



National Information & Communications Technology Authority

**ICT EQUIPMENT TYPE APPROVAL RULE
2022**

PART I. PRELIMINARY.

1. Citation and commencement.

- (i) This instrument is cited as the *ICT Equipment Type Approval Rule 2022 (Rule)*.
- (ii) This Rule is made in accordance with Part XI of the NICT Act, 2009, and shall come into effect on the date it is published in the national gazette.

2. Interpretation.

- (i) Unless the context otherwise requires, terms used in this Rule have the same meanings as in the NICT Act, 2009 and Radio Spectrum Regulation, 2010.
- (ii) In this Rule, unless the context otherwise requires;

“**Act**” means the *National Information and Communications Technology Act 2009*;

“**Apparatus or ICT 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 Body (CAB)**” means accredited test house under the Mutual Recognition Agreement (*MRA*) partnership or understanding that is designated to perform conformity assessment to another party’s ICT requirements.

“**Controlled Customer Equipment (CCE)**” means any regulated 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 the retail customer side of the network boundary;

“**Dealer**” means the holder of the Radio Dealer Licence or Registered Radio Dealer;

“**Declaration of Compliance Certificate (DoCC)**” means an official document signifying low power equipment compliance to mandatory technical regulations and standards under specified equipment category as per equipment registration scheme in the type approval guideline;

“**Declaration of Conformity (DoC)**” means a procedure by which a supplier or a certification body gives written assurance that the ICT equipment 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 Equipment**” means any radio communications or telecommunications equipment or combination of equipment capable of effecting radio communications or telecommunications, whether by transmission or reception of radio and telecommunications. It also refers to as ICT Apparatus in the NICT Act, and Spectrum Regulation.

“**Licensed Dealer**” means holder of NICTA Radio Dealers Licence;

“**Operator Licensing Regulations**” means the *NICTA (Operator Licensing) Regulation 2010*.

“**Person**” means a natural individual, body corporate, or government agency, including a partnership;

“**PNG Customs**” means the Papua New Guinea Customs Services established by the Customs Act, 1951 (as amended)

“**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.

“**Spectrum Regulations**” means the *NICT (Radio Spectrum) Regulation 2010, Operator Licensing Regulation, 2010* and any other NICTA Regulations made from time to time;

“**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 ICT equipment conforms to specified requirements and standards;

“**Supplier**” means an oversea manufacturer or authorized agent of the manufacturer’s communications equipment;

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

“**TA**” means Type Approval

“**Type Approval Certificate (TAC)**” means an official document signifying equipment compliance to mandatory technical regulations and standards under specified equipment category as per equipment registration scheme in the type approval guideline; and

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

PART II. OBJECTIVE AND SCOPE.

3. Objectives.

- (1) This Rule is intended to –
 - (a) introduce a greater level of efficiency, transparency and certainty mandatory requirements to ensure that:
 - (i) only type-approved ICT equipment is placed, sold or used in PNG;
 - (ii) ICT equipment does not cause damage to or interference with the operation of ICT networks or other ICT equipment;
 - (iii) there is compatibility and interoperability between public networks and ICT equipment;
 - (iv) ICT equipment does not cause harm to the general public or people working with ICT networks;
 - (v) the operating parameter of all ICT Equipment is according to the technical standards requirements set or recognized by NICTA and,
 - (vi) support and strengthen the lawful local market.
 - (b) set minimum technical regulatory requirements and administrative procedures that ICT equipment shall meet before it is imported, used or sold in PNG;
 - (c) identify applicable technical standards, including those promulgated by international bodies;
 - (d) establish requirements for both domestic and foreign CABs (testing laboratories or certification bodies) seeking recognition to perform conformity assessment to the NICTA technical regulations and,
 - (e) include penalties for non-compliance.
- (2) This Rule also aims to assist PNG customs officers to facilitate clearances of ICT equipment.

