".

4.4. Anatel Signature: is the expression "National Telecommunications Agency".

4.5. Anatel Seal: is the set formed by the Anatel Logo and the numerical code of homologation, accompanied or not by the Anatel Signature.

4.6. Security Seal: approval identification model for specific products defined by the Agency, which has a production control and tracking system, and enables protection against counterfeiting, diversion, smuggling, undue alterations or duplications of the Anatel Seal from the monitoring of the production chain. The system allows access to product information, ensuring that the end consumer is sure of its authenticity.

5. IDENTIFICATION OF THE APPROVAL

5.1. The approved product must be marked with the identification of Anatel approval.

5.2. The identification on the product must be provided prior to use or its availability on the market.

5.2.1. In the case of imported telecommunications products, the identification of the approval must be carried out before the product enters the country, except in the following cases:

I - Unfinished products subject to approval whose importation is carried out by the Applicant for completion of the product in national territory;

II - Products that require the affixing of identification by means of the Security Seal; and

III - Products for the importer's own use.

IV - Products intended for medical applications, subject to approval by Anatel, and covered by the legislation of ANVISA (National Health Surveillance Agency). (Included by Act No. 5701, of July 29, 2021)

5.3. The responsibility for product identification is:

I - the national manufacturer of the telecommunications product, regardless of the location of the product's manufacturing units;

II - the legal representative of the manufacturer in the case of an imported product; and

III - of the user, in the case of a product imported directly for his own use, or used for the purpose of providing telecommunications services, or in the case of handicraft products without commercial purposes.

5.4. The information contained in the approval identification must be legible and indelible, that is, it must last for the entire useful life of the product and, once affixed, must not detach during its handling under normal conditions of use.

5.4.1. The applicant for approval for his own use must affix the identification of the approval on the body of the product, from the printing of the Anatel brand displayed on one of the models exemplified in Figures 3 and 4, with the corresponding approval number contained in the certificate.

5.5. The identification of Anatel approval on the product must be practiced using at least one of the following formats:

I - Anatel Seal, according to the criteria described in item 8 of this Procedure;

II - expression "ANATEL" followed by the approval code ("ANATEL HHHHH-AA-FFFFF" or "ANATEL: HHHHH-AA-FFFFF");

III - electronic identification (*e-label*), according to the criteria described in item 6 of this Procedure; or

IV - QR *Code*, according to the criteria described in item 7 of this procedure.

5.5.1. The obligation to affix the approval identification on products that demonstrably do not have sufficient space, and that do not display identification marks of international certifying bodies, or on products that offer technical difficulties to implement the identification, is dispensable.

I - Under the conditions described in the caput, the identification of the approval must be affixed to the manual intended for the user and, optionally, to the product packaging.

5.6. Except in cases where the product uses *e-label* identification, the approval identification must:

I - be present in a non-removable part of the product; and

II - be present in a place of the product whose access does not depend on the use of tools.

5.7. For products approved in the form of a set (*kit*), each equipment that makes up the *kit* and that is subject to approval must receive the Anatel approval identification marking, according to the conditions provided for in item 5.5.

5.8. For products imported in bulk and not individually packaged, the use of a temporary adhesive identification is allowed, in the product's transport packaging or in the protective packaging, according to the formats described in item 5.5.

5.8.1. Any physical and temporary identification must be marked to withstand transport and handling, under normal conditions.

5.8.2. For the subsequent commercialization of these products in the national market, the definitive individual marking formats are applicable, as established in this Procedure.

6. ELECTRONIC IDENTIFICATION OF TYPE-APPROVAL (*e-label*)

6.1. The electronic identification of the approval applies to devices with an integrated electronic screen or to devices that operate in conjunction with equipment that has an integrated electronic screen.

6.2. The electronic identification of the approval must be presented in accordance with the criteria described below.

6.3. Access to Anatel's electronic identification must consider that:

I - the product must allow access to electronic identification without the need for specific codes, passwords or permissions;

II - the product must allow access to electronic identification without the need for *plug-ins or* special and supplementary accessories; and

III - the electronic identification must be easily accessible to the user and, preferably, accessible in up to three steps from the main or initial menu of the product.

6.3.1. Instructions for accessing electronic identification must be available in the user manual or in the quick guide pamphlet. The Applicant may, alternatively, make available on the product packaging or on its *website* the instructions for accessing the electronic identification.

6.4. The electronic identification must be displayed in a direct, clear and legible manner, without the need for any type of additional intervention for its reading, comprehension or understanding.

