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THE ELECTRONIC AND POSTAL COMMUNICATIONS ACT

ARRANGEMENT OF REGULATIONS

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THE ELECTRONIC AND POSTAL COMMUNICATIONS ACT
(CAP. 306)

REGULATIONS

(Made under sections 165)

THE ELECTRONIC AND POSTAL COMMUNICATIONS (ELECTRONIC
COMMUNICATIONS EQUIPMENT STANDARDS) REGULATIONS, 2014

PART I
PRELIMINARY PROVISIONS

- Citation 1. These Regulations may be cited as the Electronic and Postal Communications (Electronic Communications Equipment Standards) Regulations, 2014.
- Application 2. These Regulations shall apply to all electronic communications equipment imported or manufactured for use in the United Republic or for connection to any electronic communications network for the purpose of receiving or transmitting electronic communication signals.
- Interpretation
Cap.306 3. In these Regulations, unless the context otherwise requires-
"Act" means the Electronic and Postal Communications Act;
"ADSL" means Asymmetric Digital Subscriber Line;
"Authority" means the Tanzania Communications Regulatory Authority (TCRA) established under the Tanzania Communications Regulatory Authority Act;
Cap.172 "CDMA" means Code Division Multiple Access technology;
"Customer" means end user of communications services;
"DECT" means Digital Enhanced Cordless Telecommunications;
"Electronic communications Equipment or Equipment" means any electronic communications equipment, whether network or terminal intended for use with communications and broadcasting services;
"GETA" means General Electronic Type Approval process;
"GSM" means Global System for Mobile Communications technology;
"ISDN" means Integrated Services Digital Network;
"LAN" means Local Area Network;

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- "list" means the list of approved electronic communications equipment as updated from time to time by the Authority;
- "Manual Type Approval" means a process whereby type approval certification is done through paper work;
- "MDC" means Manufacturer's Declaration of Conformity;
- "Network Equipment" means intermediate electronic communications equipment that facilitate connection or delivery of communications signals between networks;
- "Online Type Approval" means a process whereby type approval certification is done through web based electronic application available as worldwide web;
- "PABX" means Private Automatic Branch Exchange;
- "PRA" means ISDN's Primary Rate Access;
- "BRA" means ISDN's Basic Rate Access;
- "RFID" means Radio Frequency Identifications;
- "SETA" means Simplified Electronic Type Approval process;
- "STBs" means Set-Top-Boxes
- "Terminal Equipment" means equipment at either end of a communications link or where communications signal is terminated or Customer Premises Equipment - CPE;
- "3G" means Third Generation Network;
- "Type Approval" means a method of checking for compatibility of all electronic communications equipment with any operating electronic communication network as well as conformity to standards.

PART II

ELECTRONIC COMMUNICATIONS EQUIPMENT STANDARDISATION

Powers of the
Authority

4.-(1) The Authority shall be responsible for formulating technical standards relating to all regulated services in the United Republic.

(2) The Authority shall maintain database of all communications equipment authorised for use in the United Republic.

(3) Subject to applicable procedures and fees, the Authority shall, at the request of equipment manufacturers or equipment suppliers or users, conduct type approval tests through its laboratory or any other relevant facility or means and issue type approval certificates in respect of electronic communications equipment intended for use in the United Republic.

(4) The Authority shall, in conducting type approval certification of electronic communications equipment, be guided by either technical standards formulated and published by the Authority under these Regulations or adopted regional or international standards.

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Requirements for
Equipment
Standardisation

5.-(1) The electronic communications equipment intended for sale in the United Republic shall be subjected to certification and type approval by the Authority.

(2) For the purpose of conformity to standards, any electronic communications equipment to be connected to electronic communications networks in the United Republic shall undergo type approval certification.

(3) Pursuant to the provision of sub-regulation (2), the following equipment shall require type approval before sale, distribution or installation in the United Republic -

- (a) electronic communications equipment to be used for connection or access to the public operating electronic communication networks;
- (b) wireless communications equipment to be used in the United Republic; and
- (c) Set-Top- Boxes used to receive digital Television signals.

(4) The Authority shall issue from time to time a list of type approved electronic communications equipment together with technical standards and applicable type approval fees.

PART III

PROCEDURES OF TYPE APPROVAL OF ELECTRONIC COMMUNICATIONS EQUIPMENT

Manufacturer's
declaration of
conformity
(MDC)

6.-(1) The equipment manufacturer shall declare that the electronic communications equipment conforms to National or accepted International standards before the equipment are imported for use in the United Republic.