4. Scope.

- (1) This Rule provides ICT equipment type approval requirement for the approval, imports, sale, use or connection to ICT networks including PNG Customs authorization.
- (2) This Rule is to be read with the *NICT (Radio Spectrum) Regulation 2010* and in conjunction with the Type Approval Guidelines.
- (3) This Rule shall apply to –
 - (a) any person that provides ICT services;
 - (b) any person who uses, sells, imports, offers for sale or connect ICT equipment to ICT network within PNG;
 - (c) any officer in NICTA and PNG Customs involved in clearance of imported ICT equipment at any port of entry;
 - (d) all ICT equipment pursuant to the Radio Spectrum Regulation and Operator Licensing regulation and
 - (e) The requirements of this Rule apply to all radio dealers.
- (4) All CCE which connects directly to the public telecommunications network and all intentional emitters of electromagnetic radiation (radio waves) shall be subject to this Rule. Such equipment shall be referred to collectively as ICT equipment in this instrument as defined in the interpretation.

PART III. TECHNICAL STANDARDS AND GUIDELINES COMPLIANCE.

5. Determination of Technical Standards and Specifications.

- (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) For the purposes of this Rule, NICTA shall, in compliance with Section 229 of the Act, consult with relevant stakeholders.
- (3) NICTA Standards shall be based on International Standards to the maximum extent feasible and shall align with the World Trade Organization's Technical Barriers to Trade agreement.
- (4) NICTA may adopt relevant international standards developed by a recognized international standard development organization. NICTA shall also adopt international standards recognized by the MRA partners.
- (5) The adopted standards shall be reclassified under the NICTA Standard Document format.

6. Compliance with Standards, Specifications and Guidelines.

- (1) All ICT equipment intended for use in PNG shall comply with NICTA standards or specifications and International Technical Standards recognized by NICTA, such as electrical safety, electromagnetic compatibility, electromagnetic radiation and operational requirements for ICT equipment.
- (2) NICTA shall provide in the Type Approval Guideline and in the database the technical standards and specifications applicable to equipment categorized in the registration scheme.
- (3) Where suitable standard is unavailable and/or outdated, NICTA shall apply other relevant standards.
- (4) Except as where adopted by NICTA and applicable to persons in Section 4(3)(a) and (b) of this Rule, compliance with International [Technical] Standards is voluntary.

PART IV. ICT EQUIPMENT TYPE APPROVAL.

7 ICT equipment requiring Type Approval.

- (1) Any person who intends to –
 - (a) use, sell or offer for sale ICT equipment within PNG; or
 - (b) connect ICT equipment to an ICT network in PNG for the purpose of electronic communication; or
 - (c) import or bringing personal ICT equipment into PNG,shall 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) Manufacturers, agents, local dealers and/or any person shall directly contact NICTA requesting for Type Approval.
- (3) Notwithstanding sub-section (1) regulated ICT equipment that has been acquired via online shops for use in PNG requires type approval clearance.
- (4) Type approval procedures and processes including equipment registration schemes and general type approval guidelines shall comply with the requirements outlined in the NICTA Type Approval Guideline.

8. Prohibitions against modification of ICT equipment.

- (1) No person shall intentionally modify any ICT equipment for use in PNG in a manner which –
 - (a) is contrary to the technical standards or specifications; or
 - (b) is likely to cause non-interoperability between any ICT equipment; or
 - (c) is likely to cause interference with, impairment, or malfunction of, or harm to any ICT equipment or any other equipment; or
 - (d) is likely to compromise the safety of;
 - (i) the general public; or
 - (ii) any other ICT equipment; and
 - (iii) any other equipment.
- (2) A person who contravenes subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding **K10,000.00**.

9. Prohibition of sale of ICT equipment.

- (1) No person shall offer for sale, or have in their possession with a view to sell, any ICT equipment that –
 - (a) is contrary to the applicable technical standards and Type Approval Guideline; or
 - (b) is not type approved as required by this Rule and the Radio Spectrum Regulation; or
 - (c) has been certified or type approved but is subsequently altered or modified and no longer complies with the standards.
- (2) Type approved ICT equipment that is modified with respect to Radio Frequency design or functions must be re-submitted to NICTA for re type approval. The owner must notify NICTA in respect of changes to documentation and equipment.
- (3) A person who contravenes sub-regulation (1) commits an offence and shall be fine with an amount not exceeding **K10, 000.00**.

