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Subject: - MAIT Response on TRAI Consultation Paper on EoDB in Telecom and Broadcasting Sector

Respected Sir,

Greetings from **MAIT**, the apex association for ICT in India!

<u>Introduction</u>

Ensuring ease of doing business is one of the key initiatives our government has embarked upon and is pursuing aggressively. EoDB is directly linked to brining efficiencies, predictability, building competitiveness, ensuring speed of approvals and innovation. A business environment which is built on ensuring EoDB if implemented will result in GDP growth, more jobs, investments and transforming economy.

Keeping the above in view, the policies should be carved out. The approval process should not be seen in isolation. Instead, this should be viewed from the perspective of larger benefit it will acrrue to the economy.

While numerous compliance obligations have been removed and few introduced one thing which has not changed is the unpredictability of timelines. There is no certainty attached as to when an application will be approved.

<u>There is an urgent need for prescribing a predictable and definitive time frame for approvals / clearances like BIS, WPC etc</u>

The delay in grant of timely approvals has become a critical issue impacting the ease of doing business. The current process of obtaining prior approval has proved to be extensively time consuming. There have been continued inordinate delays in obtaining approvals. This delay is a barrier in efficiently operating the business and creating uncertainty. The existing process to be made more transparent and responsive from timelines perspective.

There is an urgent need to reform the timelines for a stable and predictable policy compliance environment. There is no prescribed timelines and the approvals which were earlier granted in a week now take more than a month. There is a need to define specific timelines in the approval process. Delay in grant of approvals severely impact ability of companies to roll out products in a timely manner. The delay impedes the ability to operate in the market efficiently.

Q2. Whether the present system of licenses/permissions/registrations mentioned in para no. 3.81 or any other permissions granted by DoT requires improvement in any respect from the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of:

   1. **Simple, online and well-defined processes**

2. **Simple application format with a need to review of archaic fields, information, and online submission of documents if any**
3. **Precise and well-documented timelines along with the possibility of deemed approval**
4. **Well-defined and time bound query system in place**
5. **Seamless integration and approvals across various ministries/ departments with the end-to-end online system**
6. **Procedure, timelines and online system of notice/appeal for rejection/cancellation of license/permission/registration**

Give your suggestions with justification for each license/permission/ registration separately with detailed reasons along with examples of best practices if any.

MAIT Response

The current timeline provided granting a UL/UL(VNO) license is upto 120 days. We request the following:

1. The DOT has a dedicated portal for submitting applications. Currently, there are only three stages that are visible for an applicant
   a. Submitted
   b. Under Process
   c. Completed
2. It is recommended that the stagewise approvals/comments are recorded on the site it will be more transparent and easier to monitor
3. It would also be beneficial if the inter-departmental movement of the request can be traced
4. The entire process should have a guaranteed turnaround time (TAT), including stagewise TAT

In addition to the above, there is lack of clarity on adoption of UL license of a Virtual Network Operator (VNO) license. The National Digital Communications Policy 2018 under the National Broadband mission has listed convergence in areas such as IP-PSTN switching as one of the strategies. The convergence is much needed to realize the full potential of the VNO license.

Virtual Network Operator (VNO) license is a service license meant for those service providers who do not wish to deploy their own network and rely on Network Service Operator (NSO) for telecom resources. The compliance burden and financial conditions associated with telecom networks is relaxed under the VNO license, hence it is most suitable for cloud based communication service providers aiming to deliver Digital services to the populace. The large section of the society can access these Digital services through data connectivity which were hitherto not available to them.

The recent pandemic has accelerated the Digital Transformation journey of consumers and businesses big and small alike. This has encouraged innovative solutions in the areas of workflow management, collaboration tools and unified communication. The application of these solutions and tools are across the board in all sectors, it is more visible in the services sector, e-commerce, e-education, e-healthcare etc.

Communication Service Providers (CSP) have developed or repurposed their existing products to leap-frog this Digital connect opportunity through faster deployment of data centers and software solutions. Few examples of these solutions are :-

a) **Web based Conferencing**
   This is a web-based solution for exchange of information and views with a group of participants. The work from home/ anywhere environment has brought the utility of this solution to the forefront in many areas including office work and education. Webinars are generally used for information dissemination to a large group of participants. The rapid adoption of this solution has pushed the CSPs to add new features viz. instant messaging, sharing of documents, recording of events, whiteboard for collaboration. Some of the participants may be located in poor internet zone or using mobile hotspots. In such cases there is a need to connect to the meeting/ webinar using a PSTN dial-in number for audio connectivity. The regulations are unclear on converging IP and PSTN traffic for such solutions.

