

STATUTORY INSTRUMENTS

2005 No. 22.

THE COMMUNICATIONS (TELECOMMUNICATIONS AND RADIO COMMUNICATIONS EQUIPMENT TYPE APPROVAL) REGULATIONS, 2005.

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2005 No. 22.

The Communications (Telecommunications and Radio Communications Equipment Type Approval) Regulations, 2005.

(Under section 94 of the Uganda Communications Act, Cap 106)

IN EXERCISE of the powers conferred upon the Uganda Communications Commission by section 94 of the Uganda Communications Act, these Regulations are made this 7th day of January, 2005.

1. Title

These Regulations may be cited as the Communications (Telecommunications and Radio Communications Equipment Type Approval) Regulations, 2005.

2. Application of Regulations

(1) These regulations apply to—

- (a) the provision of telecommunications and radio communications services for telecommunications and radio communications installations or construction works;
- (b) the approval of telecommunications and radio communications equipment or apparatus for use in the delivery of telecommunications and radio communications services through interconnection or by end-users;
- (c) the connection of equipment or apparatus to telecommunications networks and radio communications networks;
- (d) the direct connection of all terminal equipment to the telecommunications networks and radio communications networks, for use in the provision of telecommunications and radio communications services;
- (e) equipment or apparatus that can be connected to telecommunications or radio communications networks or systems for use by a telecommunication service subscriber at his or her premises; and
- (f) the distribution, sale, lease, offer for sale or importation of telecommunications and radio communications equipment.

(2) In applying and implementing these Regulations, the Commission shall—

- (a) have exclusive control over all telecommunications and radio communications devices, apparatus, equipment and parts or components of these;
- (b) authorise any person to manufacture, import, ship, sell or lease, offer for sale or lease, distribute, possess, install or in any way operate or use any telecommunications or radio communications devices, apparatus, equipment and parts, or components of these;

- (c) inspect all telecommunications or radio communications installations and equipment comprised in a network and ascertain whether they conform to the requirements of the Act, these Regulations or the conditions of their licence; and
- (d) monitor the compliance of telecommunications and radio communications installations and equipment with these Regulations, in their operation or use.

3. Objectives of Regulations

The objectives of these Regulations are—

- (a) to provide for uniform standards for the protection of the telecommunications networks and radio communications networks from harm caused by the connection of terminal equipment and associated with the wiring;
- (b) to set technical standards of telecommunications and radio communications equipment;
- (c) to ensure that the connection of equipment to the telecommunications networks and radio communications networks does not damage or jeopardise the integrity of telecommunications and radio communications networks;
- (d) to provide a mechanism that enables efficient delivery of telecommunication services over telecommunications and radio communications network in order to achieve an acceptable quality of overall end-to-end network performance;
- (e) to protect the safety of end-users of telecommunications and radio communications equipment; and
- (f) to ensure the fulfilment of essential requirements like security of network operation, maintenance of network integrity, interoperability of services, data protection, protection of the environment and town and country planning.

4. Interpretation

In these Regulations, unless the context otherwise requires—

- “Act” means the Uganda Communications Act, Cap 106;
- “approved apparatus” means apparatus which is approved under these Regulations or which meets the appropriate essential requirements under these Regulations;
- “associated equipment” means equipment which functions with a specific type of plant or with two or more types of plants, like switching equipment, network power equipment, circuit equipment, common channel network signalling equipment or network operations equipment, and which is classified to an account appropriate for the type of equipment with which it is predominately used rather than on its own characteristics;

“broadcasting” means the transmission of sound, video or data intended for simultaneous reception by the public;

“compliant terminal equipment” means terminal equipment which at the time of placement on the market satisfies the requirements of these Regulations or meets the appropriate essential requirements and—

(a) is not subsequently modified, so as to cease to satisfy or meet the requirements that were applicable at the time of approval; or

(b) is subsequently modified, but in a way that satisfies or meets the requirements that were applicable at the time of approval;

“communications” means telecommunications, radio communications and postal communications;

“communications service” means a service performed, consisting of the dissemination or interchange of sound, video or data content using postal, radio, or telecommunications media, excluding broadcasting;

