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# POLICY

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## Telecommunications Equipment Type Approval Regime

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## Table of Contents

|                                                                  |          |
|------------------------------------------------------------------|----------|
| <b>1. Definitions .....</b>                                      | <b>3</b> |
| <b>2. Legal References .....</b>                                 | <b>6</b> |
| <b>3. Basic Principles .....</b>                                 | <b>6</b> |
| <b>4. TAR Responsibility .....</b>                               | <b>6</b> |
| <b>5. TAR Scope.....</b>                                         | <b>6</b> |
| <b>6. TAR Objectives.....</b>                                    | <b>6</b> |
| <b>7. Essential Requirements .....</b>                           | <b>7</b> |
| <b>8. Nature of the TAR – Key Principles &amp; Features.....</b> | <b>7</b> |
| <b>9. TAR Documents .....</b>                                    | <b>8</b> |
| <b>10. TAR Service Fees.....</b>                                 | <b>8</b> |
| <b>11. Conformity Mark .....</b>                                 | <b>8</b> |
| <b>12. Market Surveillance.....</b>                              | <b>8</b> |

## 1. Definitions

Unless the context requires otherwise, phrases and terminology contained in this Policy shall have the same meanings as are ascribed to them in Federal Law by Decree No. 3 of 2003 regarding the Organization of the Telecommunications Sector. The following terms and expressions shall have the corresponding meaning:

- UAE: the United Arab Emirates.
- Telecommunications Law: Federal Law by Decree No. 3 of 2003 regarding the Organization of the Telecommunications Sector, as amended.
- Executive Order: Executive Order of the Federal Law by Decree No. 3 of 2003 regarding the Organization of the Telecommunications Sector.
- TDRA: Telecommunications and Digital Government Regulatory Authority.
- Type Approval Regime (TAR): the framework of Type Approval policy, regulation, guidelines, rules, procedures, forms and fees issued by TDRA.
- Type Approval: procedures by which TDRA authorizes RTTE to be placed on the UAE market.
- Telecommunications Equipment or Apparatus: Equipment made or adapted for use in transmitting, receiving and/or conveying any of the Telecommunications Services through a Telecommunications Network.
- Radio Equipment (RE): Equipment or relevant component thereof capable of communication by means of the emission and/or reception of electromagnetic radio waves of frequencies from 9 kHz to 3000 GHz propagated in space.
- Telecommunications Terminal Equipment (TTE): Equipment which is intended to be connected directly to a Public Telecommunications Network at a network terminating point at which a user is provided with access to a Public Telecommunications Network.
- Licensed Radio Equipment: Equipment for which the end-user must obtain a spectrum frequency authorization prior to operating or using it in the UAE.
- Technical Standards: a document issued by TDRA about technical requirements to be fulfilled.
- Telecommunications Equipment Manufacturer: any legal person who manufactures a Telecommunications Equipment or has Telecommunications Equipment designed or manufactured, under his own name or trademark. A

Manufacturer can also make Telecommunications Equipment available on the market, if that Manufacturer is based in the UAE and has a valid trade license for the Telecommunications Equipment concerned.

- **Local Manufacturer:** a manufacturer based in the UAE, which can manufacture, assemble, offer or sell Telecommunications Equipment in the UAE market, provided that he holds a valid trade license for the relevant Telecommunications Equipment and is registered in the TAR.
- **International Manufacturer:** a manufacturer based outside the UAE, which can provide Telecommunications Equipment in the UAE market through delegating an importer based in the UAE and registered with the TAR. The International Manufacturer shall provide official documents in Arabic or English establishing the legal form of the business entity and its operation in the telecommunications sector.
- **Telecommunications Equipment Importer:** a legal person established within the UAE who imports Telecommunications Equipment from other countries. The Importer can also offer, sell or acquire Telecommunications Equipment on the UAE market.
- **Telecommunications Equipment Distributor:** a legal person established within the UAE who offers, sells or acquires Telecommunications Equipment on the UAE market.
- **Government Entities:** federal ministries and local departments, authorities and public organizations linked thereto, including the armed forces, police and security services of the State but excluding any commercial company or establishment even if it is owned by any of the foregoing or in which any of the foregoing may have an interest.
- **Importer's Declaration of Conformity:** a written statement issued in accordance to the requirements of ISO/IEC 17050-1 by a Registered Telecommunications Equipment Importer or Distributor, stating, under their responsibility, that the said Equipment complies with TAR requirements and all relevant Technical Specifications issued by TDRA.
- **Customs Clearance:** an official permission issued by TDRA to UAE customs entities for the release of an imported Telecommunications Equipment shipment.
- **Personal Use:** the possession of a Telecommunications Equipment for own use only, without placing it on the market or putting it into service in the UAE.
- **Public Telecommunications Network:** a Licensee-operated Telecommunications Network for the provision of Public Telecommunications Services to subscribers pursuant to the Law.

- **Mutual Recognition Agreement (MRA):** an agreement between entities for the mutual recognition of formal documents, certificates, and conformity assessment results of Telecommunications Equipment.
- **Telecommunications Network:** a system comprising one or more items of apparatus or means of communication for transmitting, broadcasting, switching or receiving of Telecommunications Services, by means of electric, magnetic, electro-chemical or electro-mechanical energy and any other means of communication.
- **Temporary Admission:** a formal authorization by TDRA under which the Telecommunications Equipment is temporarily admitted for a certain purpose and a specific period of time. Equipment temporarily admitted shall not be placed or made available on the UAE market without following the necessary procedures.
- **Wireless Transmission:** the transmitting or receiving of electro-magnetic energy which may be used for the conveyance of data, messages, voice or visual images; or for the operation or control of machinery or Telecommunications Equipment.
- **Commercial Activity:** any transaction, act or conduct that is of a commercial character, including selling, bartering or leasing.
- **Trade License Issuer:** the local or federal entity responsible for regulating economic activities pursuant to laws and legislation.

