



**Federal Communications Commission
Office of Engineering and Technology
Laboratory Division**

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RESPONSIBILITIES OF PARTIES WITH A GRANT OF CERTIFICATION

1. INTRODUCTION

After an applicant has received a grant of certification for an end product, the grantee needs to be aware of responsibilities associated with the grant. The FCC grant means that the product has been tested and certified to demonstrate that it complies with the applicable FCC regulations, and the responsible party (grantee) is required to ensure that it continues to comply. If an agent was used to obtain the necessary certification, the grantee still has specific responsibilities. A list of the responsibilities and actions that a grantee may be required to take is shown in Clause 2. The following paragraphs summarize the relevant concepts of FCC equipment authorizations.

Certification—Certification is the most rigorous approval process for radio frequency (RF) devices that have the greatest potential to cause harmful interference to radio services. Equipment authorization certification grants are issued by an FCC-recognized Telecommunication Certification Body (TCB) based on an evaluation of the supporting documentation and test data submitted to the TCB by the responsible party (*e.g.*, the manufacturer, agent, or importer). Testing shall have been performed by an FCC-recognized accredited testing laboratory. Information including the technical parameters and descriptive information for all certified equipment is posted on an FCC-maintained public database.

Responsible Party—The responsible party warrants that each unit of equipment marketed under its grant of certification and bearing the identification specified in the grant will conform to the unit that was tested to show compliance, and that the data (design and rated operational characteristics) filed with the certification application continues to be representative of the equipment being produced under the grant of certification, within the variation that can be expected due to quantity production and testing on a statistical basis (Section 2.931).

If the equipment is assembled from components including certified modular transmitter(s), then the assembler is responsible for following the installation guidelines provided by the grantee of each modular transmitter, and for obtaining additional approvals necessary for the overall compliance of the final end product; the party who obtained the grant of certification for the modular transmitter(s) remains the responsible party for those transmitters.¹ However, the assembler or integrator may become the new grantee for individual modular transmitters or the assembled product by submitting a certification application (Section 2.1033). The host device may also be subject to Supplier's Declaration of Conformity (SDoC) procedures.²

Retailers, original equipment manufacturers, or assemblers may enter into an agreement with the responsible party to assume the responsibilities to ensure compliance of equipment and become the new responsible party by applying for a grant of certification to request a new FCC Identifier.

¹ See KDB Publication 996369 D03 OEM Manual and D04 Module Integration Guide.

² See KDB Publication 896810 Supplier's Declaration of Conformity.

If the RF equipment is modified by any party not working under the authority of the responsible party, the party performing the modifications if located within the United States, or the importer if the equipment is imported subsequent to the modifications, becomes the new responsible party. The new responsible party must file for a new grant of certification (Section 2.1033).

Agent Responsibilities—When an agent submits an application for certification, they are required to communicate with the manufacturer and ensure that any requests for information as listed in Clause 2 are provided to either the TCB or the FCC. The agent, acting as the responsible party, is required to be able to provide any compliance information, such as test reports and equipment samples, to the FCC or TCB upon request.

2. SUMMARY OF GRANTEE RESPONSIBILITIES FOR CERTIFIED RF DEVICES

The responsible party shown on a grant of certification has a number of responsibilities as summarized in the following list.

- a) **Label**—Ensure that the product is labeled as required and as shown in the application for certification. Equipment covered by certification shall have a label listing the following: (1) FCC Identifier, which shall be of a type size large enough to be legible without the aid of magnification; (2) any other statements or labeling requirements imposed by the rules governing the operation of the specific class of equipment, except that such statement(s) of compliance may appear on a separate label at the option of the applicant/grantee; (3) The information required may be provided electronically pursuant to Section 2.935. For more information on labeling, see KDB Publication 784748 and Section 2.925.
- b) **Instruction manual**—Provide the required FCC regulatory information in the user instructions provided with the product.
- c) **Continuing compliance**—Certification is an equipment authorization approved by the FCC or issued by a TCB that is authorized under the authority of the FCC, based on representations and test data submitted by the applicant. Certification attaches to all units subsequently marketed by the grantee that are identical to the sample tested, except for permissive changes or other variations authorized pursuant to Section 2.1043 (Section 2.907).

The term *identical* means identical within the variation that can be expected to arise as a result of quantity production techniques (Section 2.908).

- d) **Record retention**—Grantees are required to maintain all documentation as part of the responsibility for the retention of records and ensuring that the manufactured products continue to comply (Section 2.938).
- e) **Modifications to approved products**—Changes to the product design may require an additional approval. KDB Publication 178919 gives general guidance when making changes to a previously approved product. See also the permissive change rules in Section 2.1043 for requirements concerning: modifications that may be made to an RF device without filing for a new equipment authorization; different types of permissive changes; and when a permissive change filing is required.

- f) **Repairs and refurbishment**—A party that repairs or refurbishes certified equipment with the permission of the grantee is not required to obtain a new grant of certification if the equipment continues to conform to the specifications of its previously approved grant of certification. Repairs or refurbishment of equipment performed by a party not acting under the permission of the grantee will make the repairing/refurbishing party responsible for the compliance of the equipment and will require the party to obtain a new grant of certification for the equipment. Replacement or installation of parts that are commonly changed by a user, retailer, or refurbisher, such as battery packs, hard drives, memory, or enclosures that do not impact device compliance and are as permitted in Section 2.1043(b)(1), are not be considered modifications to a device.
- g) **Post-market surveillance**—One of the responsibilities of a TCB is to perform appropriate post-market surveillance activities in accordance with ISO/IEC 17065. These activities are based on Section 2.962(g), which requires a TCB to perform post-market surveillance activities based on type testing of products that the TCB has certified.
- 1) A TCB may request samples of equipment that it has certified from the grantee of certification, or request a voucher to obtain a product from the marketplace, for the purpose of performing post-market surveillance as described in Section 2.962.
 - 2) The FCC Laboratory also performs post-market surveillance testing; thus, the FCC may request that the responsible party or any other party marketing equipment subject to certification submit a sample of the equipment or provide a voucher for the equipment to be obtained from the marketplace, to determine the extent to which production of such equipment continues to conform with the data filed by the applicant.
 - 3) The cost of shipping the equipment to the FCC Laboratory and back to the party submitting the equipment shall be borne by the party from which the FCC requested the equipment.
 - 4) Failure of a responsible party or other party marketing equipment to comply with a request from the FCC or a TCB for equipment samples or vouchers within 21 days may be cause for actions such as such as suspending action processing on applications for certification submitted by a grantee, or forfeitures pursuant to Section 1.80. The FCC or the TCB requesting the sample may consider extensions of time upon submission of a showing of good cause (Section 2.945).
- h) **Submission of records**—Upon request by the FCC, each responsible party shall submit copies of the records required by Section 2.938 to FCC. Failure of a responsible party or other party marketing equipment subject FCC rules to comply with a request from the Commission for records within 21 days may be cause for forfeiture, pursuant to Section 1.80. The FCC may consider extensions of time upon submission of a showing of good cause (Section 2.945).
- i) **Inspection by the Commission**—Upon request by the FCC, each responsible party shall make its manufacturing plant and facilities available for inspection (Section 2.945).