b) **Contact Centre Solution**
   The domestic and global contact centers (GCC) have emerged as a major employment source. Post the liberalization of the OSP guidelines these contact centers are expanding to Tier-2 and Tier-3 cities thereby generating employment in hitherto un-covered areas. Most of the agents are working from home (WFH) from far flung areas. This contact center solution has dependence on PSTN connectivity and under the present VNO license this connectivity is permitted from only one NSO provider which impacts reliability of the solution that can be achieved through a redundant architecture.

c) **Collaboration Tools**
   Customer engagement is the mantra for success in modern business environment. The organization should have a 360 deg view of the customer interaction, with integration of customer resource planning (CRM) tools, sales monitoring tools, enterprise resources management (ERP) systems and the communication system. The client service executive has to have all the information on a single screen as well as ability to call any landline / mobile held by the customer from the agents' computer. This is possible by taking full advantage of the convergence of IP and PSTN.

Issues in the VNO license

	Current position	Why is change required	Impact of reform on India as a country
IP-PSTN mixing	Permitted only in NSO network	• NDCP 2018 envisages convergence of IT and Telecom through IP-PSTN switching. • Most countries permit convergence	• Enhances digital services viz. hybrid work, WFH, Web 3.0 services, financial services to small businesses
Multiple PSTN connectivity	Not clearly permitted under VNO	• Build redundancy in network • Permitted for other services (internet, NLD, ILD)	• Enhanced Quality of Experience (QoE) for consumer

Lawful intercept and monitoring (LIM)	System specifications for lawful intercept under VNO license not provided	• PSTN is already monitored under NSO network & internet is monitored under ISP network • Uncertainty about whether a pure VNO (without any telecom infrastructure) need to deploy any LIM system	• Eliminates duplicity in network • Removes uncertainty for licensee

I. **IP-PSTN mixing**

Communication Service Providers (CSP) may like to acquire a Virtual Network License (VNO) license in order to deploy data center infrastructure in India and offer communication services. However, the present VNO license permits mixing of IP-PSTN in Network Service Operator (NSO) network and not in the VNO network, thereby reducing the flexibility of the VNO licensee. In the event they procure a full fledged UL license, then they will be subject to strict compliance burden which is envisaged for a core network deployment, this is not the case for these application service providers.

These solutions are hosted on the cloud and mixing of IP communication with PSTN connectivity is integral to the network architecture of the CSPs, thus creating a limitation of the existing VNO license. The VNO licensee procures access to landline services (PSTN) from Network Service Operators (NSO), the internet bandwidth is procured from ISPs. All calls to landline/ mobile are routed through the NSO network and all internet traffic from any location in India/ abroad is routed through the ISP network. CSPs use PSTN services as a network resource or raw material and create innovative products and services.

Thus, suitable changes may be incorporated in the VNO license to increase its suitability for cloud based communication service providers.

II. **Multiple PSTN connectivity**

The VNO license permits parenting to only one NSO for access services, no such restriction applies for other services (internet, NLD, ILD). Since the CSP is dependent on PSTN, they need to be connected to more than one NSO for landline services in order to provide redundancy in its network architecture. This specific point may be suitably clarified to build redundancy in the wireline connectivity.

III. **Lawful intercept**

Communication Service Providers (CSPs) may procure any of the two licenses as per their needs and service offerings :-

VNO license – The access license condition mentions that the licensee shall own & install, test and commission all the Applicable systems parented to NSO(s) for providing the Service authorized under this License agreement if required. If equipment capable of monitoring is available with the Licensee otherwise it shall be the responsibility of parent NSO(s). In that case the VNO licensee has to intimate the Licensor prior to commencement of service.

The VNO access licensee does not provide user identifiable numbers and is solely reliant on the NSO for these numbering resources. The PSTN calls get monitored in the NSO network. They intend to provide data services under the VNO Access license, in case of data services the Lawful Intercept and Monitoring is covered under TEC No. GR/IPLC-01/01 JUL 2007. This system is provided by CDOT under the CMS project and applicable to ISP license.

Unified License – The access licensee permits provision of voice, SMS and data services. The system requirement for intercept of Voice call is mentioned in the Access license condition below and the detailed specifications are provided in TEC/GR/SW/LIS-001/04/JUN-17. Such capability needs to be demonstrated to the licensor and approval sought prior to the commencement of service.

Lawful Interception and Monitoring equipment for trouble free operations of <u>monitoring of at least 480 simultaneous calls</u> as per requirement with at least 30 simultaneous calls for each of the designated security/ law enforcement agencies. Each MSC of the Licensee in the service area shall have the capacity for provisioning of <u>at least 3000 numbers for monitoring</u>. Presently there are ten (10) designated security/ law enforcement agencies.