“customer equipment” means—

(a) any equipment, apparatus, tower, mast, antenna or other structure or thing that is used, installed, ready for use or intended for use on a customer side of a boundary of a telecommunications network; or

(b) any system that is used, installed ready for use or intended for use on a customer side of a boundary of a telecommunications network;

“data” means the use of binary signals to transmit information from a computer or an apparatus to another;

“harm” means an electrical hazard to a telephone company personnel, damage to telecommunications equipment, malfunction of telecommunication billing equipment, and degradation of service to a person other than the user of the subject terminal equipment or his or her calling or called party;

“interface” means—

(a) a network termination point which is a physical connection point at which a user is provided with access to public telecommunications network; or

(b) an air interface specifying the radio path between radio equipment, and their technical specifications;

“inter-operability” means the ability of two or more facilities or networks to be connected to exchange information, and to use the information that is exchanged;

“network element” means a facility or equipment used in the provision of a telecommunications service and includes but is not limited to features, functions, and capabilities that are provided by the facility or equipment,

including subscriber numbers, databases, signalling systems, and information sufficient for billing and collection or used in the transmission, routing, or other provision of telecommunications services;

“network termination point” means all physical connections and their technical access specifications, which form part of the public telecommunications network and are necessary for access to and efficient communication through that public network;

“practice and procedure regulations” means the Communication (Practice and Procedure) Regulations, 2005, made under the Act;

“radio communication” means emitting or receiving, over paths which are not provided by any material substance construed or arranged for that purpose, electromagnetic energy of a frequency not exceeding three million megahertz, which—

(a) serves for the conveyance of messages, sound or visual images, whether the messages are actually received by any person or not, or for the actuation or control of machinery or apparatus; or

(b) is used in connection with the determination of position, bearing or distance, or for the gaining of information as to the presence, absence, position or, motion of any object or objects of any class;

“radio communications apparatus” or “radio communications station” means any apparatus or station, for emitting or receiving radio communication other than a domestic radio set where—

(a) that radio communications apparatus or station cannot lawfully be used without a radio communications licence or without an exemption under the Act;

(b) radio communication in the form of a message, sound or a visual image is received or emitted by that apparatus or station; and

(c) an apparatus is electrically coupled with another apparatus or station for the purpose of enabling any person to receive or emit a message, sound or visual image;

“radio communication service” means a service performed and a facility provided for communication by means of radio communications apparatus;

“responsible party” means a party responsible for compliance of telecommunications or radio equipment;

“system premises wiring” means wiring which connects separately-housed equipment entities or system components, or which connects an equipment entity or system component with the telephone network interface, located at the customer’s premises and not within an equipment housing;

“technical construction file” means a file describing an apparatus and providing information and explanations as to how the essential requirements applicable to the apparatus are met;

“telecommunication” means the emission, transmission or reception through the agency of electricity or electromagnetism or any sound, signal, sign, writing, image or intelligence of any nature, by wire, radio, optical or other electromagnetic system whether or not the sound, signal, sign, writing, image or intelligence is subjected to rearrangement, computation or other processes by any means in the course of transmission, emission or reception;

“telecommunication apparatus” or “telecommunication station” means any apparatus, or equipment used or intended to be used for the transmission of communication by means of electricity from one place to another along a wire joining those two places or partly by wire from each of those two places and partly by radio communication;

“telecommunications equipment” means equipment, other than customer premises equipment, used by an operator to provide telecommunications services and includes software which is integral to the equipment and upgrades other than switching equipment associated with the provision of switched telecommunications services;

“telecommunications infrastructure” means an underlying physical component associated with the provision of telecommunications transmission capacity, other than switching equipment associated with the provision of switched telecommunications services;

“telecommunications line” means any wire, cable, equipment, tower, mast, antenna, tunnel, hole, pit, trench, pole or other structure or thing used or intended to be used in connection with a telecommunications system;

“telecommunications network” means a transmission system and where applicable, switching equipment and other resource, which permits the conveyance of signals between defined termination points by wire, radio, optical or other electromagnetic means;

“telecommunications terminal equipment” means a product enabling communication, or its relevant component, which is intended to be connected directly or indirectly by any means to interfaces of public telecommunications networks;

