Government of
The Republic
of Vanuatu

Telecommunication &
Radiocommunication
Regulator

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Consultation Paper on Draft Telecommunications and Radiocommunications Type Approval and Conformity to Standards Regulation

INVITING PUBLIC COMMENT AND INPUT

11 November 2016

Contents

CONSULTATION FEEDBACK INFORMATION

The Telecommunications and Radiocommunication Regulator (TRR) welcomes and invites comments and feedback to this consultation document from all interested parties.

The successful introduction of this proposed new regime for radiocommunications standardization will involve many stakeholders, including some that are not participants in the telecommunications sector. TRR is consulting directly with many stakeholders to ensure they are aware of and understand the problem that the draft regulation is addressing, that they have the opportunity to contribute to the design of the proposed new arrangements, and that they will contribute to the successful implementation of the regulation once it is finalized.

We would appreciate your provision of information to be clear by quoting the main corresponding sections and sub sections when providing your comments:

- More general comments on the consultation document should also be indicated accordingly.
- In the interests of transparency, TRR will make public all or parts of any submissions made in response to this Consultation Document unless there is a specific request to treat all or part of a response in confidence. If no such request is made, TRR will assume that the response is not intended to be confidential. TRR will evaluate requests for confidentiality according to relevant legal principles.
- Respondents are required to clearly mark any information included in their submission that they consider confidential. They shall provide reasons why that information should be treated as such. Where information claimed to be confidential is included in a submission, respondents are required to provide both a confidential and a non-confidential version of their submission. TRR will determine, whether the information claimed to be confidential is to be treated as such, and, if so, will not publish that information. In respect of the information that is determined to be non-confidential, TRR may publish or refrain from publishing such information at its sole discretion.
- TRR has set out a number of questions at the end of this consultation paper. These are summarized in Section 4. Wherever possible, please refer to these questions if you have specific questions to provide us with your queries.
- TRR will accept comments in English, French or Bislama;

- If comments are submitted in printed format, they must be submitted on A4 paper accompanied, wherever possible, by a disk containing the comments or in electronic format.
- Comments on this consultation document should be provided to TRR via the following means:

Email address consultation@trr.vu

Posted or hand delivered to:

Public Input – Consultation Paper on Draft Telecommunications and Radiocommunications Type Approval and Conformity to Standards Regulation

Telecommunications and Radiocommunications Regulator

P O Box 3547, Port Vila, Vanuatu;

- The deadline for public Comments is **4:30pm, 23th December 2016**. Please note that TRR's consultation timeframe in accordance with TRR's Consultation Guidelines is normally 28 days. For this consultation, TRR considers a 4 weeks consultation period is necessary.
- For any phone enquiries regarding this Consultation document, please call the following numbers:

(678) 27621 or (678) 27487;

All Comments will be reviewed by TRR, and TRR will consider every comment submitted when finalizing its report or decision. For transparency, a record of every comment received will be made available for public information, unless comments are labeled 'In Confidence'.

For more information about TRR's Consultation Guidelines, please visit the following website;

http://www.trr.vu/index.php/en/public-register/consultations/2016;

You are welcome to visit our website http://www.trr.vu for more details on the latest developments in the telecommunication services industry and other related matters.

1.0 INTEPRETATION

The 'Key' terms used in this draft Regulation are either already defined in the Act or otherwise are defined in the draft Regulation itself.

2.0 INTRODUCTION

2.1 Background

With the rapid increase in the uptake of mobile and internet services in Vanuatu, it is evident that retail shops are being flooded with radio communications and telecommunications devices and equipment. This includes customer end equipment, from different vendors and suppliers, some of which is of low quality and may not be compliant with applicable international standards and requirements. If so, this equipment may possibly cause interference, or long or short term damage, to the available networks and/or Vanuatu's citizens.

Section 7 of the Act prescribes the general functions and powers of TRR; one of which is to advise the Minister as to the making of a Regulation. Sub-section 7(3) of the Act states *"The Regulator may, with the approval of the Minister, make such regulations as may be necessary or convenient to give effect to the provisions of this Act"*, and Paragraph 7 (4) (f) of the Act states that *"imposing restrictions or limitations upon the importation, sale or use of any equipment used or likely to be used in connection with radiocommunications or telecommunications".*

TRR is proposing that a Type Approval process, through the development of a regulation, be established in Vanuatu to overcome any present or potential problems. Type approval is a process by which Information, and Communications Technology (ICT) equipment and devices, or Radiocommunication and Telecommunication Terminal Equipment (RTTE), is authorized for sale and use in a country ("approved). It involves verification of the equipment compliance with the applicable international standards and requirements to ensure that the ICT or RTTE does not cause interference, or long or short term damage to networks and/or Vanuatu's citizens.

