

LAWS OF SOUTH SUDAN

National Communications Standards, Specifications and Type Approval Regulations, 2016



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**LAWS OF SOUTH SUDAN
NATIONAL COMMUNICATIONS STANDARDS,
SPECIFICATIONS AND TYPE APPROVAL
REGULATIONS, 2016**

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In accordance with the provisions of Section 69, 70 read together with Section 92 of the National Communications Act, 2012, the Authority with the approval of the Competent Minister, issue and promulgate the following into Regulations:

CHAPTER I

Preliminary Provisions

1. Title and Commencement

These Regulations shall be cited as the National Communications Standards, Specifications and Type Approval Regulations, 2016, and shall come into force on the date of its signature.

2. Repeal and Saving

Any existing regulations or orders, directives, rules and guidelines governing the subject of these Regulations is hereby repealed; provided that any orders issued or regulations made thereunder, except to the extent they are cancelled by or are otherwise inconsistent with provisions of these Regulations shall continue in force and effect until repealed or amended by these Regulations.

3. Interpretation

In these regulations, all words and expressions that are defined under the Communications Act, 2012, shall have the same meanings herein; unless the context otherwise requires:

“Act”	means the National Communications Act, 2012.
“Communication Equipment”	means telecommunication equipment, radio communication equipment or broadcasting apparatus.
or	means any network may be carry communications traffic in the form of voice or data.

“Type Acceptance”

means process of evaluating communications equipment that has been type approved by any recognized foreign national regulatory authority with,, view to ensure conformity of such equipment to national standards.

“Type Approval”

includes in addition to meaning provided under the Act, method of checking the compatibility of communications equipment, with any operating communication network and the conformance of such equipment to national standards.

CHAPTER II

Type Approval Procedures

4. Equipment subject to type approval

1. All communications terminals, network equipment and communications equipment to be used for connection or access to public operating communication networks, wireless communications equipment and radio communications equipment intended to be connected directly or to work with any communications network in South Sudan, to send, process or receive information shall, prior to their use, be submitted for type approval or type acceptance by the Authority.
2. The Authority shall grant type approval for each type of equipment once, and subsequent users of the same type of equipment shall not, apply to the Authority for approval.
3. Notwithstanding sub-regulation (2) of this Regulation, where there is any change of model, design or specification of equipment which had been type approved by the Authority, the equipment shall be re-submitted for the approval.
4. The Authority shall conduct type approval in accordance with procedures for the approval of communication equipment in South Sudan, as may be published from time to time.

5. Application for Type Acceptance

Any service provider shall submit its application for type approval or acceptance of communications equipment in prescribed forms issued by the Authority.

6. Evaluation

1. The Authority may not return to any applicant any samples of equipment and associated literature submitted for the purpose of type approval or acceptance.
2. The Authority shall evaluate the application and communicate its decision to the applicant, within sixty days from date of receipt of the application.
3. When the Authority may not communicate its approval or refusal within the period prescribed in sub-regulation (2) of this Regulation, the Authority shall be deemed to have approved the application.

7. Type Acceptance

1. The authority may, type accept any equipment that has been granted type approval from another country or jurisdiction recognized by the Authority.
2. Notwithstanding such-regulation (l) of this Regulation, applicants for type acceptance shall, submit sample or samples of equipment and copies of test results and type approval certificate from that country, or jurisdiction at time of submission of application for provisional acceptance.
3. The Authority may, on its own initiative or upon application by any service provider, conduct inquiries to determine whether technical standards from other countries or jurisdictions shall be recognized in South Sudan for purposes of exempting any equipment from the approval or testing requirements.

8. Provisional Type Approval

1. Any person may submit equipment for provisional type approval by the Authority.
2. Notwithstanding sub-regulation (1) of this Regulation, licensed vendors shall submit equipment intended for commercial purposes for t)1Je approval.
3. When the Authority has determined that equipment subject of application for provisional type approval complies with provisional type approval requirements, the Authority may grant provisional type approval for a period not exceeding six months on such terms and conditions, which it may determine.
4. When granting provisional type approval to equipment, the Authority may, where it considers necessary, limit the number of units of that equipment that applicant may hold and utilise until the final type approval is granted.

