



National Information & Communications Technology Authority

**TYPE APPROVAL REGULATION
2020**

Document Ref.

EXECUTIVE SUMAARY

National Information and Communications Technology Authority (NICTA) has developed this regulation pursuant to section 216 of the NICT Act, 2009 and NICT Radio Spectrum Regulation, 2010.

This Regulation aims at regulating the approval and importation of ICT Equipment that is intended for use, sale or to be used for ICT purposes. It provides a framework for the approval of communications equipment for connection to communications networks in Papua New Guinea.

Type Approval is the procedure by which NICTA involves verification of the ICT equipment's compliance with the applicable standards and requirements. The Act and Spectrum Regulation provides a legal mandate and the authority to NICTA to establish an effective Type Approval Regime for ICT Equipment and to determine the technical standards or specifications for the ICT Equipment or their types and the approval requirements and procedures.

This Regulation is accompanied by the initial version of the Type Approval Guideline which provide further definition of applicable processes and equipment standards.

The regulation is cited as the **Type Approval Regulation 2019**. It is binding regulation that states mandatory requirements and procedures as set by NICTA.

[Note: Executive summary will be removed from this regulation on the final draft]



PART I-PRELIMINARY

1. Citation and commencement

- (i) This regulation is cited as the **Type Approval Regulation 2019**.
- (ii) This Regulation shall come into operation on the date it is published in the national gazette.

2. INTERPRETATION

In this regulation unless contrary intention appears;

“Act” means the National Information and Communications Technology Act, 2009 (NICT Act)

“Apparatus” means any equipment or combination of equipment capable of effecting radiocommunications whether by transmission or reception of radiocommunications or both.

“Authority” means the National Information and Communications Technology Authority (NICTA)

“Conformity Assessment Bodies (CAB)” means accredited test houses under the Mutual Recognition Arrangement (MRA) partnership agreement or understanding that performs testing, inspection or certification and that can be the object of accreditation (ISO/IEC).

“Controlled Customer Equipment (CCE)” means any customer equipment which is located at the customer premises and that connects to the customer network or to a facility.

“Customer Equipment” (CE) means any equipment or system that is connected to a facility and is used, installed ready for use or intended only for use on retail customer side of the network boundary.

“Dealer” means the holder of the Radio Dealer Licence or Registered Radio Dealer.

“Declaration of Conformity” (DoC) means a procedure by which a supplier or a certification body gives written assurance that the ICT apparatus conforms to regulations and the technical standards

Designating Authority means a body with authority and competence to designate, list, verify the compliance of, limit the designation of, and withdraw the designation of CABs within its jurisdiction

“ICT” means information and communications technology

“ICT Apparatus” means any equipment or combination of equipment capable of effecting radiocommunications, whether by transmission or reception of radiocommunications or both.

“ICT Equipment” means any radio and telecommunication equipment or combination of equipment capable of effecting radio communications or telecommunications, whether by transmission or reception of radio and telecommunications.

“Licensed Dealer” means holder of NICTA Radio Dealers Licence.

“NICTA” means National Information and Communications Technology Authority.

“Public Register” means a register maintained by NICTA for the purpose of transparency and good record keeping

“Radio Dealers Licence” means a radiocommunications licence authorizing regulated conduct under Section 32 of the NICT Radio Spectrum Regulation, 2010

“Registered Dealer” mean any person who manufactures, imports for sale, repair or adjust, lets for hire, sells or offers or possesses for sale ICT apparatus that are registered with NICTA.

“Regulations” means the NICT Radio Spectrum Regulation, Operator Licensing Regulation, 2010 and other NICTA Regulations.

“Standard” means technical standards which are published documents setting out specifications and procedures designed to ensure products, services and systems are safe, reliable and consistently perform the way they were intended to. They establish a common language which defines quality and safety criteria.

“Supplier’s Declaration of Conformity (SDoC)” means a written undertaking by the registered dealer stating that the named apparatus and/or line terminal conforms to specified requirements and standards.

“Supplier” means a manufacturer or importer of communications equipment; or an authorised agent of the manufacturer or importer of communications equipment,

“Technical Regulations” means, technical standard, specifications, rules and guidelines.

“Type Approval Certificate (TAC)” means an official document signifying equipment compliance to technical evaluation requirement per equipment model.

“Type Approval Listing (TAL)” means type approved equipment listing

Where a term or phrases is not defined the definition in the Act or Regulations applies.