(2) Any manufacturer, who hosts any database related to any electronic communications equipment in use within the United Republic shall declare that such hosted information is retrievable for Authority's access whenever necessary.

Authority's Type
Approval
certification
processes

7.-(1) There shall be several means of electronic communications equipment certification as applicable by the Authority; including Manual Type Approval certification process and Online Type Approval certification.

(2) Under Manual Type Approval certification process applicants shall collect type approval application form the Authority, fill the form and return it to the Authority with the following documents-

- (a) user manual;
- (b) operational manual;
- (c) technical document consisting of a general description of equipment, technical data and facilities supported;
- (d) sales brochures;
- (e) manufacturers declaration of conformity; and

- (f) any other documents that the applicant considers useful to the Authority
- (3) The Authority may deploy an Online Type Approval System(OTAS) process using the following general procedures:
 - (a) applicant selects an application type for submission (SETA or GETA);
 - (b) applicant reads and confirms declarations;
 - (c) applicant enters type, name and model of the equipment to be applied for type approval and searches it in the database to confirm whether or not the same has been approved already;
 - (d) applicant fills in online application form, attach necessary documents, declares that the information given is correct and submits the application;
 - (e) on successful submission, the applicant will be informed of the application status through email, including sending of invoices and certificates.
- (4) In case SETA is selected-
 - (a) the applicant self declares that the equipment applied for certification conforms to standards;
 - (b) the applicant submits Supplier's Declaration of Conformity, equipment sales brochures and technical data or specifications;
 - (c) under this category applicants must have carried out own conformity assessment for the model of equipment based on test results and/or evidence of equipment certification given by the manufacturer or an accredited body;
 - (d) equipment covered under this category are: GSM/CDMA and DECT phones, Wireless LAN, Bluetooth, RFID, cordless telephones, wireless microphones, remote controls and alarm systems, some walkie-talkie, Cable Modems, ADSL, STBs 4GLTE and other low power devices and terminal equipment (CPE).
- (5) If the Application is through GETA-
 - (a) the applicant submits additional information of the equipment for detailed evaluation by the Authority prior to certification, including User manuals (front page and equipment specification pages), Sales brochures, technical data, Photos of equipment (colour photographs, capturing front, rear, and side views), Declaration of conformity, Test reports/results, and certificates (if any) from accredited body;

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- (b) Equipment under this process shall include; high power radio communication equipment/apparatus, Complex/Multi-line equipment (e.g. switching systems, ISDN PRA/BRA equipment, PABX, Base Stations, etc), Wireless Broadband equipment, and any other network equipment.

Technical
evaluation

8.-(1) Technical evaluation of an equipment shall comply with the international and national standards and shall be carried out in the following manner-

- (a) document examination; and
 - (b) laboratory testing of equipment sample, where applicable.
- (2) The samples of equipment to be submitted for testing shall be -
- (a) in a good working condition;
 - (b) properly configured for testing and complete with the necessary test adapters; and
 - (c) clearly marked with the trade name, model and serial number.
- (3) The applicant shall provide promptly technical details or clarifications as maybe required by the Authority;
- (4) Pursuant to the provision of sub regulation (3), the application shall be rejected if the applicant fails to respond within three months and the applicant shall be so informed in writing.

Field tested
equipment

- 9.-(1) Field tests shall be aimed at providing confidence that an electronic communications equipment performs satisfactorily during normal operation.
- (2) When requested, field tests shall also apply to new electronic communications equipment.
- (3) Field testing of equipment shall take a maximum of three months.

Type approval
certification

- 10.-(1) The Authority shall issue a type approval certificate to the successful applicant for a specific model of equipment.
- (2) The approved equipment shall not be modified in any way without the approval and re-evaluation by the Authority.

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(3) The type approval granted under these Regulations shall in no case be construed as a guarantee by the Authority of the proper functioning, performance or quality of the equipment.

(4) It shall be the duty of the supplier, importer or distributor to ensure that the approved equipment inter-works properly with the public electronic communication network.

(5) The Authority shall not be liable for any interference caused to any other equipment, injury, or loss of life, or damage to property, arising as a direct or indirect result of the use of any approved equipment.

(6) In case of any doubt relating to the interpretation of type approval specification, the method of carrying out the test or the validity of the statements made by the manufacturers of the equipment, the decision of the Authority shall be final.

