

**Government of India**  
**Department of Telecommunications**  
**Telecommunication Engineering Centre**  
**Gate No.5, Khurshid Lal Bhawan, Janpath, New Delhi – 110001**

**No. 4-19/2023-CA/TEC**

**Dated: 10.10.2023**

**Subject: Procedure/Guidelines for Suspension or Withdrawal and Appeal handling of Designated Domestic Conformity Assessment Bodies and Certification Bodies**

Reference is invited to the CAB/CB Designation Scheme revised by TEC in March, 2023 and issued as below;

- *Scheme for Designating Domestic Conformity Assessment Bodies and Certification Bodies for Conformity Assessment and Certification of Telecommunication Equipment. (ISSUE 3: No. TEC 04019:2023)*

The Clause No. 16 & 17 of aforesaid revised CAB/CB Designation Scheme pertains to “Suspension or Withdrawal of Designation” and “Appeals” respectively, states that:

**(a) SUSPENSION OR WITHDRAWAL OF DESIGNATION**

16.1 DA shall suspend or withdraw the designation of a CAB/CB if,

- (a) Its accreditation is withdrawn.
- (b) It is found that the CAB/CB is not complying with the stipulated criteria or requirements.
- (c) It is guilty of any offence involving fraud or dishonesty.
- (d) DA concludes that there is a just cause for withdrawing the designation.

16.2 A CAB/CB whose designation, and recognition in case of MRA, has been suspended or withdrawn shall be removed from the list of designated CABs/CBs, in case it fails to take corrective measures.

16.3 DA shall keep the designation of a Designated CAB/CB under suspension, until the completion of formal review process.

16.4 Detailed Procedure in this regard shall be issued separately by DA.

**(b) APPEALS**

17.1 TEC is open to receive appeal from the CABs/CBs against its adverse decisions. The decisions against which appeals are entertained relate to denial of designation, reduction of scope of designation or suspension/withdrawal of CAB/CB designation.

17.2 Appointment of Appellate Authority & detailed Procedure in this regard shall be notified separately by DA.

Accordingly, in view of revised TEC CAB/CB Designation scheme, the guidelines/procedure for dealing with suspension or withdrawal and Appeal handling of designated Domestic Conformity Assessment Bodies (CABs) and Certification Bodies (CBs) designated for conformity assessment and certification of telecommunication equipment's against TEC's technical Standards /Specifications and/or Technical Regulations has been prepared as under: -

**(A) Suspension of CAB/CB Designation**

1. CAB/CB Designation would be liable to be suspended as and when non-compliance to fulfilment of the designation criteria and/or violation of terms and conditions of TEC CAB/CB designation scheme are observed or reported. The causes which may lead to suspension of CAB/CB designation are as below:
  - i) Accreditation body suspends accreditation as per ISO/IEC 17025/ISO 17065 during its validity period.
  - ii) It is found that the CAB/CB is not complying with the stipulated criteria or requirements.
  - iii) It is guilty of any offence involving fraud or dishonesty.
  - iv) Breakdown of CAB/CB testing system as observed during Assessments or otherwise.
  - v) Cases of Non intimation of significant changes in lab management may also be considered.
  - vi) Lack of cooperation to TEC in conduct of Assessments or in resolving various other related issues.
  - vii) Prima-facie evidence suggests that the test results reported by the CAB/CB are not genuine/valid and/or the CAB/CB does not carry out the test(s) properly as per the requirement of relevant Standards/Specifications.