TRR proposes that all ICT, RTTE and like equipment that is intended to be imported into, or to be manufactured and to be used in Vanuatu, must be approved before it can be supplied/used.

This consultation paper has been developed to provide all stakeholders and, particularly, licensees, manufacturers, ICT equipment importers, radio dealers, sales outlets, users and consumers, and other interested individuals the

opportunity to consider TRR's proposal, and respond and contribute to the development of a Type Approval Regulation that is fit for purpose for Vanuatu.

TRR believes that it is important, and essential, to have the Type Approval and Conformity to Standards Regulation developed through a collective and extensive consultation process to capture the views of *all* stakeholders.

Accordingly, the objective of this Public Consultation paper is to provide stakeholders with the opportunity to review TRR's proposal and current thinking on this issue, and make all appropriate comments to TRR that it needs to consider in respect of the content and implications of the proposed Type Approval Regulation detailed herein.

The consultation paper is also available on TRR's website (www.trr.vu)

2.2 Objective and Purpose

The objectives and purpose of the proposed Regulation is to:

i. Ensure that such equipment conforms with appropriate technical standards such as the International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines for limiting exposure to time-varying electric, magnetic and electromagnetic fields (up to 300 GHz);
ii. Recognize, formally, relevant international technical standards that will apply to radiocommunications and telecommunications apparatus, equipment and devices intended to be sold or used in Vanuatu;
iii. Ensure that only radiocommunications and telecommunications apparatus, equipment and devices that conforms to the recognized international technical standards is imported, manufactured, placed, sold or used in the Vanuatu market by pprohibiting the use of any non-standard apparatus, device or equipment, prohibiting the possession of any non-standard apparatus, device or equipment, prohibiting the importation of any non-standard apparatus, device or equipment, and prohibiting the sale of a non-standard apparatus, device or equipment;
iv. Recognize the type approval of radiocommunications and telecommunications apparatus from certain other jurisdictions (such as Australia and New Zealand) as evidence that the apparatus conforms to the relevant technical standards;
v. Ensure any such apparatus, device or equipment does not cause damage to or interference with the operation of the telecommunication networks of Vanuatu, and any other apparatus, device or equipment, since such

interference can affect the performance of radio signals and of such apparatus, device or equipment,;

vi. Ensure that radiocommunications and telecommunications apparatus, devices or equipment used in Vanuatu does not cause interference to other users of the radiofrequency spectrum, and does not pose a risk to the health and safety of the general public or people working with radiocommunications and telecommunications networks;

vii. Promote efficient use of the radio spectrum, by ensuring that the operating frequencies of all the radiocommunications and telecommunications apparatus, equipment and devices imported or used in Vanuatu is in line with the Frequency Allocation Plan of Vanuatu;

viii. Ensure compatibility and interoperability between public networks and telecommunications equipment;

ix. Promote quality goods and products (radiocommunications and telecommunications equipment) being imported into the country;

x. Avoid Vanuatu becoming a dumping ground for non-standard equipment and devices.

xi. Establish a process for issuing type approval permits;

xii. Establish a process for cancellation of type approval permits; and

xiii. Establish a standard charge, with the fee being paid to TRR, for the application and/or administrative cost associated with regulatory and management functions pertaining to the processing of the applications for permits and other applications;

xiv. Implement, facilitate and give effect to sub-sections 7(3) and 7(4) of the Act, by adding supplementary detail or requirements and establish procedures to govern how they will be applied and implemented.

This Consultation Document ("document") seeks stakeholders' feedback on the proposed draft Type Approval and Conformity to Technical Standards Regulation that proposes to add implementation details to the procedures established by the Act.

A draft of the proposed Regulation which is titled *Telecommunications and Radiocommunications Type Approval and Conformity to Technical Standards Regulation Order No. [x] of 2017* ("the draft Regulation"), is provided in Annex A.

3.0 REGULATORY IMPACT ASSESMENTS

The Draft Regulation is being made under sub-section 7(3) of the Act; specifically to implement, enforce and to give effect to existing provision under sub-section 7(2), sub-section 7(3) and sub-section 7(4) of the Act, which include but not limited to:

- Paragraph 7(2) (e) regarding management of radio spectrum;
- Paragraph 7(4) (f) regarding imposing restrictions or limitations upon the importation, sale or use of any equipment used or likely to be used in connection with radiocommunications or telecommunications.

