

# RCM—implementation of consolidated compliance mark

## Frequently asked questions

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## Introduction

The ACMA's labelling arrangements changed on 1 March 2013. These questions and answers provide guidance on the implementation of the RCM as the only mark to indicate compliance with the applicable ACMA technical standards and associated record-keeping (including testing) arrangements.

The new ACMA labelling arrangements commenced on 1 March 2013 and are being phased in over a three-year transition period.

These questions and answers should be read in conjunction with the information on the ACMA labelling arrangements available on the [ACMA website](#).

These questions and answers apply to use of the RCM under the ACMA regulatory arrangements only. Some answers include a note alerting suppliers to related Electrical Equipment Safety System (EESS) requirements implemented by some state and territory governments. More information on the EESS requirements is available from [www.erac.gov.au](http://www.erac.gov.au) or contact the Electrical Regulatory Authorities Council (ERAC) Secretariat via email at [erac@justice.qld.gov.au](mailto:erac@justice.qld.gov.au).

This document is intended as a guide only and should not be relied on as legal advice or regarded as a substitute for legal advice in individual cases.

## Definitions

### ***First-time supplier***

A supplier who is supplying devices for the first time after 1 March 2013 (and does not have a supplier code number).

### ***Supplier code number***

A supplier code number (SCN) issued to a person in accordance with a labelling notice made by the ACMA under the *Telecommunications Act 1997* or *Radiocommunications Act 1992*, or by Standards Australia in accordance with AS/NZS 4417.1 prior to 1 March 2013.

### ***Device***

Refers to both specified customer equipment and customer cabling under the *Telecommunications Act 1997*, and a device under the *Radiocommunications Act 1992*. A 'device' refers to an actual physical product, rather than a particular line or type of products.

### ***Commencement date***

1 March 2013

### ***Transition period***

1 March 2013 to 29 February 2016

## Consolidated compliance mark

### ***What is the purpose of labelling?***

Labelling is a fundamental element of the ACMA technical regulation regime, indicating compliance with all applicable ACMA technical standards and associated record-keeping (including testing) arrangements. A compliance label provides retailers with an indication that a device is suitable for market placement.

The use of regulatory compliance labels is only one aspect of the broader compliance regime. By imposing requirements at the point of supply, labelling requirements are intended to limit the supply of non-compliant devices to the market.

***What does the RCM indicate?***

The RCM indicates a device's compliance with all applicable ACMA technical standards—that is, for telecommunications, radiocommunications, EMC and EME—and associated record-keeping (including testing) arrangements—and with applicable state and territory electrical equipment safety requirements.

***How are the ACMA requirements for the RCM specified?***

The ACMA's requirements for the RCM are specified in the [labelling notices](#).

***What is happening to the C-Tick and A-Tick?***

The labelling notices have been amended to allow the use of the C-Tick and A-Tick on devices labelled before or during the transition period only. For further details, see the **Transition period** section of this FAQ.

## Commencement of new arrangements

***When did the arrangements start?***

The arrangements commenced on 1 March 2013.

***When does the transition period end?***

The transition period will end three years after the commencement date—that is, 29 February 2016.

## Suppliers

***Who do the new arrangements apply to?***

The new arrangements apply to first-time suppliers (those who have not been issued with a SCN) on 1 March 2013 and to all suppliers from the end of the transition period—29 February 2016.

***What arrangements will apply to suppliers who have a supplier code number?***

Transitional arrangements apply to suppliers who were issued with a SCN prior to 1 March 2013).

## Compliance arrangements

***To what devices does the RCM apply?***

The devices within the scope of the labelling notices have not altered as a result of using the RCM. The use of the RCM has not changed any of the other ACMA regulatory requirements applying to devices.

***Does the use of the RCM change the types of devices required to be labelled?***

No. A device that was required to be labelled under the previous ACMA arrangements still has to be labelled under the current arrangements.

**Note:** The EESS arrangements require that all equipment within the scope of the electrical equipment safety regulations must be labelled with the RCM. More information on the equipment required to be labelled under the EESS arrangements is available on the [ERAC website](#).

***Does use of the RCM change the compliance and labelling arrangements that apply to a variant of a device?***

No. The compliance and labelling arrangements that applied to a variant of a device under the previous arrangements are reflected in the new arrangements.

