

Lenovo (India) Private Limited's response to TRAI's Consultation paper on Ease of Doing Business in Telecom and Broadcasting Sector

Executive Summary

- 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.**



Introduction

1. The government of India has embarked on the digitalization of Indian society and the current Covid pandemic has accelerated the need for digitalization even further. The liberalization of policies for SACFA clearances and OSP licenses will provide / have provided the right impetus for rapid proliferation of the telecom network and ease of provisioning digital services from anywhere in India. The IT hardware industry, on its part too, is making all efforts to upscale availability of IT hardware for access to digital services by the society.
2. Ease of Doing Business (EoDB) is another key initiative of the Indian government that has the potential to catalyze the digitalization of Indian society. EoDB is essential to build a business enabling environment by enhancing efficiencies, predictability, building competitiveness, ensuring speed of approvals and innovation. Apart from digitalization, it will directly contribute towards GDP growth, more job creation, improving India's business index and economic transformation. For true facilitation of EoDB, there is a need for a holistic view of the policy guidelines of multiple ministries, sectoral regulators, and standardization & certification bodies. The gains of EoDB initiative through a policy change from one government agency can be offset by the delays existing / introduced by another policy process of another government agency.
3. Timely approvals for testing and certifications for IT hardware are critical for EoDB and can have a cascading effect on the efficacy of not only the supply chains supporting the availability of equipment in the Indian market but multiple businesses as well. The current process(s) for obtaining prior approvals for BIS and ETA from WPC have proved to be onerous and time consuming with no certainty of timelines. Their provisions introduce inordinate delays and act as a barrier for quick market access. Therefore, **there is an urgent need to create a stable environment of certainty and predictability for such clearances and roll out of technologically current products in the Indian market.**
4. Our detailed response to the questions relevant to IT hardware and mobile equipment industry are given in subsequent paragraphs.

Detailed Response

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)?

if yes, what steps are required to be taken in terms of:

- 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.

Our Response to Q No 9.

1. As has been brought out in the CP itself, certain products that operate in de-licensed frequency bands such as Bluetooth, Wi-Fi, etc are exempted from import licensing requirements (EXIM policy of DGFT refers). However, these require Wireless and Planning Co-ordination Cell (WPC) approval, through an online portal, called "ETA (Equipment Type Approval) through self -certification" under a process instituted in 2018. The process when introduced was experienced to be very efficient but since February 2020, the timelines for ETA approvals through the portal also have increased from one week to several weeks with no certainty of Turn Around Time (TAT). This has adversely impacted the IT hardware supply chains and consequent availability of latest IT hardware in the Indian market.
2. Additionally, it is brought out that the equipment in de-licensed band firstly, cannot be used without a licensed network on the LAN side wherein its usage can be tracked from security point of view. Secondly, these equipment have such low radiating power that their ability to interfere with other similar or any other radiating device even through their spurious emissions is next to impossible. This therefore, ensures that the equipment

Our Recommendations

3. In view of the foregoing, following are our recommendations,
 - a. **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.**
 - b. **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.**
 - 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.**

Q11. Whether the present system of permissions / approvals mentioned in para no. 3.107 or any other permissions granted by TEC 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:



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

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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.

Our Response to Q No 11 & 12

1. The modern-day technological advances in electronics have enabled convergence of multiple devices that were earlier stand alone. Today a music device, a video recorder and player, a telephone, a camera, a health monitoring device, a wallet and plethora of other utilities and devices have been converged into a single 'All-in-One' kind of a device. While earlier, the security and quality assurance for each individual device formed part of a different function of the government and hence a different ministry / regulator and required separate testing and certifications as per the device's characteristics, today the scenario has changed due to the convergence of multiple devices into a single device. However, ICT product(s) are getting regulated under both the MeitY's Compulsory Registration Scheme (CRS) 2012 as well as by DoT's MTCTE regulation for similar requirements.
2. In the normal process a new product takes close to 3 months to get tested and registered with BIS under the CRS. Lately, it has been observed that similar testing standards have been notified under MTCTE requirements resulting in duplicity of testing standards between BIS and MTCTE. E.g., BIS LITD-17 has published Mobile security testing requirements while at the same time DoT's NCCS too has published another set of ITSAR documents for the same product.
3. Apart from delayed launch of hardware in the Indian market, such regulatory compliance overlaps lead to increased cost of compliance, time and effort without adding any incremental value in terms of safety or quality assurance of the product. Albeit it adds onto the cost of the device itself making it that much costlier for the end customer.

Recommendations

4. In view of the foregoing, following are our recommendations from EoDB point of view for testing and certifications,
 - a. **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.**
 - b. **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.**
 - c. **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.**
 - d. **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.**
 - e. **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.**

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 the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of:

- 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 permission/registration**

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

Our Response to Q No 15.

1. It is pertinent to mention that the global supply chains have been affected due to the current Covid situation leading to a scarcity of shipment slots being available at a global level. Detailed planning for shipment of the equipment, therefore, is important to ensure timely supplies in Indian markets. Inordinate and uncertain delays in getting the BIS clearances puts a spanner in the planning for requisitioning of the parts of the IT devices which are dependent on globally distributed supply points.
2. In 2013, BIS had done a commendable job in reducing the process TAT for the certification process under the Compulsory Registration Scheme (CRS) to within a week from the date of application. However, lately it has been observed that the TAT for getting the BIS clearance under the CRS process has ballooned to more than 8 weeks resulting in disruption in planning process for launch of new products in the Indian market. It is brought out that this delay has been observed at the step where the status of the application, post the BIS review is changed to 'Decision awaited from Granting Officer'.
3. It has also been observed that there is inordinate delay in provisioning BIS approvals, for products that are manufactured outside India, even when there is no existing local manufacturing capacity to cater to India's requirement. A case in point is of lack of availability of suppliers for populated PCB, Li-Ion battery, etc.

Our Recommendations

4. In view of the foregoing, following are recommended for streamlining the BIS certification process and facilitation of EoBD.
 - a. **A clear TAT of 1-week for providing BIS approvals, as was achieved till 2019, should be mandated for EoBD.**
 - b. **BIS approvals' delay beyond the 1-week TAT should be treated as 'Deemed Approval'.**
 - c. **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.**
 - d. **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.**
 - e. **Even the payment process should be made online, instead of the current system of asking for DD's.**
 - f. **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.**



- g. **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,**
- i. **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.**
 - ii. **Series addition to an existing class of IT Hardware is another classic case of delayed TAT which can be curtailed through shortened approval cycles.**
 - iii. **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.**
- h. **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.**