10. Importation of ICT equipment.

- (1) ICT Equipment intended to be imported to PNG shall be subject to Type Approval prior to importation.
- (2) ICT equipment that has been type-approved by NICTA can be imported into PNG by the following–
 - (a) Authorized Importers as defined in the NICTA Radio Dealers Guideline; or
 - (b) Licensed Operators as defined in the Act; or
 - (c) Persons who import or bring in ICT equipment for their own use (i.e., not for commercial purposes), must declare to NICTA for compliance purposes.
- (3) Authorized Mobile Phone Importers shall provide to NICTA records of International Mobile Equipment Identify (IME) and serial numbers for type of model of all imported ICT Equipment.
- (4) A person who imports unapproved ICT equipment or without a consent of NICTA imports ICT equipment commits an offence and shall be fine **K10,000.00** under section 70 of the NICT Radio Spectrum Regulation, 2010.

11. Terms and Conditions for issuing Type Approval Certificate (TAC)

- (1) Issuing of TAC shall be in accordance to the terms and conditions specified in the Type Approval Guideline.

12. Type Approval Registration Schemes.

- (1) NICTA type approval and equipment registration scheme is categorized into five categories of ICT equipment-
 - (a) Primary cell operated equipment
 - (b) Customer Equipment (CE)
 - (c) Controlled Customer Equipment (CCE)
 - (d) Low Interference Power Devices (LIPD) or Short-Range Devices (SRD)
 - (e) Radio Communications Equipment
- (2) NICTA shall type approve and register ICT equipment under these five registrations schemes.
- (3) Detailed description of the five schemes are outlined in the Type Approval Guideline.

13. ICT Equipment Test Report.

- (1) All test report must originate from NICTA recognized accredited test houses or laboratories.
- (2) Test reports shall clearly and unambiguously demonstrate compliance with applicable standard and must be attached with the application form during submission.
- (3) NICTA shall accept test result(s) performed by a laboratory which is designated by the designating authority of MRA partners.

14. Equipment and Compliance Labeling

- (1) ICT equipment being imported into the country shall be marked with recognized international labels accepted by NICTA.
- (2) All labels shall comply with formats and requirements prescribed in the Type Approval Guideline.

15. Declaration of Conformity (DoC)

- (1) DoC must be prepared and made in accordance with ISO/IEC 17050-1: 2004 Standards.
- (2) In an application for type approval, the applicant must submit the test reports and DoC referred to in sub-rule (1) without any modification whatsoever.
- (3) In assessing an application for type approval, NICTA will take into account whether DoC referred to in subsection (1) was submitted and accepted by a foreign MRA partner.
- (4) NICTA shall not accept any test report and DoC certificate if such report and certificate is older than three (3) years.
- (5) NICTA may accept a declaration of conformity certificate and its accompanying data as valid if such declaration is prepared for the ICT equipment for which application for type approval is made and if no modification to the equipment is made following the completion of the test.
- (6) Any other requirements shall be in accordance with the Type Approval Guideline.

16. Market Surveillance.

- (1) NICTA may conduct market surveillance on all ICT Equipment that require Type Approval in PNG Market which includes and not limited to trade store, supermarket, malls, flagship, agents, distributors and places where ICT goods are sold.
- (2) NICTA may conduct market surveillance in any one or more of the following circumstances –
 - (a) where a official complaint is lodged by a user or other ICT service providers;
 - (b) where NICTA has received a written report of interference; and
 - (c) as a part of a random audit conducted by NICTA to ensure compliance.
- (3) Where a Market Surveillance is undertaken, NICTA Inspectors may –
 - (a) conduct a visual examination of the equipment,
 - (b) request the dealer to present a NICTA Radio dealers licence for compliance purpose, and
 - (c) require the dealer or user to submit the equipment to the Authority for conformity assessment,
- (4) Where the ICT equipment is found to be non-compliant-
 - (a) the dealer or user shall be issued warning notice to cease using or selling the equipment and provide explanation;
 - (b) reply to the warning notice within specified time; and
 - (c) failure to comply to (b) NICTA inspectors may seize the equipment and dispose it or face prosecution.

17. Type Approval Data Base, Online Application and Payment

- (1) NICTA shall keep and maintain a type approval database of –
 - (a) ICT equipment technical standards and specifications;
 - (b) type approved and non-approved ICT equipment;
 - (c) radio dealers and importers;
 - (d) issued TAC and application forms,
 - (e) manufacturers, test houses, CABs and compliance agencies;
 - (f) official agreements and
 - (g) confiscated equipment and illegal importers/suppliers of ICT equipment.
- (2) Any person may access the database for information purposes.
- (3) NICTA shall provide online application and payment services to improve the overall processing of type approval application.