To date there has been no control of the importation of radiocommunications and telecommunications equipment and there may currently be devices in the market that could be harmful to the general public and the operators' networks. This draft Regulation intends to address these issues and current potentials problems, as well as to eliminate fake and counterfeit equipment.

The Universal Access Policy (UAP) is extending service coverage, including broadband coverage, to 98% of the entire population of Vanuatu by January 2018, and this means that many people in the rural areas will then have access to high speed broadband services. It is necessary and appropriate to make the draft Regulation at this time to support the development and expansion of Vanuatu's telecommunication services through the UAP services by regulating the sale, supply and safe use of quality, genuine, and fit for purpose customer end equipment, to all citizens of Vanuatu, including those in the remote areas, that conforms to applicable standards and requirements.

This Draft Regulation will also promote and enforce the efficient use of the radio spectrum, by ensuring that the operating frequencies of all of the radiocommunications and telecommunications apparatus, devices and equipment is in accordance with the Frequency Allocation Plan of Vanuatu.

This Regulation will also support and assist sub-clauses 7.3, 7.5 or 7.6 of the telecommunication license on compliance and conformity to radiation safety standards identified by TRR.

The draft Regulation introduces standards compliance and a degree of regulatory oversight with regards to the compliance to these standards and requirements to known international standards; such as the International and Organization for

Standardization (ISO), the International Electro-technical Commission (IEC), European Telecommunications Standard Institute (ETSI) standards, Australian/New Zealand Standards with respect to Electromagnetic Compatibility, Safety Requirements, and Effective Use of radio frequency spectrum for radio communication equipment.

The draft Regulation addresses current problems and provides the opportunity for TRR to make all stakeholders and the public aware of the procedures for application for type approval permits, the process and the administrative fees involved in analyzing the application and processing the permits.

4.0 CONSULTATION QUESTIONS

Q1: Do you support the draft Regulation as it has been drafted?

Q2: If the answer to Q1 is "no", please indicate any alternative or modified approaches that you would prefer to see in the draft Regulation; including, if possible, the text that might appear in the draft Regulations instead of what is currently there. Please also state the reasons for your view.

Q3: If the answer to Q1 is "no" because a topic has not been covered or not covered to the extent that you think it should be, please indicate the additional coverage and text that you would propose be included in the draft Regulation at that time.. Also please state the reason for your views.

Q4: Do you agree with the list technical standards included in this Regulation and, if not, what other standards should be added or what ones removed?

Q5: Do you agree with then list of certifying bodies included in this Regulation and, if not, which bodies should be included/excluded from this list?

Q6: Do you agree with the type/range of radiocommunications and telecommunications equipment that is required for type approval under this proposed Regulation and, if not, provide justification for your answer?

Q7: What other radiocommunications and telecommunications equipment should be included into this regulation? Please identify and justify why.

Q8: Pleases state any other comments and/or suggestions related to the Type Approval Regulation, along with any justifications or comments you wish to make?

ANNEX A: Draft Regulation

REPUBLIC OF VANUATU

TELECOMMUNICATIONS AND RADIOCOMMUNICATIONS REGULATION ACT NO. 30 OF 2009

Telecommunications and Radiocommunications Type Approval and Conformity to Technical Standards Regulation Order No. [x] of 2017

In exercising the powers conferred on me by subsection 7(3) of the Telecommunications and Radiocommunications Regulation Act No. 30 of 2009, and with the approval of the Prime Minister, I, DALSIE BANIALA, Telecommunications and Radiocommunications Regulator, make the following Regulation.

Made at Port Vila this [date] day of [month], 2017

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DALSIE BANIALA

Telecommunications and Radiocommunications Regulator

PART 1 – PRELIMINARY

1 Short title

This Regulation may be cited as the Telecommunications and Radiocommunications Type Approval and Conformity to Technical Standards Regulation Order No. XX of 2017.

2 Commencement

This Regulation shall come into force on the date it is published in the Official Gazette.

3 Definitions

(1) Subject to Subsection (2), unless the context otherwise requires, terms used in this Regulation have the same meaning as in the *Telecommunications and Radiocommunications Regulation Act No. 30 of 2009*.