“telecommunications service” means a service consisting of the conveyance or reception of any, sign, signal, writing, image, sound or intelligence by wire, optical or other electronically guided media system whether or not the sign, signal, writing, image, sound or intelligence has been subjected to rearrangement, computation or other process by any means in the course of their transmission, emission or reception;

“telecommunications system” means a system for the conveyance, through the agency of electric, magnetic, electro-magnetic, electro-chemical, electro-mechanical or light energy, of—

(a) speech, music and other sounds;

(b) visual images;

(c) signals other than sounds or visual images serving between a person and a thing; or

(d) signals for the actuation or control of machinery or apparatus; and including telecommunications apparatus situated in the Republic of Uganda

“terminal equipment” means a product which enables communication, or its relevant component, which is intended to be connected directly or indirectly by any means to interfaces of telecommunications and radio networks;

“telephone network” means a public switched network or a private line.

5. Right to connect

(1) An operator of a telecommunications network or a radio communications network shall not refuse to connect a terminal equipment to appropriate interfaces, on technical grounds, where the equipment complies with these Regulations.

(2) Equipment, properly approved, installed, maintained and used for its intended purpose shall satisfy the essential requirements set out in these Regulations.

(3) All telecommunications or radio communications equipment approved by the Commission shall be connected to any telecommunication or radio communications network or system without any refusal or objection by the network owner or operator.

(4) Notwithstanding subregulation (3), connection of an approved telecommunications or radio communications equipment or apparatus on a telecommunication and radio communications network or system may be denied or restricted for—

- (a) security of network operation;
- (b) maintenance of network integrity;
- (c) interoperability of services;
- (d) data protection; or
- (e) security for life and health or safety of users.

(5) Where an approved telecommunications or radio communications equipment malfunctions in a way which adversely affects the integrity of a network, or where there is damage or physical injury to a person, the network operator shall immediately disconnect the equipment from the network.

(6) A network operator shall before disconnecting any equipment in accordance with this regulation, inform the Commission, and give reasons for the disconnection.

(7) Restriction on connection of an approved telecommunications or radio communications equipment to a telecommunications or radio network shall be justified for the security of network operation, in cases of emergency situations.

(8) “Emergency situation” under subregulation (7), means a catastrophic network breakdown or an exceptional case of force majeure including extreme

weather, floods, lightning, fire, industrial action or lockout, war, military operation or civil disorder.

(9) The following measures may be taken by a network operator to safeguard the security of a network operations—

- (a) interruption of services;
- (b) limitation of service features;
- (c) denial of access to the network; and
- (d) services for new users.

(10) Restriction on connection of an approved telecommunications or radio communications equipment on the basis of maintenance of network integrity shall only be justified where it is for the protection of network equipment, software or stored data.

(11) All approved telecommunications or radio communications equipment shall be interoperable to the extent that they comply with interconnection regulations made under the Act.

(12) Restriction on connection of approved equipment on the basis of protection of data shall be justified for the protection of personal data or confidentiality of information transmitted or stored.

(13) An operator shall deny access to its network, use of its services or connection to it, where the equipment or the use of the equipment has not been approved by the Commission.

6. Publication of technical specification

(1) An operator of a telecommunications or radio communications network shall, publish and make publicly available, accurate and adequate technical specifications of all interfaces offered by it and services provided through the interfaces, and regularly publish updated specifications.

(2) An operator of a telecommunications or radio communications network shall, in its publications provide—

- (a) sufficient details of technical interface specifications to permit the design of telecommunications terminal equipment capable of utilising all services provided through a corresponding interface;
- (b) details of changes in existing interface specifications, including information on network characteristics which affect the correct operation of terminal equipment; and
- (c) information which may be necessary to allow manufacturers to carry out relevant tests, at their choice, for the essential requirements applicable to telecommunications terminal equipment.

7. Approval of telecommunications and radio communications equipment

(1) All telecommunication or radio communications equipment, apparatus or device that may be connected to a telecommunication network or radio communications network shall, before installation, connection or operation and use in the provision of telecommunication and radio communications services in Uganda, be approved by the Commission.