- viii) Failure to take corrective actions on reported issues during assessments/audits within stipulated time frame.
- ix) Shifting of laboratory premises.
- x) Repeated occurrence of similar NCs/ issues.
- xi) Occurrence of any natural calamity that affects the operations of the CAB/CB.
- xii) CAB/CB continues testing and issuing of test reports for Standards/Specifications which are beyond its scope of designation, without seeking formal inclusion of the Standards/Specifications in their scope of designation.
- xiii) Impartiality of laboratory is found to be compromised.
- xiv) DA concludes that there is a just cause for suspension of designation.
- xv) **The CAB/CB itself requests for suspension due to operational reasons.**

## **2. Procedure for Suspension of Designation**

The process for suspension of CAB/CB designation will be initiated by issuing a Show Cause notice to CAB/CB mentioning about the non-compliance (s) to fulfilment of the designation criteria and/or violation of terms and conditions of TEC CAB/CB designation scheme observed or reported. The CAB/CB shall submit its reply to Show-cause notice with requisite supporting documents, within the specified period in Show-Cause notice. If no reply is received within 14 days or within the time period as specified in Show-Cause notice or if, the reply submitted by CAB/CB is found unsatisfactory/unacceptable to TEC, the CAB/CB designation of the laboratory shall be put under suspension.

## **3. Maximum period of suspension**

The period of Suspension shall not exceed **three months**. It may be extended beyond three months in special case with valid reason(s) by TEC, but shall not exceed **six months**. The designation of the laboratory shall be withdrawn after this period.

## **4. Revocation of suspension**

When necessary, corrective actions are confirmed by the CAB/CB, TEC may consider revocation of suspension based on satisfactory assessment including on-site verification, if required.

## 5. Partial Suspension of CAB/CB Designation-

5.1 CAB/CB designation of lab may be suspended partially for a Standard/a group of Standard/Specifications due to any of the following reasons:

- i) Inability of laboratory to demonstrate capability of testing against a Standard/Specification or a group of Standards/Specifications.
- ii) Failure to take corrective actions on issues reported during Assessment/audit within stipulated time frame.
- iii) Repeated occurrence of similar issues against a Standard/Specification or a group of Standards/Specifications.
- iv) Accreditation body suspends accreditation as per ISO/IEC 17025/ISO 17065 for the particular Standard(s)/Specification(s).

## 5.2 Maximum Period of Partial Suspension

The period of partial suspension shall not exceed **three months**. It may be extended beyond three months in special case with valid reason(s) by TEC and shall not exceed **six months**. The Standard(s)/Specification(s) for which the designation of the laboratory has been suspended partially will be processed for deletion from the scope of the laboratory after this period.

## 5.3 Revocation of Partial Suspension

When necessary, corrective actions are confirmed by the CAB/CB, TEC may consider for revocation of partial suspension based on satisfactory assessment including on-site verification, if necessary.

## 6.0. During the Period of Suspension

6.1 Whenever a CAB/CB designated by TEC is suspended, the CAB/CB: -

- i. shall not accept any product for testing under MTCTE during period of suspension.
- ii. shall inform TEC the details of the products pending with it at the time of suspension.
- iii. In case of products already received by the CAB/CB and testing not started, those shall be diverted to some other CAB/CB or returned to the Customer.

- iv. In case of product(s) has/have been partially tested, CAB/CB shall issue the partial test report(s) for the tests already conducted, and divert the product(s) for the remaining tests to some other CAB/CB.
- v. In case testing has been completed, the test reports shall be released.

In all the above cases, the designated CAB/CB must seek prior permission from TEC for the action to be taken.

- 6.2 A CAB/CB whose designation has been suspended shall be removed from the list of designated CABs/CBs, during this period of suspension, the Conformity Assessment Body (CAB)/Certification Body (CB) cannot use TEC logo or claim CAB designation.
- 6.3 Suspended CAB/CB designation shall not be renewed during the suspension period. However, the process of renewal may be initiated during the period of Suspension.

#### **B. Withdrawal of CAB/CB Designation**

1. The CAB/CB designation of the laboratory may be withdrawn any time during the designation period by TEC for any of the following reasons:
  - i) If the CAB/CB surrenders designation.
  - ii) If the CAB/CB accreditation is withdrawn by the Accreditation body.
  - iii) If the CAB/CB does not maintain adequate secrecy pertaining to the products(s) under test and test results.
  - iv) If the CAB/CB acts/works directly or indirectly against the interest of TEC in any form or in any manner;
  - v) If it is found that the CAB/CB is not complying with the stipulated criteria or requirements
  - vi) If the CAB/CB is found indulging in unethical practices.
  - vii) Impartiality of laboratory is found to be compromised.
  - viii) If the CAB/CB after the imposition of suspension does not take corrective actions within the stipulated period or the corrective actions taken are found not satisfactory.
  - ix) If the partial suspension/suspension continues beyond the permissible period for reasons for which the CAB/CB is responsible.