***Does the use of the RCM involve changes to the compliance arrangements?***

No. The changes will not affect the device compliance requirements of the relevant regulatory arrangements. Testing, record-keeping and evidential requirements (for

example, a declaration of conformity) continue to be set out in the relevant labelling notices.

***Does the compliance label need to identify the supplier of the device?***

No. The requirement for supplier identification has been removed. A supplier is not required to include supplier identification on devices labelled with the RCM.

***Why was the requirement for supplier identification removed?***

- > The ACMA's compliance activities typically focus on the supply chain. The absence of supplier identification is not expected to have a detrimental impact on the ACMA's compliance activities.
- > The requirement for ACMA supplier identification may suggest that the supplier is also responsible for EESS compliance. This may not be the case, particularly where a local agent is used for ACMA (but not EESS) requirements.
- > Supplier identification requirements may increase suppliers' compliance costs, notably where they must make special arrangements with an overseas manufacturer to ensure the supplier identification is included on the device.
- > The ACMA is aware that some suppliers have attempted to use the supplier code number as a way to prevent parallel importation—a function of supplier identification that was never intended originally. Parallel importing is a matter properly addressed under consumer protection, trademark and other relevant law.

***Is electronic labelling with the RCM allowed?***

Yes. The arrangements for use of electronic labelling continue to apply to the RCM.

***What label do I apply to a non-compliant telecommunications device that is compliant with EMC/EME/radiocommunications requirements?***

The device can be labelled with the RCM but must also display the existing non-compliance statement in order to comply with the Telecommunications Labelling Notice.

## **Treaty obligations**

***How does the Trans-Tasman Mutual Recognition Agreement (TTMRA) affect the arrangements?***

A device that is labelled for supply into Australia will generally be eligible for supply into New Zealand, and vice versa. The New Zealand Ministry of Economic Development (MED) supports the introduction of a consolidated compliance mark and is amending its labelling requirements to give effect to the RCM. The ACMA has worked closely with MED to ensure the regulatory arrangements in both Australia and New Zealand are consistent with each country's obligations under the TTMRA.

**Note:** Certain radio transmitter devices are exempt from the TTMRA due to different spectrum frequency allocations between the two countries.

***Is the RCM accepted in New Zealand to indicate compliance with telecommunications requirements?***

No. The RCM is not a recognised mark in New Zealand for telecommunications.

**Note:** More information on New Zealand's regulatory requirements is available from [www.rsm.govt.nz/cms](http://www.rsm.govt.nz/cms).

***I am a supplier of telecommunications devices in New Zealand—can I also supply these devices in Australia?***

Yes, but only if you have established Australian telecommunications compliance for the devices—a New Zealand 'Telepermit' is not acceptable in Australia.

## Transition period

### ***Do I need to relabel existing devices?***

No. Devices labelled with the C-Tick/A-Tick in accordance with the previous requirements (including during the transition period) do not need to be relabelled and can remain on the market with their current label. This includes devices that have been labelled, but not supplied to the market (for example, factory stock).

### ***Do I need to recall/relabel devices?***

No. Devices labelled in accordance with the existing requirements (or during the transition period) are permitted to remain on the market.

### ***If the same type of device has been manufactured prior to 1 March 2016, can devices in the same product line continue to be labelled with the C-Tick/A-Tick after 1 March 2016?***

No. All devices that are physically labelled from 1 March 2016 must be labelled with the RCM. This is regardless of whether the same type of item has previously been labelled with the C-Tick/A-Tick.

### ***Do I need to use the RCM from 1 March 2013?***

Only first-time suppliers need to use the RCM from 1 March 2013. For suppliers issued with a supplier code number prior to 1 March 2013, a transition time frame of three years applies to the labelling of new devices. This gives those suppliers time to develop new artwork and modify production equipment and software.

### ***Can I start using the RCM before the end of the transition period?***

Suppliers issued with a supplier code number prior to 1 March 2013 can register on the national database and start labelling devices with the RCM at any time during the transition period.

### ***If a device labelled with a C-Tick/A-Tick is imported (but not placed on the market) prior to the end of the transition period will it have to be relabelled with the RCM before it can be sold?***

No. A device that is labelled with the C-Tick/A-Tick prior to the end of the transition period by or for a supplier who has been issued with a supplier code number by the ACMA prior to 1 March 2013, can be supplied after that date. However, all unlabelled devices supplied from the end of the transition period that need a label must use the RCM.

