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GENERAL NOTICE

NOTICE 883 OF 2013

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

GUIDELINES RELATING TYPE APPROVAL FRAMEWORK

The Independent Communications Authority of South Africa (ICASA) has developed the Type Approval Regulations, 2013 and the Labelling Regulations, 2013 in terms of section 4(1) read with section 35 of the Electronic Communications Act, 2005 (Act No. 36 of 2005).

The Authority hereby publishes the Guidelines relating to the Type Approval Framework.

Dr SS MNCUBE
CHAIRPERSON

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1   INTRODUCTION

1.1   BACKGROUND

The Type Approval Framework consists of the following:

(1) Type Approval Regulations, 2013;

(2) Labelling Regulations, 2013;

(3) Technical Regulations;

(4) Type Approval Application Forms.

1.2   PURPOSE OF GUIDELINE

This document aims to provide guidance to applicants who wish to obtain Type Approval for their Radio Equipment and Telecommunication Terminal Equipment (TTE) and describes the associated documents and the process to be followed.

These Guidelines apply to all instances where Type Approval is required for Radio Equipment and Telecommunications Terminal Equipment (TTE) imported into or manufactured in South Africa; whether for marketing, commercial or private use purposes.

1.3   OBJECTIVES

The objectives of the Type Approval Framework are:

(1) To streamline and modernize the Type Approval procedure in South Africa in accordance with the EC Act;

(2) To encourage a greater level of efficiency, transparency and certainty;

(3) To develop and align processes with international best practice;

(4) To simplify the fee structure for all Type Approval applications irrespective of the platform;

(5) To ensure that only Type Approved Equipment are sold, leased or used in South Africa;

(6) To enable stakeholders to verify Equipment entering the Republic;

(7) To ensure that all Equipment imported into, manufactured, supplied or used in South Africa complies at all times with the applicable ICASA regulated technical standards, as a result:

(a) Approved equipment should not cause damage to or interfere with the operation of telecommunications networks or other equipment;

(b) Approved equipment should not cause harm to the general public or people working with telecommunications networks; and

(c) The operating frequencies of all Radio Equipment will be in conformity with the National Frequency Plan.

2 TYPE APPROVAL PROCEDURE

2.1 TYPE APPROVAL APPLICANTS

Applications for Type Approval can be submitted by any of the following parties:

(1) Manufacturers;

(2) Importers;

(3) Distributors; and

(4) Any South African registered Company

The Type Approval Certificate will only be issued to South African registered companies. Therefore, details such as company registration number, physical and postal addresses, contact persons and telephone numbers are required in terms of the applicable application form.

2.2 Type Approval Application Process

The Simplified Type Approval process must be followed in the event where the equipment has already obtained Type Approval from Authority. The application fee for Standard Type Approval and Simplified Type Approval processes is the same. A representative sample must be submitted at the request of the Authority.

Any equipment that has not been type approved before by the Authority must undergo the Standard Type Approval process.

The duration for the processing of the Type Approval application is generally 15 working days upon receipt of a completed application form. An incomplete application form will result in delays.
Applicants are encouraged to submit properly completed applications to the Authority and to allow 15 working days prior to making follow-ups on the status of their application.