(2) In this Regulation, unless the context otherwise requires —

(a) **Act** means the *Telecommunications and Radiocommunications Regulation Act No.30 of 2009*;

(b) **applicable standard**, in relation to a specified radiocommunications devices that is mentioned in column 1 in Schedule 1, means the standards, as amended from time to time, that are specified in the corresponding entries in columns 2, 3 and 4 mentioned in Schedule 1;

(c) **conformity assessment body** means a testing laboratory or a certification body that determines directly or indirectly that a type of radiocommunications device fulfils specified requirements of one or more technical standards that relate to that device;

(d) **importer**, in relation to a radiocommunications device that was manufactured outside Vanuatu, means a person who imports the device into Vanuatu;

(e) **manufacture**, in relation to a radiocommunications device, means:

(i) manufacture in Vanuatu; or

(ii) modification of the device in Vanuatu (whether or not the device was manufactured in Vanuatu);

(f) **manufacturer**, in relation to a radiocommunications device, means a person who:

(i) manufactures the device in Vanuatu; or

(ii) modifies the device in Vanuatu (whether or not the device was manufactured in Vanuatu);

(g) **non-standard device** means a specified radiocommunications device that does not comply with an applicable standard when it was manufactured or imported, as the case may be;

(h) **radio emission** means an emission of electromagnetic energy of frequencies less than 420 terahertz without continuous artificial guide, whether or not any person intended the emission to occur;

(i) **recognised certification body** means any of the bodies specified in Schedule 2;

(j) **specified radiocommunications device** means a radiocommunications of a type specified in column 1 in Schedule 1;

(k) **supply** includes supply (including re-supply) by way of sale, exchange, lease, hire or hire-purchase;

(l) **supplier**, in relation to a radiocommunications device, means:

(i) the manufacturer or importer of the device; or

(ii) an agent of the manufacturer or importer of the device;

(m) **working day** means a day that is not:

(i) a Saturday or Sunday; or

(ii) a public holiday specified in, or declared pursuant to, the *Public Holidays Act* [CAP 114] (as Amended).

4 Application

This Regulation applies to a radiocommunications device that:

(a) is manufactured in or imported into Vanuatu for operation or supply in Vanuatu; and

(b) is a device to which an applicable standard applies.

PART II – RADIOCOMMUNICATIONS DEVICE TECHNICAL STANDARDS

Division 1 – Compliance with applicable technical standards

5 Conformity with technical standards

(1) A specified radiocommunications device must, at the time it is manufactured in Vanuatu or imported, conform to the applicable standards in force at the time.

(2) The use of a specified radiocommunications device is to comply with the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines for limiting exposure to time-varying electric, magnetic and electromagnetic fields (up to 300 GHz).

(3) A person who manufactures in Vanuatu or imports a specified radiocommunications device shall be responsible for informing themselves of and ensuring conformance with the most recent editions of the applicable standards.

6 Inconsistency between applicable standards

(1) This section applies if:

(a) a type of specified radiocommunications device meets the requirements of more than one applicable standard; but

(b) the applicable standards are inconsistent with each other.

(2) The supplier of the specified radiocommunications device must:

(a) choose the standard that the supplier will use as the applicable standard; and

(b) prepare a statement that:

(i) sets out which provisions of the standards are inconsistent; and

(ii) identifies the standard that the supplier has chosen as the applicable standard; and

(c) keep the statement as part of the records that the supplier maintains for the purposes of Section 15(2).

(3) After the supplier prepares a statement of the kind mentioned in Subsection (2)(b):

(a) the standard chosen by the supplier is taken to be an applicable standard for the type of specified radiocommunications device; and

(b) the standard with which the standard mentioned in paragraph (a) is inconsistent is taken not to be an applicable standard for the type of radiocommunications device to the extent it is supplied by that particular supplier.

(4) The supplier is not permitted to revoke or change the choice of a standard while the chosen standard is in force.

Division 2 – Prohibitions relating to non-standard devices

7 Prohibition of the use of a non-standard device

(1) A person must not cause a radio emission to be made by a radiocommunications device that the person knows is a non‑standard device.

(2) A person does not contravene Subsection (1) by causing a radio transmission to be made by a non‑standard device in the reasonable belief that the emission or possession was necessary for the purpose of:

(a) securing the safety of a vessel or aircraft that was in danger; or

(b) dealing with an emergency involving a serious threat to the environment; or

(c) dealing with an emergency involving risk of death of, or injury to, persons; or

(d) dealing with an emergency involving risk of substantial loss of, or damage to, property.

(3) A person does not contravene Subsection (1) by causing a radio transmission to be made by a non‑standard device if that use is in accordance with written permission given by the Regulator under Section 11.

8 Prohibition of the possession of a non-standard device

(1) A person must not have in his or her possession for the purpose of operation a radiocommunications device that the person knows is a non-standard device.

(2) A person does not contravene Subsection (1) by having a non-standard device in his or her possession in the reasonable belief that the possession was necessary for the purpose of:

(a) securing the safety of a vessel or aircraft that was in danger; or

(b) dealing with an emergency involving a serious threat to the environment; or

(c) dealing with an emergency involving risk of death of, or injury to, persons; or

(d) dealing with an emergency involving risk of substantial loss of, or damage to, property.