## 2. Legal References

Article 42 of the Telecommunications Law grants TDRA the exclusive competence in issuing all authorizations and approvals in relation to Telecommunications Apparatus intended for use in connection with a Telecommunications Network or in the provision of a Telecommunications Service in accordance with the Executive Order of Federal Law by Decree No. 3 of 2003 regarding the Organization of the Telecommunications Sector.

## 3. Basic Principles

In order to facilitate competition in manufacturing and importing Telecommunications Equipment, provide a wide range of reasonably priced Equipment on the UAE market, and to provide an attractive business climate, the TAR intends not to place unnecessary burden on manufacturers and suppliers prior to accessing UAE's Telecommunications Equipment market. The process shall be transparent, fair, and supportive of competition in the Telecommunications Sector.

## 4. TAR Responsibility

- The TRA shall have the exclusive competence and power to issue regulations, orders, resolutions and procedures in relation to the importation, manufacturing, dealing in, use and approval of Telecommunications Equipment, and shall issue respective Technical Standards.
- In addition, TDRA shall determine from which other bodies it will accept evidence of compliance at different compliance levels and Type Approval requirements.

## 5. TAR Scope

- All Telecommunications Radio and Terminal Equipment shall be subject to the TAR. Such Equipment shall be referred to collectively as Radio and Telecommunications Terminal Equipment (RTTE).
- The TAR shall not apply to Equipment imported for Personal Use, Equipment imported by public organizations and Public Telecommunications Network operators.
- The TAR shall not address matters relating to the quality of Telecommunications Equipment.

## 6. TAR Objectives

The objectives of the TAR are to ensure that:

- Telecommunications Equipment do not cause harm to the public or employees of

public telecommunications networks;

- emitted electromagnetic waves do not exceed the level above which other Telecommunications Equipment cannot function as intended;
- a level of immunity to the electromagnetic disturbance generated by other Telecommunications Equipment, allowing Telecommunications Equipment to operate without unacceptable degradation of its intended use;
- Radio Equipment (RE) effectively uses spectrum and does not cause damage or harmful interference with another Telecommunications Network.

## **7. Essential Requirements**

The key objectives of the TAR are to protect the health and safety of persons, the public interest, property and Telecommunications Networks. These objectives are to develop and identify essential requirements, which are mandatory provisions for any RTTE. These requirements shall be designed and adopted worldwide (as well as in the UAE) to ensure a high level of protection. The TRA shall publish Technical Standards for different types of Telecommunications Equipment with sets of internationally recognized standard requirements that constitute the essential requirements.

Essential requirements relevant to RTTE compliance levels shall depend on the Equipment type and the level of potential impact on safety, electromagnetic compatibility and the efficient use of radio spectrum.

Telecommunications Equipment approved by TDRA (compliant to the relevant Essential Requirements) shall be allowed to be offered, sold and used on the UAE market in the course of a commercial activity. Such Equipment shall be used for its intended purpose and design.

Telecommunications Equipment shall be subject to additional laws and regulations, such as spectrum use regulations and systems.

## **8. Nature of the TAR – Key Principles & Features**

- Telecommunications Equipment shall be approved based on compliance levels identified by TDRA. These levels shall reflect the assessment of risks associated with Telecommunications Equipment and their impact on consumers and telecommunications networks. Essential Requirements for approval shall vary for each compliance level as determined by TDRA.
- The TRA shall have discretion to assign special Type Approval conditions for particular types of Telecommunications Equipment. The TRA shall have discretion to subject Telecommunication Equipment to technical testing, provided that further testing shall be at the applicant's expense.

- An application for Type Approval shall be made by an Importer, Manufacturer or Distributor who has registered with TDRA. The Registered UAE-based Importer, Manufacturer or Distributor planning to distribute Telecommunications Equipment on the UAE market shall have a valid trade license. A Registered Telecommunications Equipment Manufacturer or Importer shall be responsible for ensuring that Telecommunications Equipment is compliant with TDRA-approved Technical Standards.

## **9. TAR Documents**

The TAR framework shall be defined by the following instruments:

- TAR Policy (this document).
- Telecommunications Equipment TAR Regulation.
- Type Approval Service Fees Policy.
- Technical Standards.
- Restricted and Prohibited Telecommunications Equipment.

## **10. TAR Service Fees**

- TDRA shall determine and declare Type Approval-related fees under the TAR Service Fees Policy. Such fees shall be intended as a contribution towards the costs incurred by TDRA for operating the TAR, including market surveillance.
- TDRA shall charge the direct costs of any investigation procedure of Telecommunications Equipment not meeting the Type Approval requirements to the Registered Importer, Manufacturer or Distributor who supplied the non-compliant Equipment.

## **11. Conformity Mark**

- The Manufacturer, Importer or Distributor of Telecommunications Equipment shall undertake to include the Type Approval conformity mark when the Equipment is offered to consumers through any channel in order to demonstrate that the Equipment has been Type Approved as per TDRA's procedures.
- Conformity mark requirements shall be identified in TAR Policy-related regulations.

## **12. Market Surveillance**

TDRA shall monitor compliance with the TAR requirements by controlling and checking UAE market offerings. In the event of non-conformity or if there is reason to indicate that the Registered Telecommunications Equipment poses a risk to health or safety or to other aspects of safeguarding the public interest, TDRA shall

take all appropriate measures to limit and/or prevent such Equipment from reaching the UAE market and/or ensure that it is withdrawn from the market.