18. Validity of Type Approval Certificate.

- (1) TAC and Declaration of Compliance Certificate (DoCC) shall be valid for a period of three (3) years.
- (2) Within 30 days prior to the expiration of the TAC and DoCC, NICTA will issue renewal notice. The certificate holder shall pay the renewal fees before the expiry date.
- (3) Failure to make the renewal payment by the due date will result in cancellation of the certificate.

19. Type Approval Fees.

- (1) Type approval fees are typically based on the principle of recovery of cost. The following fees apply in respect of type approval–
 - (i) Non- refundable TA application processing fee,

- (ii) Equipment type testing and re-testing fees,
 - (iii) TAC and DoC certificate fees and renewal fees,
 - (iv) TAC and DoC certificate reissuance fee,
 - (v) Client Registration & Subscription Fee and
 - (vi) Imported Equipment Registration Fee.
- (2) NICTA shall determine and charge separate fees for equipment with multi-interfaces intended to be used for multipurpose.
 - (3) All payments requested by NICTA shall be paid within five (5) working days.
 - (4) The TA fees and conditions shall be as specified in the Type Approval Guideline.

20. Offences, Penalties and Enforcement.

- (1) A person that fails to fulfill an obligation outlined in this Rule and the Radio Spectrum Regulation, shall have committed a contravention.
- (2) Subject to sub-section (1), 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 and 5 of the Act –
 - (a) impose administrative fines pursuant to Part VI, Section 68 to 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 the Act and Regulations.
- (3) NICTA will not assume liability for any damage or loss of non-type approved equipment whilst under its custody.

21. Customs Clearance.

- (1) NICTA & PNG Customs established a Memorandum of Understanding ("MoU") in pursuance of inter-government agency collaboration pertaining to the enforcement of NICTA Type Approval requirements which are provided for under NICT Act and 2009 Radio Spectrum Regulations, 2010 and the Type Approval Rule, 2022.
- (2) PNG Customs shall ensure only type approved ICT equipment pass through the PNG Customs entry ports.
- (3) PNG Customers clearance officer(s) shall detain any equipment/device found to be non-type approval compliant.
- (4) The retention time of the equipment shall be ten (10) working days after which the equipment shall be confiscated or release to the owner.
- (5) The supplier or importer must ensure to provide the necessary documents within ten (10) working days to ensure compliance.
- (6) Failing to respond within ten (10) working days may result in NICTA confiscating the equipment and issuing an infringement to the offender.
- (7) Failure to respond to the infringement Notice within ten (10) working days will force NICTA to take legal action against the offender.
- (8) If the offender's written response is deemed insufficient by NICTA, a penalty not exceeding **K10,000.00** as stipulated under Section 70 of the Radio Spectrum Regulations shall apply.

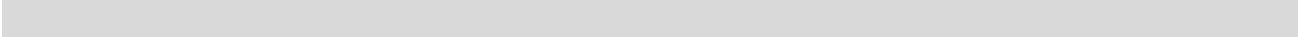
- (9) NICTA will not assume liability for any damage or loss of such equipment during transportation and whilst under its custody.
- (10) All incurred storage costs shall be borne by the importer or the Radio Dealer.
- (11) Other conditions shall be in accordance with the requirements outlined in the Type Approval Guideline.

22. Mutual Recognition Arrangement (MRA)

- (1) Under [the] mutual recognition agreements signed between Papua New Guinea and other APEC member economies, NICTA may accept the test report, compliance certificate or the DoC issued under the said agreements.

23. Test Houses

- (1) NICTA shall maintain and publish list of ICT equipment testing laboratories that are compliant with ISO/IEC 17025:2017 and ISO/IEC 17065: 2012.
- (2) A list of international testing authorities recognized by NICTA is in the Type Approval Guideline and in the type approval database.



PART III. ADMINISTRATIVE REQUIREMENTS.

24 Amendments

NICTA may amend this Rule from time to time. The alteration shall not affect the rule until after three months after a public notice issued by NICTA regarding the matter.

25 Enquiries

Address all enquiries to the following:

Type Approvals

NICTA

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