6.5. Regarding the integrity of the electronic identification of Anatel homologation, it is mandatory that:

I - the electronic identification, as well as the applications and *scripts* necessary for its visualization, are implemented at the factory and are electronically inviolable; and

II - the electronic identification remains recorded in the product's memory even when the operating system is restored to the original factory standards.

6.6. When the electronic identification of the approval is applicable to products intended for end users and consumers of telecommunications services, it is also necessary to identify the product packaging, according to one of the formats provided for in item 5.5, except for the cases described in this Procedure.

7. IDENTIFICATION BY *QR CODE*

7.1. The consultation of the *product's QR Code* must show, at least, the following information:

I - approval code;

II - name of the model and trade name (if any) of the approved product;

III - lot number;

IV **-** serial number;

V **-** software version, when applicable;

VI **–** identification and address of the manufacturing unit; and

VII **–** identification and address of the supplier.

7.2. The consultation of the product's *QR Code* must be accessible through any device with such capacity, without the need for proprietary software for its reading.

7.3. When the identification by *QR Code* of the approval is used, it is also necessary to identify the product packaging, according to one of the formats provided for in item 5.5, except for the cases described in this Procedure.

8. INSTRUCTIONS FOR BUILDING THE ANATEL SEAL ON THE PRODUCT

8.1. The rules for the engraving, making or layout of Anatel's identification must strictly comply with the following proportions, and the use of one of the models presented below is allowed, according to the provision that best suits the size and format of the approved product.

8.1.1. The minimum size of the Anatel Seal will depend on the legibility and understanding of the information contained therein.

8.1.1.1. The height of 4 mm for the Logo and 1 mm for the height of the Signature are the minimum estimated parameters, provided that the performance of the printing processes to be used and the materials where the signatures will be engraved allow it.

8.1.2. The minimum limit recommended for the surroundings of the Subscription is equal to half the height (x) of Anatel's sphere.

8.1.2.1. The word "ANATEL" used in the layout of the identification of products must preserve the minimum limits of surroundings established in the table below. Whenever possible, aerations greater than the minimum limits should be used.

