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Our reference: 201901/07/32

31 January 2019

Mr Lumkile Qabaka  
Independent Communications Authority of South Africa  
350 Witch-Hazel Avenue  
Eco Point Office Park  
Eco Park  
Centurion

Via email: [LQabaka@icasa.org.za](mailto:LQabaka@icasa.org.za)

Dear Mr Qabaka

**RE: The Draft Conformity Assessment Framework for Equipment Authorization**

Mobile Telephone Networks ("MTN") would like to thank the Independent Communications Authority of South Africa ("Authority") for the opportunity to make comment on the Draft Conformity Assessment Framework for Equipment Authorization ("Draft Framework").

Please find herewith our submission which comprises three main sections: introduction, general comments and specific comments on the Draft Framework.

MTN hereby requests an opportunity to make oral representations should the Authority proceed with the public hearings as planned.

Kind regards,

A handwritten signature in black ink, appearing to read 'Geoff Blake', with a stylized flourish at the end.

Geoff Blake  
Senior Manager: Technical Regulations & Mandated Provisioning  
Mobile Telephone Networks (Pty) Ltd



**MTN'S RESPONSE TO ICASA'S DRAFT  
CONFORMITY ASSESSMENT FRAMEWORK FOR  
EQUIPMENT AUTHORIZATION AS PUBLISHED IN  
GOVERNMENT GAZETTE No 42108 DATED 13  
DECEMBER 2018**

**31 January 2019**

## 1. INTRODUCTION

On 13 December 2018, the Independent Communications Authority of South Africa ("Authority") published the draft Conformity Assessment Framework for Equipment Authorization ("Draft Framework") in Government Gazette No. 42108 (Notice No. 1381 of 2018) in terms of section 8.4 of the position paper on Equipment Type Approval Exemption ("Position Paper") as published in Notice 248 of 2017 Government Gazette 40733.

The draft Framework invited interested persons to submit written representations by 30 January 2019. The Authority subsequently extended the deadline to 28 February 2019.

Section 8.4 of the Position Paper states the following:

*"The Authority shall embark on the process of reviewing the current Type Approval Framework and work towards a multi-level Conformity Assessment Framework based on the relevant criteria to deal with equipment intended to be made available commercially in the South African market. The broader framework will incorporate the circumstances under which MRA's may be entered into and provide for robust market surveillance activities."*

MTN is appreciative of the Authority's efforts to review the current Type Approval Framework to deal with some of the associated problems such as delays in the processing of applications because of, among others, the indiscriminate treatment of equipment that is based on the equipment's risk profile.

MTN is of the view that the envisaged multi-level conformity assessment framework should place a greater emphasis on market surveillance activities.

## 2. GENERAL COMMENTS

MTN notes that the "draft framework" is actually a discussion document on conformity assessment frameworks for equipment authorization as opposed to a draft of a selected framework that the Authority wishes to consult stakeholders on. MTN therefore is of the view that the title of the document is misleading.

Consequently, MTN reserves the right to comment on the draft framework when it becomes available.

### **3. SPECIFIC COMMENTS**

MTN has responded to the questions raised in the “draft framework” below.

#### **Question 1**

In your view, what are the benefits of having conformity assessment to support the regulations?

MTN is of the view that the current type approval regulations can form part of the envisaged “multi-level Conformity Assessment Framework”. MTN expects that among the benefits that can be derive should be a reduction in compliance costs and in the assessment turnaround times.

#### **Question 2**

Do you see any benefits in risk profiling and the categorization of equipment in carrying out the conformity assessment?

Risk profiling has definite benefits given that different equipment has different inherent risks. For example, the GSM technology has reached maturity and further development of GSM only handsets has basically come to an end. GSM only devices that are now supplied are based on chipsets and design templates that have been thoroughly tested and offer very little risk. The risk of such equipment would definitely be less than that of equipment containing new technology.

#### **Question 3**

With the recommended steps for using conformity assessment in support of the regulations (figure 10), which of the steps would you say are missing in the Approval Framework, and how can they help improve the Approval Framework efficiency?

No Comment.

#### Question 4

Can you suggest an appropriate conformity assessment approach that can address the current Approval Framework challenges?

MTN is of the view that the Authority's proposal below will address the current challenges to a great degree:

*"The Authority shall collaborate with local and international CABs, Accreditation Bodies and Regulatory Authorities. This is essential as it will enable the Authority to appoint Designated Authorities and have recognised accredited test facilities to perform tests and measurements on the Authority's behalf from other jurisdictions."*

The Authority will, however, despite any conformity assessment framework chosen, need to strengthen its market surveillance activity.

MTN, however, notes that the Authority recommends the adoption of Supplier Declaration of Conformity (SDoCs) and equipment exemptions.

#### Question 5

In South African context, what are the benefits for the Authority collaborating with other regulatory institutions/organizations/states?

The benefits include reduced costs of compliance, reduced equipment time to market and the prevention of duplication of effort.

#### Question 6

Given table 3, which SDoC scheme/s would best suit the South African market, and why?

SDoC I: Tier 1 handset vendors already meet most of the requirements.

**Question 7**

In your definition/understanding, what ICT equipment can be classified as low risk and may be considered for equipment authorization exemption?

- Low Risk – GSM only devices.
- Medium Risk – Any other User Equipment
- High Risk – Anything transmitting above a certain power level to be defined.

**Question 8**

What are the risks associated with exempting ICT equipment from Approval Framework, and how can they be mitigated or eliminated?

There is always the risk of abuse of the exemption whereby poor-quality equipment is brought into the country. For operators, this will quickly be picked up in network statistics, allowing action to be taken. However, the challenge has always been that only ICASA has the power to remove poor quality equipment that interferes with operator network.

**Question 9**

What would you propose the Authority do to effectively execute its responsibilities on market surveillance considering the current fiscal challenges?

MTN is of the view that this question relates to the Authority's own internal operational issues which are better addressed internally.

**Question 10**

What are the prevalent equipment authorization challenges that may be experienced by manufacturers, distributors, suppliers and retailers post- and pre-market surveillance?

Significant delays in the consideration of type approval applications.