As may be seen from the above, the system requirements are designed for voice calls.

In the absence of clarity on the above issues, some of the CSPs are going ahead and procuring UL license instead of VNO license. Regardless these licensees do not intent to deploy core network and continue to rely on NSOs for numbering resources and PSTN connectivity.

Clarity is needed that is such circumstances, the UL licensee can rely on the lawful interception system of the NSO network, and they do not have to install such systems which are designed for voice calls.

Q9.
Whether the present system of licenses/clearances/certificates mentioned in para no. 3.94 or any other permissions granted by WPC, requires improvement in any respect from the point of view of Ease of Doing Business (EoDB)?

a Simple, online and well-defined processes
b. Simple application format with a need to review of archaic fields, information, and online submission of documents if any
c. Precise and well-documented timelines along with the possibility of deemed approval
d. Well-defined and time bound query system in place
e. Seamless integration and approvals across various ministries/departments with the end-to-end online system
f. Procedure, timelines and online system of notice/appeal for rejection/cancellation of license/clearance/certificate

Give your suggestions with justification for each license/clearance/certificate separately with detailed reasons along with examples of best practices if any.

MAIT Response

<u>WPC ETA approval delays from DoT for BIS CRS products</u>

There are certain products which are exempted from import licensing requirements as per EXIM policy of DGFT AND operate in de-licensed frequency bands such as Bluetooth, Wi-Fi, NFC etc. These require Wireless and Planning Co-ordination Cell (WPC) approval called "ETA (Equipment Type Approval) through self -certification" under a process instituted in 2018. This is for speedy faceless approvals through an online portal which was very efficient. Since February 2020, WPC approval timelines changed from one week to several weeks and no expected Turn Around Time (TAT). This has started impacting the business significantly.

Therefore, this requires the processes to be responsive in order to meet the requirements of companies.

Recommendations:

- The approval / certification process needs to clearly define the timelines for processing of applications including grant of certification.
- The process should introduce a concept of "Deemed Approval" wherein the application will be considered deemed approval and certification granted, if the application is not processed within a clearly defined time frame.
- The competent authority may determine the timelines. However, any delay beyond the stipulated timelines, deemed approval should be granted to the application and BIS number granted / WPC ETA.
- Applications will be filed as per the existing process and requirements including responding to clarifications.

Without these much-needed reforms in the times lines, such approvals will remain a major hindrance for ease of doing business.

Reference for Specific Timelines and Deemed Approval which exists.

Please find attached the TS-iPASS-Rules-Telangana State Industrial project approval and self-certification system (TS-iPass) Rules,2015 – Amendment dated 28-07-2017, wherein the time bound clearances are mandated. If, no clearance is given in the stipulated manner, then it is the case for deemed approval. The relevant para from the TS-iPass rule is given below:

"…...The government may notify the clearances in respect of which the failure of the competent authority to pass final orders on the application within the stipulated time shall result in deemed approval. Certificate so issued to the units shall be binding on all concerned departments."

Conclusion
The above is for reference purposes only to suggest similar certainty needs to be instituted by way of defining specific timelines and deemed approval in the approval / certification process. Processes may differ basis specific requirements, however certainty needs to be instituted from timelines perspective. This will go a long way in supporting ease of doing business by bringing certainty, predictability to the business environment dependent on approvals.

a. Simple, online and well-defined processes

- Processes need to be well defined. Within TEC, the various departments or sections involved and the stages the application is being currently processed need to be made transparent to the applicants.

- The current process of getting stakeholder inputs for the MTCTE scheme and technical inputs for ERs is archaic and currently not fruitful. A formal process of involving stakeholders is required to enable the industry and TEC to understand and contribute together. Views of the industry are important for any scheme to succeed. Any ill thought and untimely certification scheme will cause a severe impact to the industry.

- The entire process application should be online without any requirement of printed hard copies.

- Option of Digital Signatures should be available.

- Any new phase of MTCTE scheme should have minimum 18 months due to various testing involved timeline for implementation after the phase is notified. This will help OEMs to gear up for the certification in multiple areas-arrange the required samples that in many cases need to be imported, do trial testing in the accredited labs to prepare for the requirements, address short comings, seek clarity and give adequate window for supply chain and sales functions.

- Maintaining the confidentiality of a product before it is launched need to be built within the application system. Applicants should be allowed to choose the date of publication of the Certificate after the due process of scrutiny and grant of the application has been completed. This will prevent leakage of product details to the competition before the official launch of the product/model.

