



# **Draft Telecommunications (Equipment Certification) Regulations, 2009**

## Maintenance History

Date	Change Details	Version
May 20, 2009	First Draft	0.1

# 1 Introduction

## 1.1 Requirements for Telecommunications Equipment Certification Regulations

Section 18(1)(d) of the Telecommunications Act, 2001 (“the Act”) provides that the Telecommunications Authority of Trinidad and Tobago (“the Authority”) shall establish national telecommunications industry standards and technical standards.

Further, Section 18(1)(o) of the Act identifies as one of the functions of the Authority the duty “to test and certify telecommunications equipment, subject to section 48(3), to ensure compliance with –

- i. international standards; and
- ii. environmental health and safety standards, including electromagnetic radiation and emissions;”

The Authority’s policy considerations in relation to the regulation of telecommunications equipment certification are set out in the **Equipment Standardisation and Certification Framework in the Telecommunications and Broadcasting Sectors of Trinidad and Tobago**. This Framework outlines the Authority’s proposal to collaborate with relevant local, regional and international standardisation bodies to adopt appropriate technical standards for telecommunications equipment identified for use in Trinidad and Tobago. The Framework also outlines the Authority’s proposed procedures for the certification of telecommunications equipment.

The purpose of the draft **Telecommunications (Equipment Certification) Regulations 2009** is to provide the necessary legal bases for the establishment of appropriate procedures for the certification of telecommunications equipment for use in Trinidad and Tobago. This consultation document has been prepared to seek the views of the public and of relevant stakeholders.

## 1.2 Review Cycle

The growth and development of the country’s telecommunications industry would be characterised by the proliferation of different and new types of telecommunications equipment and technologies. Therefore, from time to time, the need would arise to revise and update the procedures and considerations involved in the certification of telecommunications equipment. Therefore, this

document would be modified in consultation with the public and with interested persons as the Authority deems appropriate and its maintenance history would be revised accordingly.

### **1.3 Consultation Process**

The consultation process for these Regulations would be conducted in accordance with the Authority's **Procedures for Consultation in the Telecommunications Sector of Trinidad and Tobago**. This is the first occasion on which these Regulations would be the subject of consultation and the Authority is now seeking the views and opinions of the public and of interested persons regarding the proposals made. The deadline for the submission of comments and recommendations on this consultative document is **June 26, 2009**.

## 2 Draft Telecommunications (Equipment Certification) Regulations 2009

### REPUBLIC OF TRINIDAD AND TOBAGO

### THE TELECOMMUNICATIONS ACT (ACT NO: 4 OF 2001)

### REGULATIONS

Made by the Minister under section 78 (1) of the Telecommunications Act

**(DRAFT) TELECOMMUNICATIONS (Equipment Certification) REGULATIONS, 2009**

#### PART I PRELIMINARY

Citation

1. These Regulations may be cited as the Telecommunications (Equipment Certification) Regulations, 2008, hereinafter referred to as "**these Regulations**".
2. These Regulations are made pursuant to section 78 (1) (d) of the Act to establish procedures for the approval and certification of terminal equipment and other equipment to be installed or used for a public telecommunications network or public telecommunications service or broadcasting service in the Republic of Trinidad and Tobago.

Interpretation

3. (1) In these Regulations:

**“the Act”** means the Telecommunications Act, 2001;

**“the Authority”** has the meaning assigned to it in the Act;

**“recognized laboratory”** means a laboratory or equipment testing facility recognized by the Authority for the testing or examination of telecommunications equipment in accordance with these Regulations and which is included in such register established by the Authority under Regulation 13(1)(ii).

**“supporting documentation”** means the complete dossier in relation to telecommunications equipment, which contains such technical information to demonstrate that such telecommunications equipment is appropriate for installation, operation or use in Trinidad and Tobago.

**“telecommunications equipment”** means the terminal equipment and other equipment to be installed or used for a public telecommunications network or public telecommunications service or broadcasting service.

(2) Terms not otherwise defined in these Regulations shall have the meanings defined in the Act.

(3) A reference to a Regulation or sub-regulation is a reference to the relevant Regulation or sub-regulation of these Regulations.

## **PART II EQUIPMENT STANDARDISATION AND CERTIFICATION**

### *Establishment of Technical Standards*

4. (1) The Authority shall establish technical operating standards and specifications for the certification of telecommunications equipment in accordance with generally accepted international standards, protocols and administration schemes, and with the international commitments and obligations of Trinidad and Tobago.  
  
(2) Notwithstanding sub-regulation (1) above, the Authority may adopt such internationally recognised technical standards as it considers appropriate and in the absence of particular internationally recognised standards or specifications, the Authority may determine technical requirements for the certification of telecommunications equipment on a case by case basis.
5. The Authority shall publish on its website such standards established under Regulation 4(1) above or adopted under Regulation 4(2) above.
6. In the establishment and maintenance of standards under Regulation 4(1) above the Authority may collaborate with any other local or international agency which is duly authorised to establish technical standards for telecommunications equipment.
7. The Authority may amend or modify such standards established under Regulation 4(1) above on consultation with stakeholders and with the public.