9. Final Type Approval

1. Any application for final type approval shall be made before the expiry of the provisional type approval period and shall indicate the date of grant of provisional approval.
2. Provisional type approval shall not lapse or expire while an application for final type approval is pending at the Authority.
3. The Authority shall, grant final type approval where satisfied that the grant of final type approval:
 - a. is in public interest; and
 - b. may not lead to harmful interference to any communications and radio communication network or be a risk to human health or environment.
4. The Authority shall inform the applicant in writing of final type: approval of equipment or apparatus.

5. Where the Authority is of the view that an equipment or apparatus shall not be type approved, it shall notify the applicant, in writing, of its decision and state reasons for refusal.
6. The Authority shall, from time to time, publish a list of all type-approved equipment.

10. Technical Evaluation

1. The Authority shall carry out technical evaluation of equipment by document examination and where applicable laboratory testing of equipment sample, and in accordance with procedures for type approval and acceptance of communication equipment in South Sudan, which the Authority shall publish from time to time.
2. Samples of equipment submitted shall be:
 - a. in good working condition;
 - b. properly configured for testing and complete with necessary test adapters; and
 - c. clearly marked with trade name, model and serial number.
3. Where the Authority requires clarification on technical details or other specifications of equipment submitted for type approval or acceptance, it shall notify the applicant and require the applicant to respond in the required manner within time specified by the Authority.
4. Any application for type approval or acceptance shall be rejected or deemed to have been rejected by the Authority, if the applicant fails to respond within three months from date of the Authority request for details or clarifications.

11. Type Approval Certificate

1. The Authority shall issue provisional or final type approval certificates to successful applicants for specific models of equipment.
2. Communication equipment to be sold or used shall be of the same model that was granted the type approval and not modified in any way without approval of the Authority.
3. Grant of type approval under this Regulation shall not be construed as guarantee for the proper functioning, performance or quality of equipment by the Authority.
4. Any supplier, importer or distributor shall ensure that approved equipment inter-works properly with a public electronic communication network.
5. The Authority shall not be liable for interference caused to other equipment, injury, or loss of life, or damage to property, arising as direct or indirect result of use of any approved equipment.

6. Where there is doubt relating to interpretation of type approval specification, the method of carrying out the test or validity of statements made by manufacturers of the equipment, the interpretation of the Authority shall be final.

12. Connection of Type Approved Terminals

1. Any supplier, importer or distributor shall before selling any communication equipment, ensure that equipment meets the standards and specifications set out by the Authority, and compatible with public communications networks.
2. Any service provider shall not connect type approved communication equipment to public networks before equipment is inspected by the Authority and network operators.
3. Any network operator shall not have the right to refuse connection to type approved equipment.

13. Type Approval Label for Terminal or Network Equipment

1. I. Any service provider shall affix type approval labels in all its communications terminal or network equipment.
2. Each supplier, importer or distributor shall ensure that all equipment offered for sale or private use have valid type approval or acceptance certificates issued by the Authority and clearly affixed with easily recognizable type approval label issued by the Authority containing:
 - a. logo of the Authority;
 - b. type of equipment; and
 - c. Alphanumeric identifications of the equipment.

14. Revocation of Type Approval

The Authority may, on its own motion or upon complaint by any person, conduct investigations regarding the operation or use of equipment or apparatus that has been granted provisional or final type approval and may revoke the type approval where it is satisfied that:

holder of final or provisional type approval certificate has violated its conditions; or

equipment or apparatus is causing or likely to cause harmful interference to communications networks or risk to human health or environment.

2. Any person aggrieved by the decision of the Authority made under this Regulation may appeal to the Authority within ten (10) working days of communication of decision.