- Inclusion of High-volume products in any phase of MTCTE scheme needs to be taken keeping in view the following aspects:
    - Readiness of TEC (manpower, portal, etc.)
    - Readiness of Labs (competence, number of labs having facility to cover full scope of MTCTE ERs)
    - Coverage under any existing certification scheme. Any product that falls in some other scheme needs to be left out.

- Acceptance of International standards and reports-
Acceptance of MRA ILAC reports- The International Telecommunications Union (ITU), the International Accreditation Forum (IAF) and the International Laboratory Accreditation Cooperation (ILAC) have signed a Memorandum of Understanding (MoU). Accreditation bodies independently evaluate the compliance of conformity assessment bodies against recognized international standards, verifying their competence and impartiality. TEC can continue to accept ILAC reports as long as it is meeting the required standards. This will help OEMs to comply with the requirements in a flexible manner leveraging Local labs and international labs as suitable for one requirement.

- Format for any scheme needs to be discussed with wider industry stakeholders, inputs for improvements considered and explained. Many a times, OEMs have to struggle to understand the fields that have been asked for and the information to be provided.

- Adequate file size for test reports and other documents needs to be enabled. File may contain drawings and pictures which require larger file sizes.

c. Precise and well-documented timelines along with the possibility of deemed approval

- Timelines should be published and known to the applicant for each stage of the application with well-marked SLAs and reasonable timelines. On completion of each stage, the actual date of completion should also be highlighted.

- Certificate grant should not exceed 2 weeks, after applying at the portal.

- Timelines may be shown as follows for Scrutiny and Review at each stage and each department if more than one department is involved
  Example –

Department	Expected date	(Actual) Completion date	Remarks
A			
B			

- The timelines should be visible on the portal for an applicant at each stage. This will avoid ambiguous information like Application under process. The applicant needs to be aware which department or section is handling the application or query at each stage. This will enable transparency in the entire process of the grant of certificate.

- If the processing of an application crosses the defined timeline threshold, there need to be a provision of Deemed Approval. This will ensure that the OEM is not penalised for delay at the TEC end.

d. Well-defined and time bound query system in place

- The query resolution details may be made available in the following format at the portal.
  Query raised on----
  Query details …..
  Query response submitted on…

Department	Expected date	(Actual) Completion date	Remarks
A			
B			

- There need to be an adequate space for submitting the response and each stage should be visible online.

- If response to a query is found inadequate, sufficient reason and explanation should be given to enable the respondent to understand and modify the response.

e. Seamless integration and approvals across various ministries/ departments with the end-to-end online system

- If more information is required, adequate reason for query should be clear. If at any stage, if applicant is not satisfied, an escalation matrix should be provided with clear SLA and timelines.

Q12.
What measures should be taken to ensure that there is no duplicity in standards or in testing at BIS, WPC, NCCS, and TEC? Which agency is more appropriate for carrying out various testing approvals? Provide your reply with justification.

MAIT Response

Commonalities in Various regulations in India

	BIS	WPC	MTCTE	ComSec
Concerned Ministry	Bureau of Indian Standards MEITY, Department of Consumer Affairs	Wireless Planning Commission (WPC), Department of Telecommunications	Telecom Engineering Centre (TEC) Department of Telecommunications	National Centre for Communication Security (NCCS) Department of Telecommunications
Application format	CRS BIS Portal	Saral sanchar portal	MTCTE portal	To be announced
Effective Duration	2,3,5 years Depending on fee	No end date	5 years,2 year provisional certificate in case testing facility not available	5 years
Domains	Safety (IS 13252, IEC 60950)	Radio Frequency	Safety (IS 13252, IEC 60950, IEC 62368) EMC/EMI Radio Frequency Telecom	Communication Security
Product categories	Consumer ICT products	Telecom products in the delicensed band	All telecom s/ICT products	All telecom products
Products common in Scope with MTCTE	IPMCE, Servers, Smart Cameras,	Wi-Fi Access Points	IoT Gateway, Wi-Fi Access Points, WLAN Controller Equipment, PTP PMP Wireless Access Equipment, Smart Camera, Router, LAN Switch, Optical Networking (DWDM), IP MCE,	IP Routers, PON Devices, SDH/SONET, DWDM, DXC, Wi-Fi Products, IoT/Cellular Gateway, etc.