(3) A person does not contravene Subsection (1) by having a non-standard device in his or her possession if the device is intended to be used solely outside Vanuatu.

(4) For the purposes of Subsection (3), the burden of proving that a non-standard device is intended for use solely outside Vanuatu lies on the person in possession of the device.

(5) A person does not contravene Subsection (1) by having a non-standard device in his or her possession if the possession is in accordance with written permission given by the Regulator under Section 11.

(6) Without limitation, a person is taken, for the purposes of this Section, to have a device in his or her possession for the purpose of operation if it is in his or her possession, otherwise than for the purpose of supply to another person, and can be operated by merely doing one or more of the following:

(a) connecting the device to an electric power supply by means of an electric plug or other electric connection;

(b) connecting a microphone to the device by inserting a microphone plug into the device;

(c) switching on the device;

(d) switching on any other equipment relevant to the device's operation;

(e) adjusting settings by manipulating the device's external switches, dials or other controls;

(f) connecting the device to an antenna.

(7) A reference in this Section to a person having a radiocommunications device in his or her possession includes a reference to the person having it under his or her control in any place whatsoever, whether for the use or benefit of that person or another person, and although another person has the actual possession or custody of the device.

9 Prohibition of the supply of a non-standard device

(1) A person must not supply a radiocommunications device that the person knows is a non-standard device.

(2) A person does not contravene Subsection (1) by supplying a non-standard device if:

(a) the device is intended to be used solely outside Vanuatu; or

(b) the device was imported and the person supplied it for the purposes of re-export.

(3) For the purposes of Subsection (2), the burden of proving that a non-standard device is being supplied for use solely outside Vanuatu or was imported for the purpose of re-export lies on the person in possession of the device.

10 Imputed knowledge

(1) For the purposes of establishing a contravention of Sections 7, 8 or 9, if, having regard to:

(a) a person's abilities, experience, qualifications and other attributes;

(b) all the circumstances surrounding the alleged contravention; and

(c) previous advice in writing from the Regulator that the device, or devices of the type in question, were non-standard devices;

the person ought reasonably to have known that the specified radiocommunications device in question was a non-standard device, the person is taken to have known that it was a non-standard device.

Division 3 – Permits for non-standard devices

11 The Regulator may issue permits

(1) A person may apply to the Regulator, in a form specified by the Regulator, for a permit authorising:

(a) the possession of a non-standard device; or

(b) a radio emission to be made by a non-standard device; or

(c) the activities mentioned in both paragraphs (a) and (b).

(2) The Regulator may, in writing, issue to the person a permit authorising the person and, if the permit so specifies, his or her agents:

(a) to have in his, her or their possession specified non-standard devices; and

(b) if, and only if, the permit so specifies—to cause such devices to make radio emissions.

(3) Without limitation, in deciding whether to issue a permit, the Regulator:

(a) may have regard to whether the purpose for which the permit is sought is a purpose related to:

(i) education or research;

(ii) testing of devices; or

(iii) demonstration of devices; and

(b) must have regard to the protection of the health or safety of persons who:

(i) operate radiocommunications devices;

(ii) work on radiocommunications devices;

(iii) use services supplied by means of radiocommunications devices; or

(iv) are otherwise reasonably likely to be affected by the operation of devices.

(4) The Regulator may define and charge a permit application processing fee in respect of each application received. The fee shall be paid with the applications and shall apply irrespective of whether the application is granted or refused.

(5) If the Regulator refuses to issue the permit, it must give the person a written notice of the refusal, together with a statement of its reasons.

12 Conditions of permits

(1) A permit granted by the Regulator under Section 11 is subject to the following conditions:

(a) a condition that a person to whom the permit relates must comply with the Act; and

(b) any other conditions that the Regulator may, in its discretion, specify in the permit.

(2) The Regulator may, by written notice given to the person to whom the permit was issued:

(a) impose one or more further conditions to which the permit was issued; or

(b) vary or revoke any conditions:

(i) imposed under paragraph (a); or

(ii) specified under paragraph (1)(b).

13 Duration of permits

(1) A permit granted by the Regulator under Section 11 comes into force on the day on which it is issued.

(2) A permit that authorises radio emission must specify a day of expiration.

(3) A permit that does not authorise radio emission remains in force:

(a) if it specifies a day of expiration—until the end of that day; or

(b) otherwise—indefinitely, subject to earlier cancellation by the Regulator pursuant to Section 14.