### ***If stock of a device is labelled with the C-Tick/A-Tick prior to the end of the transition period but the labelled stock is located offshore and has not been supplied in Australia, will it have to be relabelled with the RCM before it can be sold?***

No. All stock that is labelled with the C-Tick/A-Tick prior to the end of the transition period by or for a supplier who has been issued with a supplier code number by the ACMA prior to 1 March 2013 can continue to be supplied after that date.

### ***I have a supplier code number. Do I have to use the RCM from 1 March 2013?***

No. A supplier who has been issued with a supplier code number by the ACMA prior to 1 March 2013 can continue to use the C-Tick/A-Tick on devices labelled during the transition period.

### ***I do not have a supplier code number. Do I have to use the RCM?***

Yes. All first-time suppliers who are required to label their devices must use the RCM.

### ***Can I label my devices with the RCM if I am not registered on the national database?***



No. A supplier must register on the national database before applying the RCM.

***I am registered to use the RCM (via the Standards Australia process under AS/NZS 4417: Regulatory compliance mark for electrical and electronic equipment) prior to 1 March 2013. Can I label devices with the RCM without the compliance information?***

No. Before using the RCM without compliance information, you must register on the national database.

**Note:** A supplier that has labelled devices with the RCM prior to 1 March 2013 as per the Standards Australia process under AS/NZS 4417 can continue to supply those devices during the transition period. However, the supplier must be registered on the national database prior to the end of the transition period.

***I have devices labelled with the C-Tick/A-Tick but I do not have a supplier code number. Do I need to relabel the devices with the RCM?***

A supplier who has labelled devices but who did not first satisfy the regulatory requirements (for example, be issued with a supplier code number) is in breach of the Radiocommunications Act (section 187) and/or the Telecommunications Act (section 417).

***Will transitional arrangements for Austel and Telecom permits be affected by the new arrangements?***

No. The arrangements only apply to devices labelled from 1 March 2013 or after the transition period.

## Costs

***What are the implementation costs to industry?***

The identified costs principally relate to the operation of the various regulatory requirements in the ACMA labelling notices (for example, the means by which the label is applied).

The production costs that may arise with the changeover to the RCM will vary according to the placement of the compliance mark on the device:

- > Mark is embossed or moulded onto the device—initial capital costs of retooling or modifications to tooling where the mark needs to be added and/or other marks removed.
- > Mark is on a label that is affixed to the device—changes to artwork, print plates and screens.
- > Mark is printed on the device or on a compliance plate at time of manufacture or at a downstream point in the supply chain—changes to production equipment and software systems.
- > Mark is printed on the packaging of the device and on the accompanying documentation—changes to artwork, print plates and screens.
- > Mark is an e-label on the in-built electronic display—changes to software systems.

The three-year transition timetable will enable a supplier to minimise these production costs.

***Will registering on the national database under the ACMA arrangements incur a fee?***

No. A supplier registering on the national database only for the purposes of the ACMA arrangements will not incur a fee.

**Note:** Under the EESS, electrical equipment supplier registration will incur a fee.

***Under the previous arrangements, I had to pay a fee to use the RCM. Do I have to pay a fee to use the RCM under the new arrangements?***

No. Although the RCM registration process through Standards Australia incurred a fee, a supplier using the RCM under the new ACMA arrangements will not incur a fee.

**Note:** Under the EESS, electrical equipment supplier and equipment registration on the database will incur a fee.

***My device has to be labelled for EMC purposes so I will have to register on the national database. However, my device isn't required to be labelled under the EESS requirements. Do I have to pay a registration fee?***

No. A supplier registering on the national database *only* under the ACMA arrangements will not incur a fee.

## **Relationship to EESS**

***What is the regulatory relationship between the proposed ACMA arrangements and the EESS?***

The ACMA labelling notices are made under the Telecommunications Act and the Radiocommunications Act. The EESS is created by state and territory electrical equipment safety legislation. The two regulatory areas are therefore distinct. The ACMA has no regulatory responsibility for the EESS arrangements.

***If my device is not covered by the EESS, can I apply the RCM for ACMA requirements only?***

Yes. A supplier applying the RCM to meet the ACMA labelling requirements is not required to then automatically meet electrical equipment safety requirements for applying the RCM (for example, certificate of suitability or approval)—unless those electrical equipment safety requirements apply independently to the relevant device.