		Conferencing Equipment, IP Security Equipment	
Avg lab Test cost for in-country testing in India (INR)	80,000 – 120,000	0 (No in-country testing, submit global TR)	10,00,000 – 40,00,000	10,00,000 – 40,00,000
Avg Certification Cost	100,000	10,000	300,000	300,000

It must be noted that the present consultation does not capture the essentials of the National Security Directive in Telecom (NSDT), which is governed by the National Security Council (NSC). The Directive attributes Trusted Source to the OEM supplying products and 'Trusted Products' which are installed in the Indian public telecom network.

Given the above context, we propose the below:

I. Integration of ETA and MTCTE
1. As is evident in the above table, there is overlap between products, testing parameters between ETA and MTCTE. WPC also requires only global test reports, which is currently valid under the MTCTE regime till June 30,2022. Presently, it is unclear whether global test reports will be acceptable for ETA after June 30, 2022. Further, both respective agencies – WPC and TEC – are under the domain of the DOT. In light of this, we propose the following:
    a. Option 1: Subsume ETA approval for wifi products under MTCTE scheme. Eliminate separate filing entirely for ETA approvals
    b. Option 2: Retain ETA approvals but offer a section within the MTCTE portal to seek ETA approvals. This will eliminate separate filing for ETA approval under the Saral Sanchar portal
    c. In both cases, it is recommended that additional fees for WPC approval is removed

II. Integration of CRO and MTCTE
1. The BIS regulation seeks information pertaining to two key aspects of the products – Safety and the supply chain (location of manufacture). For example, BIS provides factory authorization (location-based approval) and factory registration requires documents such as Business license, ISO. Therefore, the Factory owns the certificate. However, in TEC, Brand is manufacturer.
2. The supply chain parameters for telecom products are also governed by the NSDT regime under NSC
3. There is also an overlap between products that are covered under the present phases of both CRO and MTCTE regulations. In a recent MATCOF by TEC, more consumer products like Servers and ICT equipment are proposed under Phase V, which is expected to be made mandatory by January 2023
4. Therefore, there is a clear overlap in the testing parameters and products between the CRO, NSDT and MTCTE regulations
5. In light of this, we propose the following:
6. Removal of duplicate products from MTCTE scope.

7. Integration of products. Integration can be done in phases:
   a. Phase 1 - Use of Single safety test report across CRO and MTCTE
      i. Since TEC is overarching of BIS, testing for common products for both regulations should be done under MTCTE and safety results to be used for CRO
      ii. Products that are not covered under TEC, separate safety testing to be performed for BIS but Test Reports need to be used in future for TEC (in case these products come under TEC scope)
      iii. Safety Test Reports with 5 years validity (as mentioned in MTCTE procedure) should be acceptable by both depts irrespective of labs (TEC should accept Test Reports from BIS approved labs and vice-versa)
   b. Phase 2 – Integration of complete process:
      i. Common portal for BIS and TEC with various option of roles access – separate users for BIS and TEC; User authorization of the portal should be given to multiple users for the given company
      ii. Portability of test reports and report formats across BIS and TEC
      iii. Optimization of certification fee between 2 agencies with single payment method.
      iv. Single certification to be leveraged for BIS and TEC
      v. Uniform documentation
      vi. Single label
      vii. Single cert repository
      viii. Single renewal timeline & process
      ix. Internal alignment of various dept.

III. Alignment of BIS, ComSec, ECR/EP, etc. Main Tested Model/Hardware Configs with TEC

1. If the worst-case config for each regulation differs, we end importing different set of Hardware of all types of testing. At present TEC worst case Config might not be worst case config for ComSec and so for ECR/EP. For eg., For ECR/EP we need to use the highest power consumed Optics while TEC limit these optics type as per IEEE Standards, so when ECR/EP becomes mandatory in-country testing we might face these issues
2. Main and associated model definition should be uniform for all ComSec, ECR/EP, TEC, etc., it will make sure we get one hardware to test and comply all the Indian Certification

Broadly speaking, Measures to be taken to ensure that there is no duplicity in standards or in testing at BIS, WPC, NCCS and TEC

- Inter-ministerial/departmental dialogue is necessary to ensure that no more than one ministry/department/authority is working on standards or certification on any specific area.

- Even if standards have been framed, before issuing/publishing the standard document to the industry and public, the departments should discuss and finalise which standard is to be issued instead of publishing conflicting standards and thereby increasing the burden on the OEMs.