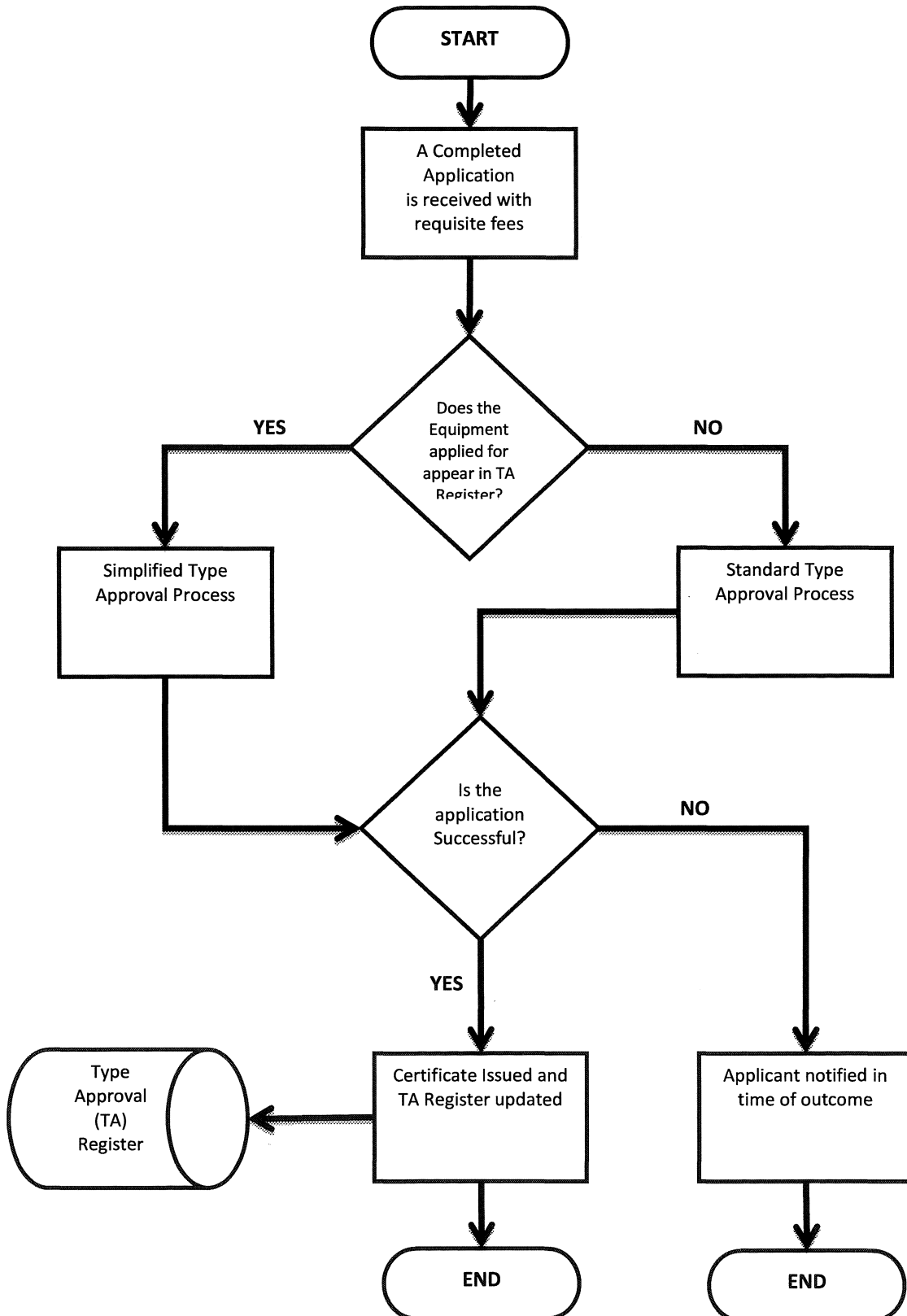A flowchart of the Type Approval process is set out below in Figure 1.

```
                              ┌─────────────┐
                              │    START    │
                              └──────┬──────┘
                                     ▼
                         ┌───────────────────────┐
                         │   A Completed         │
                         │   Application         │
                         │   is received with    │
                         │   requisite fees      │
                         └───────────┬───────────┘
                                     ▼
                              ◇ Does the ◇
                YES ◄─────────  Equipment        ─────────► NO
                              applied for
                              appear in TA
                              Register?
         ┌──────────────────┐                    ┌──────────────────┐
         │ Simplified Type  │                    │ Standard Type    │
         │ Approval Process │                    │ Approval Process │
         └──────────────────┘                    └──────────────────┘
                              ◇ Is the ◇
                              application        ─────────► NO
                              Successful?
                                  │
                                 YES
   ┌───────────┐  ┌──────────────────────┐       ┌──────────────────┐
   │   Type    │◄─│ Certificate Issued and│      │ Applicant notified│
   │ Approval  │  │ TA Register updated   │      │ in time of outcome│
   │   (TA)    │  └──────────┬───────────┘       └────────┬─────────┘
   │ Register  │             ▼                            ▼
   └───────────┘        ┌─────────┐                  ┌─────────┐
                        │   END   │                  │   END   │
                        └─────────┘                  └─────────┘
```

Figure 1: Type Approval Process

Note: Suppliers can only import or sell equipment once they are in possession of a Type Approval Certificate. TA in the flow chart stands for Type Approval.

2.3 TECHNICAL STANDARDS

The Authority determines and publishes in the Government Gazette the recognized technical standards with which equipment must conform in order to be eligible for Type Approval. These standards are based on the standards prepared by recognized international, regional and national standards making bodies and include minimum requirements for meeting the Type Approval objectives set out in section 1.3 of this document.

The applicable technical standards are found in the Technical Regulations as defined in the Type Approval Regulations.

2.4 VALIDITY OF TYPE APPROVALS

All Type Approvals will be valid for an unlimited period of time provided that no modifications have been made to the type approved Equipment, and provided that technical standard has not changed to the extent that it does invalidate the Type Approval.

If the changes to the type approved Equipment are essentially cosmetic in nature (including, for instance, change in colour, external design, enclosure, etc) and the technical information recorded in the Type Approval Register is unchanged, a new application for type approval **is not required**.

2.5　TYPE APPROVAL FEES

The Type Approval fees shall be payable in advance and are **non-refundable** irrespective of the outcome of an application.

It should be noted that the Regulations do not differentiate between "Radio Equipment' and "TTE". For this reason the application fees are the same for both Radio Equipment and TTE as specified in Schedule 1 of the Regulations.
The application fee for the Provisional Type Approval request is also specified in Schedule 1 of the Regulations.