*The Certification of  
Equipment*

8. (1) Subject to Section 32 of the Act, no person shall install, operate or use any telecommunications equipment which has not been certified in accordance with these Regulations.
- (2) Any person who manufactures, imports, sells or otherwise supplies telecommunications equipment in Trinidad and Tobago shall apply to the Authority for the certification of the telecommunications equipment in accordance with such instructions that may be published by the Authority from time to time.
- (3) Sub-regulation (2) above shall not apply where the telecommunications equipment has already been certified and recorded as such in the Authority's registry of certified telecommunications equipment established in accordance with Regulation 13(1)(i) below.
- (4) The Authority shall respond to an application made under sub-regulation (2) above within ninety (90) days of receipt of all information requested by the Authority.
- (5) The Authority may deny or delay the processing of an application made under sub-regulation (2) above which is incomplete or which is not otherwise supported by all the information which might be requested by the Authority or as a result of the applicant's failure to otherwise comply with these Regulations or with any other applicable law.
- (6) Notwithstanding sub-regulation (5) above, the Authority may deny an application made under sub-regulation (2) above if, in the opinion of the Authority, the telecommunications equipment is not suitable for installation, operation or use in Trinidad and Tobago.
- (7) If the Authority denies an application under sub-regulation (6) above, it shall give reasons for its decision in writing.
- (8) Where the Authority approves an application, it shall certify the telecommunications equipment subject to such conditions of operation, installation or use as the Authority considers necessary and shall make the appropriate entry in the register referred to in Regulation 13(1)(i) below.
- (9) Supporting documentation shall be retained by the applicant and shall be made available for inspection by the Authority for at least five (5) years after the last unit of the equipment to which the supporting documentation relates has been imported to or otherwise supplied in Trinidad and

Tobago.

*Revocation of  
Certification*

9. (1) Any certification issued by the Authority under Regulation 8(8) above shall remain valid unless revoked by the Authority under sub-regulation (2) below.
- (2) The Authority may revoke any certification issued under Regulation 8(8) above if the Authority finds that:
  - i. there has been non-compliance with any condition of certification or with the Regulations or with any other applicable law; or
  - ii. there had been significant errors or misrepresentation in the application for certification; or
  - iii. the telecommunications equipment has caused harmful interference; or
  - iv. based on information not previously considered or due to the subsequent development of new characteristics or behaviours, the telecommunications equipment it is likely to be injurious to the health and safety of users and or to the public.
- (3) Where the Authority has revoked any certification under sub regulation (2) above it shall give reasons in writing for such revocation.



*Inspections and Testing*

10. (1) Any person who manufactures, imports, sells or otherwise supplies telecommunications equipment in Trinidad and Tobago shall satisfy himself that the supporting documentation is authentic and that the telecommunications equipment complies with the stated technical standards and specifications
- (2) Notwithstanding sub-regulation (1) above, the Authority may conduct such inspections as it sees fit to verify that the telecommunications equipment is in compliance with such standards and specifications outlined in the supporting documentation and is installed, operated or used in accordance with the conditions of any certification issued by the Authority in accordance with these Regulations.
- (3) Any person referred to under sub-regulation (1) above shall, upon request by the Authority, provide the Authority with such additional information as it considers necessary during the conduct of an inspection under sub-regulation (2) above.

11. (1) The Authority may direct any person who manufactures, imports, sells or otherwise supplies telecommunications equipment in Trinidad and Tobago to submit the telecommunications equipment or a sample thereof to a recognised laboratory for testing at his own cost.
- (2) The results of any tests conducted under sub-regulation (1) above shall be made available to the Authority by the recognised laboratory.

*Subsequent Changes or Modification to Equipment*

12. (1) A new application for certification shall be made in accordance with such instructions that may be published by the Authority from time to time if any telecommunications equipment which has been certified in accordance with these Regulations has been subsequently changed or modified and if such change or modification entails the introduction of a new aspect of functionality which:
- i. is so significant as to have an effect on interconnection or network interoperability; or
  - ii. requires the use of additional radio frequencies; or
  - iii. the Authority reasonably considers must be subject to new or additional conditions of installation, operation or use.

(2) If, in the opinion of the Authority, the changes or modification to the telecommunications equipment referred to in sub-regulation (1) above is likely to impact on the safety or electromagnetic compatibility of the telecommunications equipment or on its radio frequency emissions, the Authority may conduct such inspection on the telecommunications equipment in accordance with Regulation 10(2) and may direct that the telecommunications equipment be submitted for testing in accordance with Regulation 11.

(3) Notwithstanding sub-regulations (1) and (2) above, a record of any change or modification to the telecommunications equipment and an assessment as to the actual or potential impact of such change must be included in the supporting documentation.

*Registers*

13. (1) The Authority shall establish and maintain:
- i. a Register of telecommunications equipment which has been certified in accordance with these Regulations; and
  - ii. a Register of recognised laboratories.

(2) Any register established under sub-regulation (1) above shall be published on the Authority's website.

*Appeals*

14. Any person whose application for the certification of telecommunications equipment has been denied in accordance with these Regulations may appeal the decision of the Authority in accordance with Section 83 of the Act.

*Non-Compliance*

15. (1) Any act of non-compliance with these Regulations or with any direction or instruction issued by the Authority under these regulations shall constitute an offence under Section 71 of the Act.

(2) The Authority shall publish in such manner as it sees fit any act of non-compliance referred to in sub-regulation (1) above.

*Transitional  
Provisions*

16. All telecommunications equipment imported in or otherwise supplied to Trinidad and Tobago before these Regulations come into effect shall be certified at the discretion of the Authority in accordance with these Regulations.

Made this        day of        2009.

Minister of Public Administration

Laid in the Senate this        day of        2009.

Clerk of the Senate

Laid in the House of Representatives this        day of  
2009.

Clerk of the House