- One glaring example is the Certification of ICT/IT products like Smart Cameras. MeitY/BIS had included Smart Watch as part the existing CRO process through Gazette Notification No S.O. 2742(E) dated 17th August, 2017. As a result of the notification, Testing and Certification started and many brands and models have been certified successfully. The CRO Scheme is now running for the last four years for Smart Watch and the industry including labs and OEMs are fully aware of the process and the requirements. The end consumer is also now fully aware of the BIS registration number for Smart Watch. Surprisingly and to the dismay of the industry, Smart Watch is being included in the TEC notification for MTCTE Phase-3 dated 22 Sept, 2021. This has created an unprecedented scenario wherein a single product is now going to be tested and certified by two separate government agencies. The TEC notification comes at a time when there are several lacunae in the MTCTE certification process itself- Adequate and competent labs are not available to test all the functionalities asked in the TEC MTCTE ER requirements. As on date, to the best of our knowledge, not a single lab exists which can test all the functionalities under one roof. The end result is that a OEM has to run to multiple labs for carrying the mandatory testing increasing the time, resources and money for testing and submission of application. This brings an undue pressure and complexity on an OEM who has been so far meeting all the required certification needs of the government. The Time to Market, Number of Samples to be arranged, Number of resources to allocated for the project and the uncertainty of meeting the requirements of a new regulator puts an unnecessary and undue pressure on the industry leading to severe EoDB challenges.

- Another pertinent example is the Security testing of mobile devices. BIS LITD-17 has published Mobile security testing requirements while at the same time DoT-NCCS wing has also published another set of documents for the same product. It is a case of the left hand not knowing what the right hand is doing.

- What is required for the authorities is to let existing certification scheme continue for such products which are already under a government scheme. New products and product categories not already undergoing certification within an existing scheme may be put under a new scheme such as the TEC MTCTE scheme. This will avoid EoDB challenges to the industry and help prevent confusion to the end consumer for redressal if required.

Which agency is more appropriate for carrying out various testing approvals-

- In a world of convergence where Telecom , IT and media are merging rapidly, all non core telecom equipment server, Smart watch and Phone should be under the Ministry Electronics/BIS certification scheme . All the core telecom nodes and equipment like the Mobile Switching elements, Gateways, Radio and access products which talk directly to the Core switching nodes like Radio Base Stations etc can be tested and certified by TEC which has got adequate experience and know-how of the intricacies of such telecom and wireless core and radio products and solutions, a knowledge which has been built up over the decades. The expertise and knowledge of a department needs to be factored in while deciding the certification ownership of a Product.
  - Consumer ICT end products- MeitY/BiS
    Telecom Core nodes and equipment- DoT/TEC
- The need is to ensure that
  - Fragmentation
  - Duplicity and
  - Overlap

  is avoided for the certification of a single product to ensure EoDB.

Q15.
Whether the present system of permissions/registrations mentioned in para no. 5.10 or any other permissions granted by MeitY along with BIS, requires improvement in any respect from

MAIT Response

The existing certification process under the Compulsory Registration Scheme (CRS) has been operational since 2013.The certification lead time got reduced to 1 to 5 days which was 4 to 6 weeks till the end of 2019. The remarkable reduction in the certification time was achieved through concerted efforts of BIS over the past several years. However, for last few months there has been a drastic increase in the BIS certification time leading to delays with no clear Turn Around Time (TAT).

When a product under CRS requires certification from BIS, the following steps must be undertaken:

1. Testing of a product in BIS accredited Indian Lab
2. Report submitted to BIS with all documentation
3. BIS reviewer scrutinizes the technical test report
4. BIS reviewer raises query, if any
5. BIS reviewer approves the technical report, if response to the query is accepted
6. BIS reviewer changes status of the application to "Decision awaited from Granting Officer"
7. Granting Officer grants the registration
8. BIS certificate of product is available online for download.

Manufacturers undertake Steps 1 and 2. BIS' have control on steps 3 to 8 of which Steps 3 – 6, as described above, have been working smoothly. However, all applications that move into Step 6 do not seem to go beyond that stage and get the BIS certification.

The above delays have also impacted the certification of products covered under the CRO. BIS approval delays have started impacted the product new launches, business losses. The delays in granting BIS certification is affecting the Indian consumers' access to products and is significantly impacting the businesses of our member companies.

in the time bound clearances are mandated. If, no clearance is given in the stipulated manner, then it is the case for deemed approval. The relevant para from the TS-iPass rule is given below:

"…...The government may notify the clearances in respect of which the failure of the competent authority to pass final orders on the application within the stipulated time shall result in deemed approval. Certificate so issued to the units shall be binding on all concerned departments."

Conclusion
The above is for reference purposes only to suggest similar certainty needs to be instituted by way of defining specific timelines and deemed approval in the approval / certification process. Processes may differ basis specific requirements, however certainty needs to be instituted from timelines perspective. This will go a long way in supporting ease of doing business by bringing certainty, predictability to the business environment dependent on approvals.

a. Simple, online and well-defined processes

- Any change in the online process and tool need to informed well in advance to the stakeholders and applicants.