2.6 TYPE APPROVAL REGISTER AND SUPPLIER REGISTRATION

In order to assist the customs officers in South Africa (i.e. SARS) and other stakeholders, the Authority will publish the following two registers on its website:

(1)   **Type Approval Register.** This register will contain up-to-date information on all the equipment that has been approved by ICASA. The information in this register will include, but is not limited to:

(i)   Type of Equipment;

(ii)   Equipment category;

(iii)   Brand name;

(iv)   Manufacturer;

(v)   Model name;

(vi)   Country of origin;

(vii)   Operating frequency band; and/or

(viii) Radio frequency power of the Radio equipment.

(2)   **Supplier Register.** This register will contain the up-to-date information on the Suppliers of Radio Equipment and TTE. The information in the Supplier Register is derived from the applications submitted to ICASA by the applicant. The applicant is responsible for the correctness of this information. The information in this register will include, but is not limited to:

(i)   Company name;

(ii)   Company registration number; and/or

(iii)   Address and contact information.

These registers will be publicly available; however, it should be noted that these regulations will be implemented over time not over-night; as a result applicants may experience some delays in the update of the registers.

2.7 TYPE APPROVAL PRIOR TO COMMENCING OF THE REGULATIONS

The equipment that was type approved by the Authority prior to the implementation of the new Type Approval Framework shall be deemed to be certified and approved for use in South Africa.

All new applications for Type Approval after the implementation of the new Type Approval Framework must follow the procedure and requirements of the new framework as set out in the Type Approval Regulations, Labelling Regulations, Type Approval Guidelines and forms issued by Authority.

2.8 LABELLING REQUIREMENTS

Labelling of equipment is the process of affixing a label that contains a specified Type Approval number on the Type Approved equipment. The label serves to indicate that the equipment complies with technical standards that are recognised by the Authority and improves consumer's confidence in the equipment and services in Republic.

Suppliers are required to indicate on the form when submitting the application for Type Approval, whether an e-label and/or printed label will be displayed on the particular equipment.

2.9 MARKET SURVEILLANCE

The Authority shall conduct monitoring to ensure that equipment available in the Republic has been type approved and labelled.

ICASA personnel will visit trade shows, review advertising literature and inspect wholesale and retail outlets to ensure that equipment is not imported or marketed in a manner that contravenes the Type Approval Framework.

Suppliers of the equipment are required to cooperate with the Authority's surveillance activities and provide equipment samples and documentation on request at no cost to the Authority. Samples of equipment may be taken by the

Authority from any point in the distribution chain and tested at an accredited test laboratory to ensure compliance with the applicable technical standards.

3 CONTACT REFERENCES

(1) Applications for Type Approval or labelling can be delivered to ICASA in the following ways:

    (i) Handed in person at ICASA Head offices during office hours and addressed to:

    The Manager

    Type Approval & Licensing Unit

    Independent Communications Authority of South Africa (ICASA)

    Engineering and Technology Division

    164 Katherine Street, (Pin Mill Farm), Block B

    Sandton, 2146

    (ii) Submitted by Registered Post Mail to:

    The Manager

    Type Approval & Licensing Unit

    Independent Communications Authority of South Africa (ICASA)

    Engineering and Technology Division

    Private Bag X10002,

    Sandton, 2196

    (iii) Submitted electronically to the following address:

    TALapplications@icasa.org.za

(2) Applicants requiring additional information concerning the Equipment Type Approval or Labelling Procedure and any related queries should be addressed to TALinfo@icasa.org.za, alternatively to the personnel in Type Approval Unit at the following telephone number: 011 566 3855/3843/3845.

4　FREQUENTLY ASKED QUESTIONS (FAQs)

4.1 IS TYPE APPROVAL THE SAME AS SPECTRUM LICENSING?

No, these are two separate processes. Type Approval is granted to a product that meets a minimum set of regulatory technical and safety requirements. Type Approval is required before a product is allowed to be sold or used in the Republic. Spectrum Licensing relates to the right to use a portion of spectrum subject to prevailing conditions.

In a nutshell Spectrum Licensing and Type Approval are mutually exclusive processes, having Type Approved equipment does not necessarily mean that the supplier of the type approved equipment has the right to operate such equipment (possession of the former does not imply automatic qualification for the latter).

4.2 WHAT IS ISM BAND?

An ISM band is a dedicated band for Industrial Scientific and Medical usage, it is licence free. ICASA has published the SRD and RFID regulations as per ITU Region 1 requirements. It is important to note that Type Approval is obligatory in an ISM band.

4.3 PROHIBITED DEVICES

(1) Jammer (GSM, CDMA, 3G, Wi-Fi and anything based on the frequency Jamming);
(2) Radio scanner, interception devices and alike;
(3) Anything which is not in compliance with the applicable technical standards.

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