***My device is a low-risk (level 1) EMC device, but is subject to EESS arrangements and must be labelled. Do I need to hold an EMC test report for the device because it is labelled?***

No. A supplier required under the EESS arrangements to apply the label to a device but who is not required to label the device under the ACMA arrangements (for example, a 'low-risk' EMC device) is not required to meet the ACMA labelling and associated record-keeping requirements for the device.

***Will it be confusing if AS/NZS 4417 does not describe the ACMA requirements for the RCM?***

To ensure suppliers of electrical equipment are aware that they may also have obligations under the ACMA arrangements, AS/NZS 4417 outlines the ACMA labelling requirements. However, AS/NZS 4417 refers suppliers to the ACMA labelling notices for the detail of the regulatory requirements.

***Can I continue to use an agent to meet my compliance obligations?***

The ACMA arrangements do not preclude the use of an agent to manage a supplier's compliance responsibilities. An agent can only assume responsibility for compliance of a device if the agent has a written agreement directly *with the importer of the device*. An agreement between the overseas manufacturer and a local agent, under which the agent purports to assume regulatory responsibility for devices imported by anyone, does not absolve the importer of their compliance obligations.

The EESS arrangements will impose obligations on the first supplier of the device to the Australian market, and do not allow for agents to be registered on the national database. Registration arrangements for agents of suppliers subject to the ACMA arrangements are described in the following section.

***If the EESS is not adopted nationally, what will be the impact on the ACMA arrangements?***

The decision by one or more state or territory governments to not adopt the EESS does not affect the application of the ACMA regulatory arrangements. Suppliers should check with state and territory electrical regulatory authorities jurisdictions that have not adopted the EESS to determine the implications of labelling devices with the RCM in these jurisdictions.

## **Supplier registration**

***Do I need to register on the national database to use the RCM?***

Yes. A supplier who intends to supply devices that are required to be labelled with the RCM must register on the national database. Only one registration is allowed for each supplier. Under the ACMA arrangements, a supplier who has been issued with a supplier code number prior to 1 March 2013 has three years from the commencement date to register on the database.

***I have a supplier code number. Do I need to register on the national database?***

Yes, before the end of the transition period. The data from the old ACMA supplier code number database will not be migrated to the national database. A supplier who intends to supply devices that are required to be labelled must register on the national database before the end of the transition period.

**Note:** The EESS transition arrangements may vary to the ACMA arrangements.

***I am registered to use the RCM. Do I need to register on the national database?***

Yes, a supplier who intends to supply devices that are required to be labelled must register on the national database before the end of the transition period. The data from the existing RCM registrations maintained by Standards Australia will not be migrated to the national database. Before using the RCM under the new arrangements, a supplier must register on the national database.

**Note:** The EESS transition arrangements may vary to the ACMA arrangements.

***Do I need to register on the national database and with Standards Australia to use the RCM?***

No. The Standards Australia registration process has been discontinued.

***Is the ACMA supplier code number database available during the transition period?***

No. The ACMA supplier code number database is not available for new registrations. First-time suppliers of devices required to be labelled under the ACMA regulatory arrangements must register on the national database.

***Is Standards Australia registration available during the transition period?***

No. First-time suppliers of devices required to be labelled under the ACMA regulatory arrangements must register on the national database.

***I have a supplier code number. Do I need to register immediately?***

No. A supplier who has been issued with a SCN prior to 1 March 2013 and is continuing to supply devices must register on the national database before the end of the transition period.

**Note:** The EESS transition arrangements may vary to the ACMA arrangements.

***I have a supplier code number. Do I have to wait until the end of the transition period to start using the RCM?***

No, you can register on the national database and commence using the RCM at any time during the transition period.

**Note:** The EESS transition arrangements may vary to the ACMA arrangements.

***I have a supplier code number but I do not intend to place new devices on the market. Do I need to register on the national database?***

No.

***I am an authorised agent for an importer and assume all supplier compliance responsibilities. Am I required to register on the national database?***

Yes. However, the EESS arrangements do not allow for agents to be registered as suppliers on the national database. Therefore, the following arrangements apply:

Scenario 1—Agents of suppliers of devices that are subject to both ACMA and EESS requirements cannot register as the supplier on the national database. The agent should identify him/herself as a ‘consultant’ on the national database for EESS purposes. The agent should separately register as a supplier for ACMA purposes in order to carry out all ACMA compliance activity on behalf of the supplier.

Scenario 2—Agents of suppliers who are subject to ACMA-only requirements can register as a ‘supplier’.