  Example: LIMS process/ tool was introduced by BIS in August 2021 for labs and OEMs without any prior intimation to the stakeholders and impacted parties. This created issues both to the labs as well as applicant OEMs. Labs were not having experience in using the new tool and unaware of the data to be uploaded in the portal. The result was delay

in generating test requests and uploading the test reports. The overall impact was delay in issuing certificates to applicant OEMs.

- Any maintenance or upgrade in the online portal or existing process should be informed to stakeholders well in advance in the portal.

- New phases are to be announced only after ensuring that lab infrastructure and accreditation is in place. On the day of notification- FAQs and TRF both should be published. Delay in releasing the TRF means that OEMs cannot start the certification/changeover process considering the advancements and to reduce timelines, Digital signature may be accepted as an option in addition to physical signatures. For change in Management information for an applicant, the process needs to incorporate acceptance of soft copies and online payment instead of the current requirement of submitting Demand Drafts.

b. Simple application format with a need to review of archaic fields, information, and online submission of documents if any

- The BIS portal crsbis.in has one login for each factory. In the current manufacturing ecosystem, one factory is producing models for different brands. Within the master login, one more level of login should be made available for each brand. Persons who are working on one brand then cannot access the information pertaining to some other brand preventing league of confidential information.

c. Precise and well-documented timelines along with the possibility of deemed approval

- Currently there is no timeline defined for the scrutiny and approval stages. A well-defined timeline for each stage needs to be made available to the applicant in the portal to show the lifecycle of the application from submission to approval including all intermediate steps.

Department	Expected date	(Actual) Completion date	Remarks
A			
B			

- Certificate grant should not be more than 1 week, after applying at the portal.

- If the processing of an application crosses the defined timeline threshold, there need to be a provision of Deemed Approval. This will ensure that the OEM is not penalised for delay at the MeitY/BIS end.

- Other applications viz. Change of Authorised Indian Representative, Management details need also have well defined timelines. Sometimes it is observed that such changes take 30-45 days. This needs to be reduced to 1 week at the maximum.

d. Well-defined and time bound query system in place

The query system needs to have more clarity and information to the applicant. It is observed that similar queries are asked for different products/ factory when the response had already been submitted and accepted. The queries and responses for a particular product/model/factory needs to be synced.

- The query resolution details may be made available in the following format at the portal.
  Query raised on----, Query details …..
  Query response submitted on…
  Query resolution handled by Department A, Expected date of completion. Y days, Actual completion date-

- There need to be an adequate space for submitting the response and each stage should be visible online.

- If response to a query is found inadequate, sufficient reason and explanation should be given to enable the respondent to understand and modify the response.

e. Seamless integration and approvals across various ministries/ departments with the end-to-end online system

- Status of an application across departments/ministries should be available to the applicant in the portal with well-defined timelines for each stage.

- Surveillance Challenges:
    - Lead-time for sample collection is less
    - Lab competency to test the complex products
    - No predictability of overall process timelines for final completion of MS Order

For Ease of Doing Business, the current process of targeting compliant OEMs with the additional burden of repeat testing which is good as testing the entire product once again needs to be modified. If MeitY grants Compliant companies relaxation in Market Surveillance, it will encourage other OEMs also to come to get added to the List of Compliant Companies.

Broadly speaking, over the last few months, the applicant does not get intimated on the queries being raised. The applicant is required to manually visit the portal every day to check any new queries or the status of the responses provided. It is recommended that if there is any query raised by BIS, the applicant and Manufacturer should both be intimated through E-mail and/or SMS.

Similarly, till the schemes are rationalised, it is recommended that BIS adopts the helpdesk model under TEC where the Applicant and Manufacturer can reach out for any clarification related to product, application or for any query raised by BIS on any applications and obtain a clarification in a time-bound manner.

Q.16 What improvements do you suggest in the various extant audit processes conducted by DoT LSAs? How the process of the Customer Acquisition Form (CAF) audit can be further simplified? Provide your comments with justifications.

MAIT Response

While there are no specific challenges with the procedure of the audit processes, repeat queries tend to delay processes longer than expected. While carrying out audits, it is recommended that LSAs indicate all relevant queries in one go, to minimise the time and effort by applicants. Further, all their observations and any follow up should preferably be restricted in the areas of the initial observations.

