

## **Overview: Draft Regulations for the Type Approval of Electronic Communications Equipment and Electronic Communications Facilities and the Certification of Type Approved Equipment**

February 2013

Type approval of electronic communications equipment is one of the basic compliance obligations set out in the legislation governing electronic communications. The historical rationale of the requirement is the protection of the quality of networks by ensuring they are not damaged by inferior equipment or equipment that does not comply with specified technical standards.

As per the Draft Regulations:

"Type Approval" means a process by which equipment or a device or system is authorized by the Authority to be used in South Africa or imported into South Africa and involves verification of the equipment's compliance with the applicable standards and other regulatory requirements.

### **Obligation to obtain type approval**

Section 35 of the Electronic Communications Act retains the previous obligation in respect of the type approval of electronic communications equipment and facilities before they can be used, supplied, sold, offered for sale or leased or hired.

### **Who can apply?**

South African registered companies and citizens who are registered as suppliers of electronic communications equipment. Registration as a supplier is a once-off process open only to South African citizens. It is the responsibility of the supplier to ensure that its details are updated on the ICASA Supplier Database within thirty days of changing.

### **Equipment requiring type approval**

Any type of electronic communications equipment used or to be used in connection with the provision of electronic communications, unless explicitly exempted by ICASA, is subject to Type Approval by the Authority.

- "Radio Equipment" is defined as "equipment or related components which include one or more transmitters and/or receivers and/or parts thereof, which have a primary function of radio transmission and/or reception of radio waves, utilising the frequency spectrum allocated to celestial, terrestrial, or space radio communications. This type of equipment may be used in a fixed, mobile or portable application".
- "Telecommunication Equipment" means equipment connected to and used within telecommunication network, including telecommunication terminal equipment and may be powered by the telecommunication network;
- "Telecommunication Terminal Equipment (TTE)" means equipment (or a significant part of equipment), which enables communication and which is intended to be used by end-user or Service Provider equipment connected, directly or indirectly, by any means to interfaces of telecommunication network;

Equipment type approved under the existing regulations will retain its certification and be included in the Type Approval Register (see below).

### **Fees**

Proof of payment of the fees set out in Schedule 1 to the Draft Regulations must be provided at time of submission of the application to ICASA. These fees are non-refundable. The fees will be adjusted by a maximum of CPI annually (ICASA can decide on a lower increase) and the adjusted fees will be published annually in the Government Gazette.

See Annexure A for the various fees. These are largely in line with existing fees.

### **Validity**

Certification is valid for five (5) years from date of issue. It applies only in respect of unmodified equipment of the same model that has been type approved. The draft regulations are specific in this

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CK2004/113957/23

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regard:

- No modifications with respect to the brand and/or product name, model, function or other information recorded on the type approval certificate or type approval register, are made to the equipment.
- There are no significant changes to the technical specifications of the device or equipment. This includes, but not limited to:
  - The operating frequency band,
  - RF power and technical standards based on which the equipment was type approved.

Type Approval Certificates may be updated or transferred by submitting written notification to ICASA within fourteen (14) days of the change of details or transfer.

### **Type Approval Register**

ICASA is required to maintain a register that contains basic, technical and compliance information on all equipment approved by ICASA for use, import and to supply in South Africa. Currently information is listed on the [ICASA website](#).

### **Standard and simplified type approval process**

The Simplified Type Approval process only applies to equipment in respect of which a valid type approval certificate exists, i.e. the equipment is listed on the Type Approval Register. The applicant must satisfy ICASA that the equipment for which the simplified process is used is identical to the equipment listed on the Type Approval Register.

A standard application must at a minimum be accompanied by the documents below before it will be regarded as complete.

- Test reports confirming compliance with the relevant standards in the technical regulations
- Technical-, physical-, operational-, installation- and user-information
- Software and Firmware version numbers for the equipment being type approved
- Motivation for an alternative method of labelling, if applicable
- Proof of Payment of the prescribed non-refundable Type Approval fee;
- A declaration indicating how the obsolete equipment will be disposed of in an environmentally responsible manner.

ICASA may request additional supporting documentation where it deems it necessary to do so.