PART II.- OBJECTIVE AND SCOPE

3 OBJECTIVE

- (1) This Regulation is intended to—
 - (a) introduce a greater level of efficiency, transparency and certainty to ensure that:
 - only properly type-approved ICT equipment is placed, sold or used in PNG;
 - ICT equipment does not cause damage to or interference with the operation of ICT networks or other ICT equipment;
 - Compatibility and interoperability between public networks and ICT equipments,
 - ICT equipment does not cause harm to the general public or people working with ICT networks; and
 - the operating parameter of all ICT Equipment is according to the technical standards requirements,
 - (b) set minimum technical regulatory requirements and administrative procedures that ICT equipment shall meet before it is used or sold in PNG;
 - (c) identify applicable technical standards, including those promulgated by international bodies; and
 - (d) establish requirements for foreign CABs (testing laboratories or certification bodies) seeking recognition to perform conformity assessment to the NICTA technical regulations.
- (2) The Type Approval Regulation also aims to assist PNG customs officers to deal with clearance of ICT equipment.

4. SCOPE

- (1) This Regulation provides a framework for the approval of ICT equipment for sale, use or connection to ICT networks in Papua New Guinea.
- (2) This Regulation is accompanied by the Type Approval Guidelines and the Type Approval Standards, which provide further definition of applicable processes and equipment standards.
- (3) This Regulation shall apply to;
 - (a) any person that provides communications services,

- (b) any person who uses, sells, imports, offers for sale or connect ICT equipment to ICT network within PNG;
 - (c) all radio ICT equipment or apparatus' pursuant to the NICT Radio Spectrum Regulation and NICT Operator Licensing regulation.
- (4) For avoidance of doubt, and in addition to the requirements of this Regulation, all radio dealers shall be subjected to this regulation.
- (5) All Telecommunication Terminal Equipment which connects directly to the public telecommunications network and all intentional emitters of electromagnetic radiation (radio waves) shall be subject to this regulation. Such equipment shall be referred to collectively as ICT equipment in this regulation.

Q1: NICTA invites comments on the objective and scope of the proposed regulation.

PART III TECHNICAL STANDARDS AND GUIDELINES COMPLIANCE,

5. Determination of Technical Standards

- (1) NICTA shall from time to time develop and review Technical Standards and Specifications to set minimum requirements and performance standards to be met by the ICT equipment.
- (2) In undertaking any such action, NICTA in compliance with section 229 of the Act shall consult with relevant stakeholders.
- (3) NICTA Standards shall be based on International Standards to the maximum extent feasible and to use the World Trade Organization Technical Barriers to Trade (WTO TBT) Agreement as a benchmark.
- (4) NICTA shall adopt relevant international standards which are developed by a recognized international standard development organization. Further, NICTA shall adopt international standards recognized by the Mutual Recognition Arrangement (MRA) partners.

6. Compliance with Standards, Specifications and Guidelines

- (1) All ICT equipment intended for used in Papua New Guinea shall comply with NICTA standards and International Technical Standards recognized by NICTA, such as electrical safety, electromagnetic compatibility (EMC), electromagnetic radiation (EMR) and operational requirements for radio communication devices.
- (2) NICTA shall maintain and publish in the Type Approval Guideline the technical standards and specifications applicable to identified Equipment types. The applicable Technical Standards are set out in Schedule 1,2 and 3 in the Type Approval Guideline.
- (3) Where suitable standard is unavailable and or updated, NICTA shall apply other equivalent standards deemed appropriate.
- (4) Compliance with the International Standards, as is the case for NICTA Standards, is strictly voluntary. Only when Standards are determined by NICTA Board shall become mandatory requirements.

Q2: What are other criteria that NICTA can take into consideration when determining Technical standards and specifications for Type approval of ICT equipment.

PART IV EQUIPMENT APPROVAL

7 ICT EQUIPMENT REQUIRING TYPE APPROVAL

- (1) Any person or entity who intends to-
 - (a) Use, sell or offer for sale ICT equipment within PNG
 - (b) Connect ICT equipment to a ICT network in PNG for the purpose of electronic communication;
 - (c) Wish or intend to import ICT equipment into PNG,

must apply to NICTA for type approval in respect of such ICT equipment prior to the use, importation, connection, sale or re-sale in PNG.
- (2) Manufacturer shall either directly contact NICTA requesting for Type Approval on its products, or local dealer and/or representative shall apply on behalf of the manufacturer.
- (3) Notwithstanding sub-regulation (1) regulated ICT equipment that has been acquired via online shopping or brought into PNG requires type approval.
- (4) Type approval procedures and processes including equipment registration schemes and general type approval guidelines shall comply to the requirements outlined in **NICTA Type Approval Guideline**.