- x) DA concludes that there is a just cause for withdrawal of the designation.
- xi) **The CAB/CB itself requests for withdrawal of designation.**

## **2 Procedure for Withdrawal of Designation**

The process for withdrawal of CAB/CB designation will be initiated by issuing a Show Cause notice for withdrawal of CAB/CB designation with provision of personal hearing to explain as to why such proposed action may not be taken against the CAB/CB. The CAB/CB shall submit its reply to Show-cause notice with requisite supporting documents, within the specified period in Show-Cause notice. If no reply is received within 14 days or within the time period as specified in Show-Cause notice or if, the reply submitted by CAB/CB is found unsatisfactory/unacceptable to TEC or if the plea(s) extended at the time of personal hearing are not satisfactory/acceptable to TEC, the CAB designation of the laboratory shall be withdrawn.

- 3** A CAB whose designation has been withdrawn shall be removed from the list of designated CABs/CBs.

## **C. Provision for Appeal**

- 1** The CAB/CB not satisfied with the decision of TEC regarding non acceptance of their application for designation, refusal to grant/renew designation, Suspension/Withdrawal of their designation or any other action that impedes the process of attainment of designation, may file appeal within 30 days from the date of issue of such decision(s) of TEC.

## **2 Appeals Handling Process:**

- (i) Appeal shall be made to Appeals Officer, TEC in writing, within 30 days from the date of decision taken by TEC.
- (ii) Initially the appeals shall be examined by Appeal Officer for its validity and if prima-facie these appear to be valid and having some substance, they will be taken up for further actions or otherwise the appellant will be informed appropriately. Appeals Officer shall acknowledge the receipt of appeals.
- (iii) Admitted appeals shall be placed before the designated Appeals Committee. Designated appeal committee may consist of at least three members.
- (iv) While nominating members for the Committee, Appropriate Authority shall ensure that the nominated members are not directly involved in the decision-making process for the appellant.

- (v) Designated Appeals Committee is responsible for considering the appeal. An opportunity will be given to the appellant to present the appeal in person(s) during the process of hearing of appeal. The appellant may depute his /her representative for hearing; however, the deputed representative(s) should be from its staff only. The dealing officer may provide technical inputs, if so desired by the committee but shall not be involved in the decision making of the Appeals Committee.
- (vi) After examination of the appeal, the committee may seek clarifications and information from all appropriate sources. If considered necessary, the Committee shall ask TEC to depute its staff or expert to investigate the matter.
- (vii) Where available assessment report/data is not sufficient to take a decision, the Appeals Committee may recommend an onsite verification, which shall be organized by the concerned Officer/Appeals team. It shall be ensured that the same assessors/team who had assessed/visit the CAB in the earlier assessment or any person who was involved in the adverse decision or appeal committee member shall not be a part of the assessment/visit team.
- (viii) Based on the data gathered through any of the above stated means, the Appeals Committee shall make the final decision within a reasonable time and the Appellant shall be informed accordingly by Appeal Officer. Appeal Officer shall also inform the dealing officer of that particular case regarding the outcome of appeal.
- (ix) At any time during the review, the appellant may withdraw the appeal in writing. However, if for any reason, an appeal is withdrawn, a future appeal on the same grounds shall not be considered.
- (x) The Appeal Officer shall maintain record pertaining to all appeals including important details like date of receipt, name and address of the Appellant, details of appeal, outcome and final disposal. No further appeal in this regard will be considered.
- (xi) The designated Appeals Officer shall be notified on TEC website ([www.tec.gov.in](http://www.tec.gov.in)).

**This issues with the approval of Advisor & Head, TEC, New Delhi.**

(Sanjay Bhardwaj)  
AD (CA), TEC