## **Database**

***What organisations use the national database?***

The national database is used jointly by the ACMA and some state and territory electrical safety regulators.

***How do I register on the national database?***

Registration is available through a link on the ACMA website. Registration must be renewed annually.

***What information do I have to provide?***

The national database displays different registration requirements depending on whether the supplier also supplies devices within the scope of the EESS. A supplier must provide their name, ABN and the contact details of the company.

***What if I need to register for both ACMA and EESS requirements?***

The registration process includes options to register for both requirements.

**Note:** The EESS requirements include registration for higher risk equipment. For more information, please contact the ERAC Secretariat via email at [erac@justice.qld.gov.au](mailto:erac@justice.qld.gov.au).

***Do I have to register twice (for EESS and ACMA requirements)?***

No. A supplier can only have one registration on the national database. A supplier may complete the requirements for EESS registration and the requirements for ACMA registration at the same time or separately (via later login).

***Who has access to my information?***

The national database is publicly accessible. All interested parties (including approved regulators, suppliers, retailers and consumers) have access to details of registered suppliers (and equipment if subject to the EESS).

***Does database registration involve a fee?***

A supplier of devices subject only to the ACMA labelling requirements does not have to pay a registration fee.

**Note:** Under the EESS, electrical equipment supplier registration does incur a fee.

***Why do I need to re-register every year?***

Re-registration ensures that supplier details are current. A reminder email will be sent prior to the expiry date.

***What happens if I fail to re-register?***

If a supplier does not re-register, their registration will expire and they will receive an email notification. The supplier will be permitted to re-activate their expired registration.

***Will I need to register my devices?***

The ACMA arrangements do not require a supplier to register devices covered by the ACMA labelling notices.

**Note:** Under the EESS, a supplier may be required to register details of devices.

***Can I amend my details after registration?***

Yes, the online registration process allows a supplier to login and update registration details at any time. This is an advantage of the online registration process.

***If a division of a business is sold, do the new entities need to amend their registration?***

A supplier should update their registration details on the national database within 30 days of the changes occurring (that is, change of address, company name etc).

**Note:** Under the EESS, equipment registration can be transferred to another supplier.

***Can I transfer the database registration number (issued following registration on the new database) to another supplier?***

No. The database registration number is unique to the supplier.

## **Supplier identification**

***What changes have been made to the supplier identification requirements?***

The requirement for supplier identification has been removed—a supplier does not have to include supplier identification on labelled devices.

***Do I have to include a supplier code number on labelled devices?***

No. The labelling notices do not require a supplier to label devices with a supplier code number.

***Can I continue to use the supplier code number issued to me when I previously registered with the ACMA to use the C-Tick/A-Tick?***

A supplier who has been issued with a supplier code number by the ACMA prior to 1 March 2013 can continue to use the supplier code number with the C-Tick/A-Tick until the end of the transition period. When a supplier begins using the RCM, the supplier code number will not apply. A supplier may, however, voluntarily include any form of unique supplier identification on the device.

***Can I use the database registration number (issued following registration on the national database) for supplier identification?***

When a supplier labels a device with the RCM, the labelling notices do not require that the device must identify the supplier of the device. A supplier may, however, voluntarily include any form of unique supplier identification on the device.

***Can I include my own identifier with the RCM to differentiate my devices from devices supplied by another person?***

Yes. Any supplier may include their own supplier identification to manage their compliance responsibilities.

## **More information**

***How can I find out more information?***

Please direct any enquiries about the ACMA consolidated compliance mark to [comply.label@acma.gov.au](mailto:comply.label@acma.gov.au).

Questions about the EESS should be directed to the ERAC Secretariat via email at [erac@justice.qld.gov.au](mailto:erac@justice.qld.gov.au). Will I be kept informed about the implementation? Updates will be available on the ACMA website.

A supplier can keep up to date with all changes to ACMA compliance and labelling arrangements by subscribing to the email alert service [www.acma.gov.au/interforms/cl\\_subscribe.htm](http://www.acma.gov.au/interforms/cl_subscribe.htm).

***How can I get copies of the amended ACMA labelling notices?***

The ACMA labelling notices are available on the Federal Register of Legislative Instruments (FRLI) and through the ACMA website.

***Where can I get an image of the RCM?***

Information about the downloadable RCM and a downloadable high resolution image of the RCM is available on the [ACMA website](#).

***How do I register on the national database?***

Information about registering on the national database is available on the [ACMA website](#).