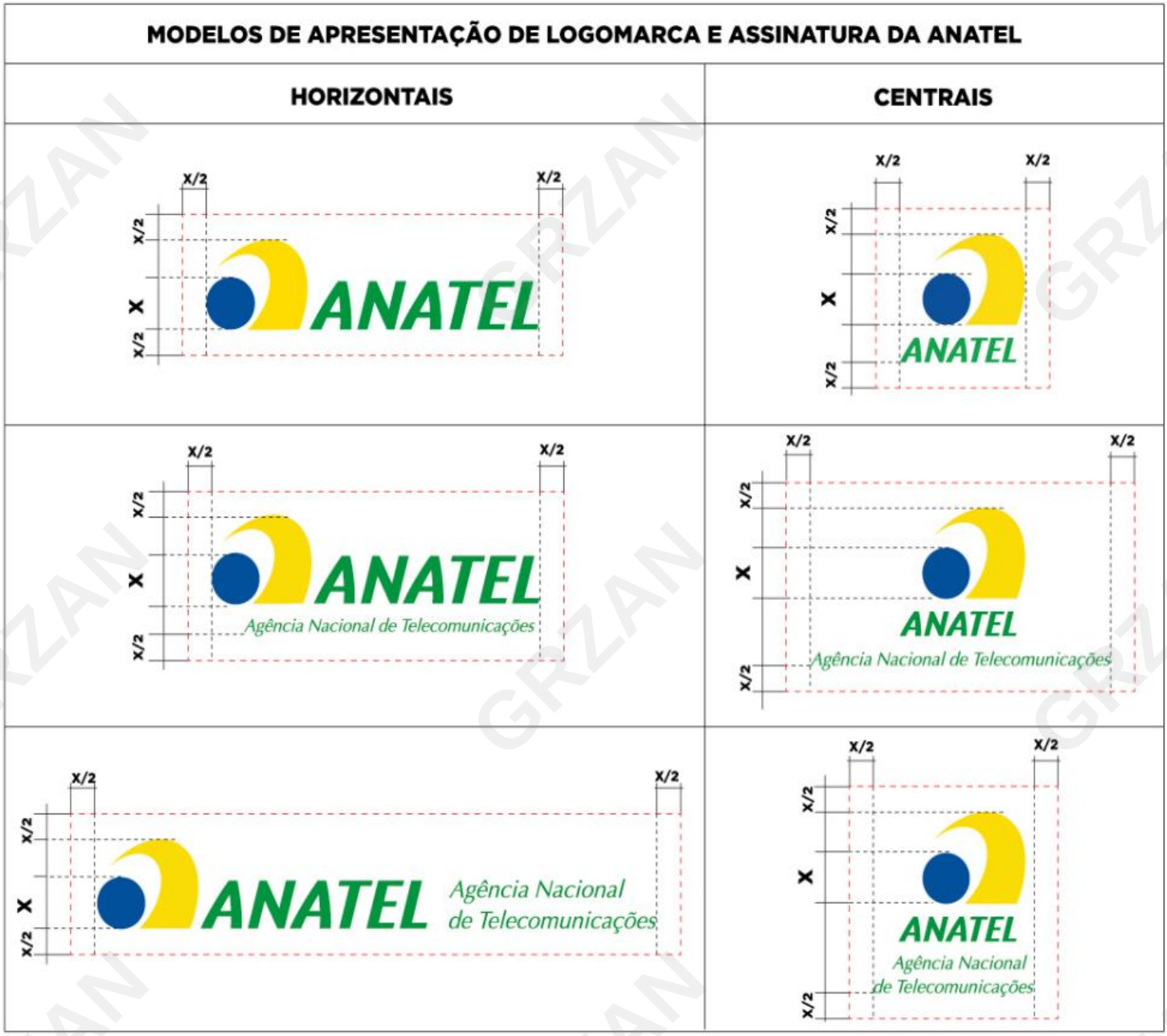


Figure 1. ANATEL logo and signature presentation templates

8.1.3. In the use of the Anatel Subscription, one of the following combinatorial possibilities with different funds must be adopted:



Figure 2. Models for the use of ANATEL's logo and signature

	Polychromy (CMYK)	RGB
Anatel Yellow	0C - 10M - 100Y - 0K	255R - 220G - 0B #FFDC00
Anatel Blue	100C - 70M - 0Y - 0K	0R - 70G - 158B #004F9E
Green Anatel	100C - 0M - 100Y - 0K	0R - 149G - 64B #009540

Table 1. Color palette

8.1.4. The Anatel Seal should preferably be used according to the models presented in the following figures:



Figure 3. Examples of Anatel Seal models



Figure 4. Examples of monochromatic Anatel Seal models

8.1.5. Other background/figure relationships not presented in the demonstration table may be used as long as the contrast is maintained that allows a good reading of the figure.

8.1.5.1. The legibility of the Anatel Signature must always be observed, which must always be in the same color as the word "ANATEL".

8.1.6. The use of the color pattern in the construction of the logo and signatures is optional. Both the logo and the word Anatel and the signature can be presented in a monochromatic way.

8.2. The materials and processes used in the construction and marking of the identification of the approval of the products must ensure the maintenance of the conditions described in this Procedure.

8.2.1. The use of materials that are not consistent with the means of professional identification, whether by engraving or affixing, such as bond paper, common adhesive tapes, among others, is not allowed.

8.2.1.1. The condition described in the caput is not compulsory for the identification of a telecommunications product approved in the form of a Declaration of Conformity for personal use, provided that the form of identification promoted by the Applicant does not detach from the product during its handling under normal conditions of use.

9. FINAL PROVISIONS

9.1. Product not subject to approval that includes an approved 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".

9.2. Implantable or sterile medical equipment is exempt from the identification of Anatel approval on the product, using one of the formats provided for in item 5.5, when physical identification is practiced in the manual, or in the quick guide, or on the product packaging.

9.3. The criteria for the identification of Anatel approval by Security Seal in telecommunications products are described in specific regulations.

9.4. In the event of cancellation or suspension of the homologation, the Applicant undertakes to cease the use of the Anatel brand immediately after the publication of the cancellation or suspension acts, as well as the commercialization of the product and any and all advertising linked to it.

9.5. The right to use the identification of the approval must be carried out in accordance with the provisions of the Operational Procedure that Establishes the Means of Exercising Rights and Fulfilling Obligations by the Agents of the Conformity Assessment Process.

9.6. Products originally approved until the entry into force of Resolution No. 715/2019 may, optionally, use the old format of the approval code, as well as may regularly sell the remaining units in commerce and those distributed by the Approval Applicant, with the approval code in the old format, without the need to remark the products.

9.7. Cases omitted in this Procedure will be resolved administratively by Anatel's competent Management.