Where an application is unsuccessful then the applicant may address the non-compliance and submit a new application for Type Approval.

The duration for processing the submitted application will be specified in the Type Approval Guidelines, 2013 (not yet published). The date on which the completed application form with relevant supporting documentation is received by ICASA is referred to as the "Notification Date".

### **Applicable standards**

These are set out in the ["Official List of ICASA Regulated Standards for Technical Equipment and Electronic Communications Facilities"](#) as amended from time to time.

### **Test reports**

Test reports must be from an Accredited Testing Laboratory (ATL), defined as "any laboratory accredited by its own national accreditation body and/or other recognized accreditation body in terms of ISO/IEC 17025 requirements". The test report must match the equipment in respect of which the application was made, i.e. no modifications are allowed.

If the test report was compiled outside of South Africa then the applicant must prove to ICASA's satisfaction that the test

- is of a comparable standard
- was submitted to and accepted by regulatory authority, and
- was conducted by a laboratory accredited in the jurisdiction in which the test took place.

ICASA has a sole discretion in choosing to recognise a test report from a foreign jurisdiction. Test reports must be submitted in full without any deletions or amendments.

Test reports may not be more than five years old.

### **Provisional Type Approval**

It is possible to apply for a Provisional Type Approval Permit which will be valid for a period of up to 6 months. This covers

- use of equipment for research or demonstrations on a non-commercial basis
- test equipment in Accredited Training Laboratories in South Africa

Disclosure of full details of the nature and purposes of the test and equipment is required. Where provisional approval is given this is exclusive to the applicant.

ICASA will publish a notice from time to time stipulating the maximum number of units allowable when testing terminal equipment such as mobile handsets.

If final type approval is not granted then the holder of the provisional approval will have thirty days to ensure that all units deployed are withdrawn at their own cost. After the provisional type approval has lapsed the holder must provide ICASA with a report of the test or demonstration in respect of which provisional approval was granted.

### **Labelling**

All type approved equipment must have a legible label permanently affixed to the equipment and on its packaging/container as prescribed in terms of the ICASA's Labelling Regulations. It is possible to apply for alternative methods of labelling where this is justified.

### **Market surveillance**

ICASA may conduct market surveillance on all equipment including Type Approved equipment, either in response to complaints or as part of a random audit to ensure compliance. Surveillance may involve visual examinations of equipment, packaging and certificates and requiring a Supplier to submit equipment to ICASA for testing at an ATL to prove compliance (at ICASA's expense).

### **Revocation of type approval**

ICASA may revoke a type approval certificate where:

- Modifications with respect to the brand and/or product name, model number or function or other information recorded on the Type Approval Certificate or Type Approval Register, are made to the equipment without applying for a new relevant Type Approval Certificate.
- After investigation of a complaint by a consumer or other competent authority of non-compliance, the Authority finds that:
  - The type approved equipment fails a Conformity Assessment.
  - The Type Approval holder violated any conditions of the Type Approval Certificate.

Equipment covered by the revoked certificate must be withdrawn at the cost of the person responsible for placing the equipment into the market within thirty (30) days of the date of notification of revocation. This notification must set out the reasons for ICASA's decision to revoke.

### **Application forms**

The following forms are provided:

- Standard Type Approval Application for Radio Frequency (RF) Equipment for use in South Africa
- Standard Type Approval Application for Telecommunication Terminal Equipment for use in South Africa
- Simplified Type Approval Application for Radio Frequency (RF) and Telecommunication Terminal Equipment (TTE) for use in South Africa
- Provision Type Approval Application for use in South Africa
- Supplier Registration Form

**Annexure – Fees under the Draft Type Approval Regulations**

<b>Application fees</b>	
Telecommunications Terminal Equipment (TTE)	R4 000
Radio Equipment (RF)	R4 000
Untested variant	R2 000
Tested variant	R2 000
Badge Engineering	R4 000
Labels (packets of 100 units)	R200
<b>Miscellaneous fees</b>	
Administrative Modifications to Certificate (including transfer of the Certificate or Name change and/or address)	R500.00
Technical modifications to Certificate	R500.00
Re-issue of Certificate for the approved equipment	R250.00
Administrative and Technical modifications	R500.00