Q3: NICTA invite comments on the type approval requirement.

8. PROHIBITIONS OF RE-DESIGN OF ICT EQUIPMENT

- (1) No person shall intentionally re-design, install, operate, maintain or modify any ICT equipment in a manner -
 - (a) which is contrary to the technical standards or specifications;
 - (b) which is likely to cause non-interoperability between any ICT equipment;
 - (c) which is likely to cause interference with, impairment, or malfunction of, or harm to any ICT equipment or any other equipment; or
 - (d) which is likely to compromise the safety of -
 - (i) the general public;
 - (ii) any ICT equipment; and or
 - (iii) any other equipment.

- (2) A person who contravenes sub regulation (1) commits an offence and shall, on conviction, be liable to a fine not exceeding K10,000.00.

Q4: NICTA invites comments on the proposed regulation on design of ICT equipment.

9 PROHIBITIONS OF SALE OF ICT EQUIPMENT

- (1) No person shall offer for sale, or have in possession with a view to sell any ICT equipment –
 - (a) which is contrary to the applicable technical standards and Type Approval Guideline;
 - (b) which is not type approved as required by this Regulation and Radio Spectrum Regulation; or
 - (c) which has been certified or type approved but is subsequently altered or modified and no longer complies with the standards.
- (2) A person who contravenes sub regulation (1) commits an offence and shall be fine with amount not exceeding K10,000.00.

Q5: NICTA invites comments on the proposed regulation on sale of ICT equipment.

10 IMPORTATION OF ICT EQUIPMENT

- (1) ICT Equipment imported to PNG is subject to Type Approval prior to importation.
- (2) A Type Approval Certificate must be obtained prior to importing any type of ICT Equipment.
- (3) ICT equipment that has been type-approved by NICTA can be imported into PNG by the following parties:
 - a) Authorized Importers as defined in the NICTA Radio Dealers Guideline,
 - b) Licensed Operators as defined in the Act,
 - c) Persons (individuals) who import or bring in ICT equipment for their own use (i.e., not for marketing/commercial purposes) must declare to NICTA for compliance purposes.

- (4) There will be no limitations placed on the number of importers or on the types of equipment imported and supplied other than all ICT equipment imported must comply with the Type Approval Regime.
- (5) The Supplier shall keep detailed records of serial numbers of all imported ICT Equipment. Such records shall be made available to the Authority on request.
- (6) The importer shall ensure that ICT equipment imported for individual own use must comply with the relevant NICTA technical standards and specifications.

Q6: Are there any comments about the proposed importation process? In particular, do you support the proposal equipment must be type approved prior to importation.
(from any brands) that has been type-approved by NICTA

11 TERMS AND CONDITIONS FOR GRANTING TYPE APPROVAL CERTIFICATE

- (1) A Type Approval Certificate will be issued to an applicant upon successful Type Approval of a particular make and model of equipment.
- (2) The applicant shall also commit to conform to the following terms;
 - (a) Accept responsibility to discontinue importation and sale, and recall all the equipment already on the market in the case of defects in the equipment resulting in unacceptable performance due to non-compliance to the NICTA Technical standards and specifications.
 - (b) Conform to any additional regulations issued by NICTA.
 - (c) Compliance with NICTA standards and Specifications
 - (d) furnish all type approval requirements which include documentations, labelling and a sample.

Q7: NICTA invites comments on the proposed regulation on granting type approval certification.

12 TYPE APPROVAL REGISTRATION SCHEMES

- (1) NICTA type approval and equipment registration is categorized under two schemes. These schemes are;
 - (a) Basic Approval Scheme (BAPS)
BAPS consist of two categories
 - i. Controlled Customer Equipment
 - ii. Customer Equipment
 - (b) Equipment Registration Scheme (ERS)
ERS consist of two categories
 - i. Compulsory Equipment Registration Scheme (CERS) and;
 - ii. Simplified Equipment Registration Scheme.
- (2) NICTA shall type approve and register ICT equipment under these two schemes.
- (3) Detailed description of the two schemes is outlined at Section 5 in the Type Approval Guideline.