CHAPTER III

Miscellaneous Provisions

15. Complaint Procedure

1. Any person may, make complaint in respect of working of any equipment that has been type approved or object to type approval of any equipment by submitting complaint or objection to the Authority in writing stating:
 - a. name and address of complainant;
 - b. name and address, if known, of person against whom complaint is made; and
 - c. facts, including supporting data, where available, show that apparatus does not conform to these Regulations and that the apparatus may cause harmful interference to communications networks or risk to human health or environment.
2. The Authority shall forward a copy of the complaint or objection to applicant or holder of type approval certificate and give applicant or holder opportunity to give evidence to rebut the complaint or objection.
3. The Authority shall consider any complaint or objection received when considering application for type approval or in evaluating operation of equipment that has been granted type approval.

16. Installation of Approved Equipment

1. No person other than communications technician registered with relevant regulatory authority shall install type approved equipment.
2. Notwithstanding sub-regulation (1) of this Regulation, where installation is done by any other person, the installation shall be certified by a communications engineer registered with relevant regulatory authority.

17. Exemptions From Type Approval

The Authority may, where it deems expedient, exempt any communications equipment temporarily imported into South Sudan, for re-export from type approval requirements.

18. Conditions for Importation and Distribution

1. I. A person shall not supply, import or distribute electronic communications equipment, unless that person has a licence granted by the Authority.
2. A licensed supplier, importer or distributor of electronic communications equipment shall ensure that:
 - a. equipment is type approved by the Authority; and
 - b. customers for radio communications equipment have radiocommunications licences from the Authority.
 - c. Notwithstanding sub-regulation (I) of this Regulation, any person may, import into South Sudan any type approved terminal electronic communication equipment where the equipment is solely for personal use.

A person shall not. sell electronic communication equipment at any place other than shop or distribution Centre of a licensed supplier, importer or distributor.

19. Lists of Equipment

1. The Authority shall, from time to time, publish a list of prohibited equipment.
2. Any service provider shall not supply, import or distribute for use, any equipment prohibited by the Authority.

20. Re-Exportation of Equipment

1. Any supplier, importer or distributor that desires to import and re-package equipment for re exportation or transshipment shall apply for permit. from the Authority.
2. Prior to importation of any equipment under this regulation, supplier, importer or distributor shall furnish or cause to be furnished to the Authority, full particulars of respective equipment and the business supplier, importer or distributor is involved in.
3. Any supplier, importer or distributor that imports and repackages equipment for re exportation or transshipment of equipment. imported without permit issued under sub regulation (I) of this Regulation, commits an offence.

21. Capacity of Supplier, Importer or Distributor

1. The Authority shall not issue permit to any supplier, importer or distributor, unless the Authority is satisfied that supplier, importer or distributor:
 - a. is capable of conducting business;
 - b. has qualified and competent technical and supporting staff;

- c. has suitable shop or distribution centre; and
- d. meets any other criteria determined by the Authority.

22. Import and Sale Restrictions

The Authority may, in consultation with relevant Government agencies, restrict importation or sale within South Sudan of any communications or other apparatus, where of the opinion that the equipment or apparatus may cause damage or harmful interference to communications networks or risk to human health or environment.

23. Power to Inspect

An authorised officer of the Authority may, at reasonable times enter premises on which supplier; importer or distributor is keeping imported communications equipment, for purposes of inspecting the equipment.

24. Disposal of Equipment.

1. Any equipment brought for type approval and which due to destructive tests or other reasons that the Authority may determine as not being suitable for return to the applicant, may be destroyed by the Authority after giving thirty (30) days notice for objection to the applicant.
2. Any person aggrieved by decision of the Authority made under this Regulation may appeal to the Authority within ten (10) working days of communication of decision.

25. Offences and Penalties

Subject to provisions of sections 97 and 98 of the Act, Any person, who deals in or uses equipment without type approval or acceptance, in accordance with these Regulations commits an offence and shall upon, conviction be punishable with fine not exceeding **South Sudanese Pounds equivalent of US Dollars One Hundred Thousand (USD 100,000)** or imprisonment for period not exceeding one (1) year or both.



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