14 Cancellation of a permit

(1) The Regulator may, by written notice given to the holder of a permit, cancel the permit.

(2) The notice mentioned in Subsection (1) must give the Regulator's reasons for cancelling the permit.

PART III – RECOGNITION OF TYPE APPROVALS

15 Type approval recognised as certification of conformity to applicable standards

(1) A specified radiocommunications device must not be operated or supplied in Vanuatu unless a recognised certification body has type approved devices of that type as conforming to the applicable standards.

(2) Before a specified radiocommunications device is operated or supplied, the supplier must, for each applicable standard for the device, make a record of the following:

(a) the manufacturer of the device;

(b) the current model number for the device and, if relevant, any related model numbers for the device;

(c) evidence of the type approval from a recognised certification body that the supplier has relied on for the purposes of Subsection (1); and

(d) any manufacturer's documentation supplied with the device that sets out specifications for the correct installation and operation of the device.

(3) The supplier must keep the records specified in Subsection (2) for three years after the supplier has ceased to supply the specified radiocommunications device.

16 Records to be made available to the Regulator for inspection

(1) The supplier of a specified radiocommunications device must ensure that the records maintained for the purposes of Sections 15 and 18(1)(a) are

available for inspection by the Regulator at the supplier's registered address in Vanuatu.

(2) The Regulator may, by written notice, request a supplier of a specified radiocommunications device to provide the Regulator with a copy of part or all of the records maintained for the purposes of Section 15 or 18(1)(a).

(3) A supplier in receipt of a notice issued by the Regulator under Subsection (2) shall comply with the requirements of the notice within the timeframe, if any, specified in the notice.

17 Request for test report or statement

(1) If the Regulator believes that the records of a specified radiocommunications device kept by a supplier for the purposes of Section 15 or 18(1)(a) do not provide sufficient evidence that the device complies with each applicable standard, the Regulator may, in writing, require the supplier to give the Regulator:

(a) a test report from a conformity assessment body recognised by one of the recognised certification bodies stating that the device complies with each applicable standard; or

(b) a written statement from a conformity assessment body recognised by one of the recognised certification bodies certifying that the device complies with one or more requirements in an applicable standard.

(2) A supplier in receipt of a request from the Regulator under Subsection (1) must comply with the request within 30 working days of the date of the request.

18 Transitional arrangements

(1) If a specified radiocommunications device was supplied or available for supply before the Commencement Date, the supplier of that device shall:

(a) for each applicable standard for the device, make a record of the following:

(i) the manufacturer of the device;

(ii) the current model number for the device and, if relevant, any related model numbers for the device; and

(iii) evidence that that device has been type approved by a recognised certification body; or

(b) if the device is a non-standard device or has not been type approved by a recognised certification body, apply to the Regulator for a permit under Section 11.

(2) A supplier to which Subsection (1) applies must:

(a) fulfil the requirements of Subsection (1) within 12 months of the Commencement Date; and

(b) keep any records prepared for the purposes of Subsection (1)(a)15(2) for three years after the supplier has ceased to supply the specified radiocommunications device to which the records relate.

SCHEDULE 1: RADIOCOMMUNICATIONS DEVICE TECHNICAL STANDARDS

Column 1 Radiocommunication Device	Column 2 Effective Use of Radio Spectrum	Column 3 Electromagnetic Compatibility	Column 4 Safety
Mobile Cellular Networks			
Cellular Base Station & Repeater Station (GSM)	ETSI EN 301 502 ETSI EN 300 609-4	ETSI EN 301 489-1 ETSI EN 301 489-8	IEC / EN 60950 IEC / EN 60215
Cellular Mobile Terminal (GSM)	ETSI EN 301 511	ETSI EN 301 489-1 ETSI EN 301 489-7	EN 50360:2001 EN 50361:2001
Cellular Base Station and Repeater Station (ITU IMT-2000, UTRA and EUTRA)	ETSI EN 301 908-1 ETSI EN 301 908-3 ETSI EN 301 908-11 ETSI EN 301 908-14 ETSI EN 301 908-15 ETSI EN 301 908-18	ETSI EN 301 489-1 ETSI EN 301 489-23	IEC / EN 60950 IEC / EN 60215
Cellular Mobile Terminal (ITU IMT-2000, UTRA and E-UTRA)	ETSI EN 301 908-1 ETSI EN 301 908-2	ETSI EN 301 489-1 ETSI EN 301 489-24	EN 50360:2001 EN 50361: 2001
Cellular Base Station and Repeater Station (ITU IMT, LTE)	ETSI EN 301 908-13 ETSI EN 301 908-15 ETSI EN 301 908-21 ETSI EN 301 908-22	ETSI EN 301 489-1	
Cellular Mobile Terminal (ITU IMT, LTE)	ETSI EN 301 908-1 ETSI EN 301 908-2		
PMR (Land Mobile)			
Terrestrial Trunked Radio (TETRA)	ETSI EN 303 035-1 ETSI EN 303 035-2	ETSI EN 301 489-1 ETSI EN 301 489-18	IEC / EN 60950
Land mobile service base station, mobile and transportable, operating on radio frequencies between 30 MHz and 1000 MHz, with channel separations of 12.5 kHz, 20 kHz and 25 kHz, primarily intended for analogue speech.	ETSI EN 300 086-2 ETSI EN 300 086-1	ETSI EN 301 489-1 ETSI EN 301 489-5	IEC / EN 60950
Land mobile service base station, mobile and transportable, operating on radio frequencies between 30 MHz and 1000 MHz, with channel separations of 12.5 kHz, 20 kHz and 25 kHz, intended for speech and/or data using	ETSI EN 300 113-1 ETSI EN 300 113-2 ETSI EN 300 771-2 (rules for access and sharing of common used channels)	ETSI EN 301 489-1 ETSI EN 301 489-5	IEC / EN 60950