13 TEST REPORTS

- (1) Test reports which clearly and unambiguously demonstrate compliance with applicable NICTA standard and specification must be attached with the application form.
- (2) Test reports which demonstrate compliance with international standards and satisfy the technical requirements of NICTA standards and or specifications can be equally be used to demonstrate compliance, so long as the relationship between the international standards and the NICTA standard/specifications is demonstrated clearly and unambiguously.
- (3) NICTA shall recognize test results performed by a laboratory which is designated by the designating authority of Mutual Recognition Arrangement (MRA) partners. ...*(this will come into effect once NICTA establish MRA. In progress)*

Q8: Are there any specific comment on Test Reports

14 COMPLIANCE LABEL/MARKING

- (1) ICT equipment entering PNG must be marked with recognized international labels accepted by NICTA.
- (2) Labels shall comply with the format and other requirements identified in the Type Approval Guidelines.

Q9: Are there any specific comment on Label compliance

15 DECLARATION OF CONFORMITY (DoC) AND CRITERIA FOR APPROVAL

- (1) NICTA may accept a declaration of conformity (DoC) by an applicant if accompanied by a certified copy of test reports and data issued by an accredited test laboratory confirming conformity of the ICT equipment for which type approval is sought with the applicable technical standards.
- (2) In an application for type approval, the applicant must submit the test reports and DoC referred to in sub-regulation (1) without any modification whatsoever.
- (3) In assessing an application for type approval, NICTA will take into account whether the test reports and DoC referred to in sub-regulation (1) were submitted and accepted by a foreign MRA partner.
- (4) NICTA shall not have regard to any test report and data accompanying a DoC in terms of sub-regulation (1) if such report and data are older than three (3) years.
- (5) NICTA may accept a declaration of conformity and its accompanying test reports and data as valid if such declaration, test report and data were prepared for the ICT equipment for which application for type approval is made and if no modification to the equipment was made following the completion of the test reports.
- (6) Any other requirements shall be in accordance with the Type Approval Guideline.

Q10: Are there any specific comment on DoC and criteria for approval

16 MARKET SURVEILLANCE

- (1) NICTA may conduct market surveillance on all ICT Equipment that requires Type Approval under the following conditions:
 - (a) In the event that a complaint is made by a consumer or other competent body;
 - (b) In the event when NICTA received a report of interference;
 - (c) For a visual inspection of equipment in a retail outlet and/or;
 - (d) As a part of a random audit conducted by NICTA to ensure compliance.
- (2) In carrying out the Market Surveillance, NICTA inspectors may;
 - (a) Under suspicious circumstances, require the supplier to submit the equipment to the Authority for conformity assessment,
 - (b) Conduct a visual examination of the equipment, label, packaging and certificate,
 - (c) Require the supplier to provide a NICTA Radio dealers licence for being a supplier or dealer of ICT equipment.
- (3) NICTA will not assume liability for any damage or loss of such equipment whilst under its custody.
- (4) If the ICT equipment is found to be non-compliant with applicable technical standards and NICTA regulations, the suppliers shall be notified to cease using or selling the ICT equipment and dispose it at its own expense or NICTA inspectors may seize the equipment and dispose it.

Q11: Do you agree with the Market Surveillance requirements? NICTA invites any general comments.

17 REGISTER

- (1) NICTA shall keep and maintain a register of -
 - (a) standards;
 - (b) type approved ICT equipments and persons who comply with the standards; and
 - (c) registered certifying agencies in accordance with the Act and the Regulations.
 - (d) confiscated equipment and illegal importers of ICT equipment.
- (2) Any person may check the register and make copies of or take extracts from the register which is available in the Type Approval equipment database.

Q13: Is there any other specific information that should be included in the register?

18 VALIDITY OF THE TYPE APPROVAL CERTIFICATE

- (1) Type Approval certificate for equipment under Basic Approval Scheme (BAPS) according to NICTA Type Approval Guideline shall remain valid for as long as the DoC is maintained.
- (2) Type Approval for equipment under Equipment Registration Scheme (ERS) shall be valid for a period of three (3) years. (ERS is classified in the NICTA Type Approval Guideline instrument).
- (3) Within 45 days prior to the expiration of the Type Approval certificate to a equipment under ERS, NICTA will send the approval holder a renewal notice. The approval holder shall make the appropriate payment before the due date in order to renew the approval for a further three (3) years.
- (4) Failure to make the renewal payment by the due date will result in the cancellation of type approval certificate.

Q13: Do you agree with the validity of type approval certificate?