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To summarize, all the suggestions, below are the key pointers for your consideration:-

A. **There is an urgent need to create a stable environment of certainty and predictability for BIS and ETA clearances to enable faster roll out of technologically current products in the Indian market.**

B. **Given the low security and radiation threat existing due to the un-licensed band access equipment, the regulatory compliance requirement should be amended from being prescriptive in terms of getting a pre-approval to only informative with audit in case of detection of any discrepancies later.**

C. **If the approval is to be retained, then a clear timeline of processing within 1 week should be prescribed.**

D. **In case the approval TAT exceeds 1 week from the time of application on the portal, a process of 'Deemed Approval' should be introduced.**

E. **A clear TAT of 1-week, as was achieved till 2019, should be mandated for EoBD.**

F. **Delay beyond the 1-week TAT should be treated as 'Deemed Approval'.**

G. **Digitally signed certificates from the accredited labs, directly delivered to WPC, should be accepted in place of scanned copies to obviate any apprehensions of tampering of the test certificates.**

H. **A process for accepting online update about the information regarding change in the company's management information for an applicant should be introduced. The acceptance of these on the portal should have a maximum TAT of 1 week from the date of submission of the information.**

I. **Even the payment process should be made online, instead of the current system of asking for DD's.**

J. **As regards the query pages of the existing BIS portal there is need for (a) providing more clarity in terms of the query itself, (b) avoidance of similar queries when the response has already been submitted and accepted for another product / factory, (c) adequate space needs to be provided for responding to the query, (d) sufficient reason for rejection of the response to the query should be provided.**

K. **There is need to ensure convergence for testing and certifications of 'All-in-One' kind of devices through either single agency-based testing and certifications or through very close coordination amongst the government functions, before issuance of the testing & certification requirements, to obviate the possibility of duplicity of testing and certification requirements.**

L. **Single point of testing and certifications would ensure consolidation of resources and towards this end, Bureau of Indian Standards (BIS) seems the most appropriate agency for doing all kinds of testing and certifications as it has the requisite mandate, resources, experience and skillsets for such tasks.**

M. **BIS should be nominated as a nodal agency for testing and certifications and all ministries / agencies, that develop or formulate their individual processes for testing and certifications for ICT hardware, should be mandated to send their testing and certification documents to BIS only.**

N. **BIS intern can then vet, evaluate and further debate these during their respective LITD meetings and decide on reviewing / modifying the existing standards or generating a new standard.**

O. **Since LITD's have representations from respective industries as well, the process shall be holistically consultative and limit any disagreements for even the implementation timelines.**

P. **A clear TAT of 1-week for providing BIS approvals, as was achieved till 2019, should be mandated for EoBD.**

Q. **BIS approvals' delay beyond the 1-week TAT should be treated as 'Deemed Approval'.**

R. **Digitally signed certificates from the accredited labs, directly delivered to WPC, should be accepted in place of scanned copies of ETA test certificates to obviate any apprehensions of tampering of the test certificates.**

S. **A process for accepting online update about the information regarding change in the company's management information for an applicant should be introduced. The acceptance of these on the portal should have a maximum TAT of 1 week from the date of submission of the information.**

T. **Even the payment process should be made online, instead of the current system of asking for DD's.**

U. **As regards the query pages of the existing BIS portal there is need for (a) providing more clarity in terms of the query itself, (b) avoidance of similar queries when the response has already been submitted and accepted for another product / factory, (c) adequate space needs to be provided for responding to the query, (d) sufficient reason for rejection of the response to the query should be provided.**

V. **Some peculiar use cases that hamper the timely provisioning of IT Hardware in the Indian market and that required due consideration for rationalization are as given below,**

   a. **There are cases where say the batteries with different mAH capacity / adapter with different wattages, but to be used for the same system, are mandated to obtain separate BIS approvals. To reduce the TAT for the approval, both technically and from safety perspective, such cases should require a single BIS approval.**

   b. **Series addition to an existing class of IT Hardware is another classic case of delayed TAT which can be curtailed through shortened approval cycles.**

   c. **Automatic Data Processing Equipment (ADPM) is a vast area and needs to be segregated into separate categories such as server, storage, workstation, meeting room projectors, etc.**

W. **The provisioning of BIS approvals for IT hardware, manufactured overseas, should be based on the criteria of availability of local supply chain eco-system instead of just the Country / geography of Origin.**

Look forward to your favourable consideration of all the points as mentioned above.

With regards,

George Paul
Chief Executive Officer

CC: Shri V Raghunandan, Secretary, Telecom Regulatory Authority of India
CC: Shri Rajiv Sinha, Principal Advisor-NSL, Telecom Regulatory Authority of India
CC: Shri Sumeet Hemrajani, Dy. Advisor-B&CS, Telecom Regulatory Authority of India