Column 1 Radiocommunication Device	Column 2 Effective Use of Radio Spectrum	Column 3 Electromagnetic Compatibility	Column 4 Safety
constant or non-constant envelope modulation.			
Constant envelope angle modulation systems for use in the land mobile service, using the available bandwidth, operating on radio frequencies between 30 MHz and 1000 MHz, with channel separations of 12.5 kHz, 20 kHz and 25 kHz intended for non-speech transmissions (more specifically, transmissions of signals use to initiate a specific response in the receiver).	ETSI EN 300 219-2 ETSI EN 300 219-1	ETSI EN 301 489-1 ETSI EN 301 489-5	IEC / EN 60950
Equipment with integral antennas, used in angle modulation systems in the land mobile service, operating on radio frequencies between 30 MHz and 1000 MHz, with channel separations of 12.5 kHz, 20 kHz and 25 kHz, and is intended primarily for analogue speech.	ETSI EN 300 296-2 ETSI EN 300 296-1	ETSI EN 301 489-1 ETSI EN 301 489-5	IEC / EN 60950
Constant envelope angle modulation systems for use in the land mobile service, using the available bandwidth, operating on radio frequencies between 30 MHz and 1000MHz, with channel separations of 12.5 kHz, 20 kHz and 25 kHz intended for non-speech transmissions (applies to non-speech and to the non-speech part of combined speech/non-speech	ETSI EN 300 341-2 ETSI EN 300 341-1	ETSI EN 301 489-1 ETSI EN 301 489-5	IEC / EN 60950

Column 1 Radiocommunication Device	Column 2 Effective Use of Radio Spectrum	Column 3 Electromagnetic Compatibility	Column 4 Safety
equipment with integral antennas).			
Constant envelope angle modulation systems for use in the land mobile service, using the available bandwidth, operating on radio frequencies between 30 MHz and 1000 MHz, with channel separations of 12.5 kHz, 20 kHz and 25 kHz intended for data transmissions. It applies to digital and combined analogue and digital radio equipment which is hand portable, using an integral antenna and intended for the transmission of data and/or speech.	ETSI EN 300 390-2 ETSI EN 300 390-1	ETSI EN 301 489-1 ETSI EN 301 489-5	IEC / EN 60950
Equipment operating with narrow channel separations (CSP) (less than 10 kHz e.g. 6.25 kHz) operating on radio frequencies between 30 MHz and 3000 MHz, and intended for speech and/or data.	ETSI EN 301 166-2 ETSI EN 301 166-1	ETSI EN 301 489-1 ETSI EN 301 489-5	IEC / EN 60950
Equipment using constant or non-constant envelope modulation operating on radio frequencies between 30 MHz and 3000 MHz, with channel separations of 25 kHz, 50 kHz, 100 kHz and 150 kHz.	ETSI EN 302 561	ETSI EN 301 489-1 ETSI EN 301 489-5	IEC / EN 60950
On site paging	ETSI EN 300 224-2	ETSI EN 301 489-2	IEC / EN 60950
Short Range Devices			
SRDs in frequency range 9 kHz – 25 MHz and inductive loop systems in 9 kHz – 30 MHz range	ETSI EN 300 330-1 ETSI EN 300 330-2	ETSI EN 301 489-1 ETSI EN 301 489-3	IEC / EN 60950
SRDs in frequency range	ETSI EN 300 220-1	ETSI EN 301 489-1	IEC / EN 60950