19 FEES FOR TYPE APPROVALS

- (1) NICTA shall, from time to time, determine and charge fees to cover expenses incurred, inter alia, for processing applications for registration, issuing registration numbers, maintaining records and as a contribution towards surveillance and enforcement costs.
- (2) Type Approval fees may distinguish between fees payable on application processing and fees payable on minimum equipment testing.
- (3) Every applicant for Type Approvals shall pay the fees for Type Approvals at the times specified by NICTA in the Type Approval Guidelines.
- (3) NICTA shall determine and charge separate fees for equipment with multi-interfaces intended to be used for multipurpose.
- (4) All payments requested by the NICTA shall be paid within 30 working days.
- (5) The fees schedule shall be as specified in the Type Approval Guideline.

Q14: Any specific comment on Type Approval fee?

20 CONTRAVENTION AND ENFORCEMENT

- (1). A person that fails to fulfill an obligation in this Regulation, the Type Approval Guidelines or the Type Approval Standards shall have committed a Contravention.
- (2). If a person commits a Contravention, NICTA Inspectors may take one or more of the following enforcement measures, without prejudice to the application of Part V of the Radio Spectrum Regulation and Part XIV, Division 4 & 5 of the Act:
 - (a) impose administrative fines pursuant to Part VI, section 68-73 of the NICT Radio Spectrum Regulation, 2010.
 - (b) exercise any of the testing, seizure, detention or sealing of premises powers pursuant to section 67 of the Radio Spectrum Regulation, 2010.
 - (c) issue one or more directions pursuant to NICT Act, 2009 and Regulations.

Q15: NICTA invites comments on Contravention and Enforcement

21 CUSTOMS CLEARANCE

- (1) NICTA established MOU with PNG Customs to check and guarantee all imported ICT equipment are typed approved. The following conditions and requirements shall be followed when importing ICT equipment;
 - (a) In order to facilitate custom clearance of ICT Equipment person acting on behalf of supplier/importer shall present a NICTA issued Type Approval certificate and shipment documentation to PNG Customs during customs clearance.
 - (b) Person acting on behalf of the supplier/importer must ensure that the documents provided to the customs officer are original and genuine.
 - (c) If the equipment is intended for personal use, the equipment shall not be released until the necessary Type Approval is obtain from NICTA.
 - (d) The ICT equipment must be in the list of type approved equipment.
- (2) PNG Custom shall retain non type approved regulated ICT equipment until NICTA inspectors have checked and confirmed the approval status of the

equipment. The retention time of the equipment shall be three (3) weeks after which the equipment shall be confiscated or release to the owner.

- (3) The supplier or importer must ensure to provide the necessary documents within three weeks to ensure compliance.
- (4) Failing to respond within three (3) weeks and or non-compliant to NICTA type approval requirements will allow NICTA to confiscate the equipment(s).

Q16: NICTA invites comments on the proposed customs clearance requirements.

22 MUTUAL RECOGNITION ARRANGEMENT

- (1) Under [the] bilateral or multilateral mutual recognition agreements or arrangements signed between Papua New Guinea and other APEC member economies, regional organizations or international organizations, NICTA may accept the test report, compliance certificate or Declaration of Conformity (DoC) issued under the said agreements or arrangements.

Q17: Do you agree with NICTA to establish MRA?

23 TEST HOUSE

- (1) NICTA shall maintain and publish an up-to-date list of ICT equipment testing laboratories that are compliant to ISO/IEC 17025 and recognized by NICTA as suitable for performing tests to its requirement.
- (2) The list of test laboratories may include, but may not be limited to, those accredited by international accreditation mechanisms, including under the International. Laboratory Accreditation Co-operation (ILAC) and Mutual Recognition Arrangement (MRA).
- (3) A list of international testing authorities recognized by NICTA is at schedule 6 in the Type Approval Guideline.

Q18: Any specific comment on Test houses?

PART III ADMINISTRATIVE REQUIREMENTS

24 ALTERATION OF REGULATION

- (1) NICTA may alter this regulation from time to time. The alteration shall not affect the regulation until after three months of a public notice being issued by NICTA regarding the matter.

25 JURISDICTION

- (1) NICTA shall not be liable for any interference to other equipment, injury, loss or damage arising from the application of this Regulation.
- (2) This regulation shall be administered by the Board of Directors of NICTA or under the delegation of its powers.

26 PENALTIES

- (1) NICTA shall take necessary legal actions against those who use, import, sell, offer for sale or connect ICT apparatus in breach of this regulation.

27 REGISTRATION ENQUIRIES

Address all enquiries to the following:

**Type Approvals
NICTA
P.O Box 8227,
BOROKO.
Papua New Guinea**

Email: typeapprovals@nicta.gov.pg

Q19: NICTA invites any general comments on the overall proposed Type Approval Regulation.