(7) Any approval or refusal by the Authority shall be made within two months from the date of application of such approval and where no approval is made within such time it shall be deemed to have been so made, except where the equipment is under field test.

Connection of
type approved
equipment to the
Public electronic
communications
network

11.-(1) The supplier, importer, distributor or seller shall, before selling any electronic communication equipment, ensure that the equipment meets the published national standards and specifications set out or adopted by the Authority.

(2) Pursuant to subsection (1) all traded single universal Set Top Boxes (STB) or Integrated Digital Television (iDTV) shall meet the standards and specifications set out or adopted by the Authority.

(3) Pursuant to sub sections (1) and (2) the network and multiplex operators shall have no right to refuse the connections of type approved equipment.

Display of the
label for type
approved
equipment

12.-(1) All electronic communication equipment complying with technical conditions shall be affixed with type approval label to be provided by the Authority.

(2) Every supplier, importer, distributor or seller shall, where applicable ensure that an equipment offered for sale or for private use is clearly affixed with the type approval label containing the following-

- (a) the logo of the Authority;
- (b) the type of the equipment; and
- (c) the alphanumeric identifications.

Withdrawal of
approval of
equipment

13. The Authority shall withdraw approval of any electronic communications equipment where it interferes with or pose any malfunction that degrades the efficiency of any electronic communication service.

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Installation of
approved
equipment

14. The approved equipment shall be installed by a holder of Electronic Equipment Installation and Maintenance License or where the installation is done by any other person; such installation shall be certified by such holder of Electronic Communications Equipment Installation and Maintenance License.

Test for
compliance

15. Measurements and tests for compliance shall be performed at the Authority's laboratory or by an agent designated for that purpose by the Authority.

List of approved
electronic
communications
equipment

16. A list of approved electronic communications equipment shall be published in the Authority's periodical publications or website and local news papers.

PART IV GENERAL PROVISIONS

Type approval
fees

17. Equipment type approval application and processing fees shall be as prescribed in the Electronic and Postal Communications (Licensing) Regulations 2011.

Action by the
Authority

18.-(1) Any actions and omissions related to application and implementation of these Regulations may be appealed in a manner prescribed by the Act.

(2) The Authority shall have the mandate to audit electronic communications equipment in the market to ensure prescribed regulations are adhered to.

(3) In the case that electronic communications equipment for use in the United Republic has a connection to a hosted database whether within or outside the United Republic, the Authority shall have full access to the hosted information whenever it deems necessary.

Quality of
Services

19.-(1) Any network service provider shall ensure that the prescribed quality of service is not impaired by substandard equipment, whether network or terminal.

(2) Any service impairment caused by substandard equipment shall be reported to the Authority for any necessary action.

Non-
discrimination
treatment

20. Equipment Standardization shall be such that all electronic communications equipment for use in the United Republic shall undergo Type Approval certification by the Authority on a non-discriminatory treatment.

Warranty

21.-(1) All electronic communications equipment for use in the United Republic shall be sold with a minimum warranty of twelve (12) months.

(2) Such warranty in sub-regulation (1) shall be offered as a separate signed form or as part of sales receipt and shall have clear description of covered services; including but not limited to replacement or free maintenance during the warranty period.

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Penalty

22.-(1) Any vendor, importer, distributor or reseller of electronic communications equipment, that allows in the market equipment which has not been type approved by the Authority for use in the United Republic commits an offence and shall, on conviction, be liable to a fine of not less than five million Tanzanian shillings or to imprisonment to a term of not less than twelve months or to both.

(2) Any vendor, importer, distributor or reseller of communications equipment that sells any communications equipment without warranty as described under these regulations commits an offence and shall, on conviction, be liable to a fine of not less than five million Tanzanian shillings or to imprisonment for a term of not less than twelve months or to both.

(3) Any person who purchases any communications equipment without demanding a warranty and a receipt from the seller, distributor, and importer of such equipment commits an offence and shall, on conviction, be liable to a fine not exceeding five million Tanzanian shillings or to imprisonment a term of not less than twelve months or to both.

(4) Any person who uses any non-type approved electronic communications equipment commits an offence and shall upon conviction be liable to fine of not less than five million Tanzanian shillings or to imprisonment term not less than twelve months or to both.

Revocation of
G.N No. 274
of 2005

23. The Tanzania Communications (Type Approval of Electronic Communications Equipment) Regulations, are hereby revoked.

Dar es Salaam
25th September, 2014

MAKAME M. MBARAWA
*Minister for Communication,
Science and Technology*