Column 1 Radiocommunication Device	Column 2 Effective Use of Radio Spectrum	Column 3 Electromagnetic Compatibility	Column 4 Safety
25 MHz to 1000 MHz with power levels ranging up to 500mW	ETSI EN 300 220-2	ETSI EN 301 489-3	
SRDs in frequency range 1 GHz to 40 GHz	ETSI EN 300 440-1 ETSI EN 300 440-2	ETSI EN 301 489-1 ETSI EN 301 489-3	IEC / EN 60950
Spread spectrum data transmission equipment operating in the 2.4 GHz (ISM) band	ETSI EN 300 328	ETSI EN 301 489-1 ETSI EN 301 489-17	IEC / EN 60950
High performance RLAN (5 GHz)	ETSI EN 301 893	ETSI EN 301 489-1 ETSI EN 301 489-17	IEC / EN 60950
Wireless microphones operating in the 25 MHz to 3 GHz range	ETSI EN 300 422-1 ETSI EN 300 422-2	ETSI EN 301 489-1 ETSI EN 301 489-9	IEC / EN 60950
Maritime			
EPIRB (121.5 MHz and 243 MHz)	ETSI EN 300 152-2 ETSI EN 300 152-3 AS/NZS 4330	IEC/ EN 60945	IEC / EN 60945
Personal Location Beacon - PLB (406 MHz)	COSPAS-SARSAT Documents:- C/S T.001 Specification for COSPAS-SARSAT 406 MHz Distress Beacons. C/S T.007 COSPASSARSAT 406 MHz Distress Beacon Type Approval Standard. C/S G.005 COSPASSARSAT Guidelines on 406 MHz Coding, Registration and Type Approval. AS/NZS 4280.2		IEC / EN 60945
MF / HF Transceiver	ETSI EN 300 373-1 ETSI EN 300 373-2 AS/NZS 4582	IEC/ EN 60945 ETSI EN 843-1 ETSI EN 843-5	IEC / EN 60945
VHF Transceiver as Coast Stations for GMDSS	EN 301 929-2 AS/NZS 4415	IEC/ EN 60945 ETSI EN 843-1	IEC / EN 60945

Column 1 Radiocommunication Device	Column 2 Effective Use of Radio Spectrum	Column 3 Electromagnetic Compatibility	Column 4 Safety
Portable VHF radiotelephone equipment with integrated handheld class D DSC	ETSI EN 302 885-2 ETSI EN 302 885-3 AS/NZS 4415	IEC/ EN 60945 ETSI EN 843-1 ETSI EN 843-2	IEC / EN 60945
UHF Transceiver on board vessels	ETSI EN 300 720-2	IEC/ EN 60945 ETSI EN 843-1	IEC / EN 60945
Satellite			
VSAT 11/12/14 GHz band	ETSI EN 301 428	ETSI EN 301 489-12	IEC / EN 60950
VSAT 4/6 GHz band	ETSI EN 301 443	ETSI EN 301 489-12	IEC / EN 60950
Fixed			
Point to point equipment and antennas	ETSI EN 302 217-2-2 (applies to frequency bands where there is coordinated link by link planning) ETSI EN 302 217-3 EN 302 217-4-2	ETSI EN 301 489-4	IEC / EN 60950
Personal Communications			
HF Citizen Band Radio (26 MHz)	AS/NZS 4355		IEC / EN 60950
Broadcasting			
FM sound broadcasting Transmitters	ETSI EN 302 018-1 ETSI EN 302 018-2	ETSI EN 301 489-11	IEC / EN 60950
Analogue and digital terrestrial TV transmitters	ETSI EN 302 296-1 ETSI EN 302 296-2 (DVB-T) ETSI EN 302 297 (Analogue) ETSI EN 302 755 (DVB-T2) / ETSIEN 302 744 (DVB-T2) standard	ETSI EN 301 489-14	IEC / EN 60950

SCHEDULE 2 RECOGNISED CERTIFICATION BODIES

Country or Region	Recognised Certification Body
Australia	Australian Communications and Media Authority
China	Certification and Accreditation Administration of China
Chinese Taipei	Bureau of Standards, Metrology and Inspection
European Union	Conformité Européenne
Hong Kong	Office of the Communications Authority
Japan	Voluntary Council for Control of Interference by Information Technology Equipment of Japan
Malaysia	Malaysian Communications and Multimedia Commission
Singapore	Infocomm Development Authority
South Korea	Korea Communications Commission
USA	Federal Communications Commission