(2) Every telecommunication or radio communications equipment, apparatus, device, part or component, shall comply with the technical standards applicable to individual types of equipment which require that the equipment has to be approved by the Commission.

(3) An approval may apply—

(a) to a particular equipment or to any equipment of a description specified in the approval; and

(b) for the purposes of a particular telecommunications or radio communications system or any telecommunications or radio communications system of a specified description.

(4) An approval of any telecommunications or radio communications equipment may specify conditions to be complied with and the conditions may impose on the person to whom the approval is given, a requirement to satisfy another person with respect to any matter related to approval of telecommunication and radio communication equipment.

(5) An approval of any equipment by the Commission may be—

(a) a type-approval; or

(b) a one-off approval.

(6) Type-approval of equipment shall consist of technical evaluation processes of the equipment, which satisfy the Commission on the performance of the samples, and the manufacturing and quality control procedures.

(7) Equipment or apparatus submitted for approval, shall be tested by the Commission, using standards prescribed by the Commission.

(8) Equipment may be subject to type examination procedures consisting of—

(a) type examination; and

(b) declaration of conformity procedure.

(9) Under the type examination procedure, the Commission shall—

(a) examine the technical documentation and verify that the type was manufactured in conformity with the relevant national standards;

(b) perform by a recognised test laboratory, the appropriate examinations and necessary testing checks for the essential requirements; and

(c) perform by a recognised test laboratory, appropriate examinations and test to check that the type meets the relevant national standards.

(10) The Commission may, at any time, carry out random testing of a product's conformity to type.

(11) The Commission shall issue, from time to time, a list of approved telecommunications and radio communications equipment, their technical specifications and applicable type approval fees.

(12) An importer or distributor shall, before selling any equipment, ensure that the equipment meets the standards and specifications set by the Commission and works compatibly with other equipment within the telecommunications and radio communications networks.

(13) Terminal or network equipment which complies with approved technical conditions, shall display a type approval label provided by the Commission.

(14) Every importer or distributor shall ensure that any equipment offered for sale for local use is clearly labelled or affixed with—

- (a) the trade name, model name and serial number;
- (b) the manufacturer's or supplier's name; and
- (c) a type approval label, approved by the Commission.

(15) An importer or distributor who is granted a type approval label by the Commission, shall display the label in a conspicuous place.

(16) A type approval label shall contain—

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

(17) The Commission shall publish a list of type approved telecommunications and radio communications equipment, to be imported and distributed in Uganda.

(18) Every licensee shall comply with any technical specifications prescribed by the Commission—

- (a) to ensure technical compatibility;
- (b) to avoid technical harm to the telecommunications or radio communications network of other operators; and
- (c) to prevent safety hazards to personnel, during the connection of telecommunications or radio communications equipment or systems to a network.

(19) An apparatus shall have prominently displayed for a user—

- (a) information on the intended use of the equipment and a declaration of its conformity to the applicable essential requirements; and
- (b) sufficient information to identify the interfaces of telecommunications and radio communications networks to which the equipment is intended to be connected.

8. Customer or terminal equipment

(1) The Commission shall prescribe technical standards for specified customer equipment or specified telecommunications cabling.

(2) The Commission may make the following types of standards—

- (a) technical standards for customer equipment and customer cabling;
- (b) standards relating to the features of customer equipment that are designed to cater for special needs of persons with disabilities; and
- (c) technical standards for the interconnection of facilities.

(3) Technical standards shall consist of requirements which are necessary or convenient for—

- (a) protecting the integrity of a telecommunications or radio communications network or facility;
- (b) protecting the health or safety of persons who operate, work on, use services supplied by means of, or are likely to be affected by the operation of a telecommunications or radio communications network or facility;
- (c) ensuring that customer equipment is used to give access to an emergency call service;
- (d) ensuring, for the purpose of the supply of a standard telephone service, the interoperability of customer equipment with a telecommunications networks or a radio communications network to which the equipment is, or is proposed to be connected; and
- (e) achieving any objective specified in these Regulations or the Act.

(4) Customer equipment and customer cabling shall be labelled to indicate compliance with the prescribed standards.

(5) The Commission may issue a connection permit authorising the connection of customer equipment and customer cabling.

(6) Before making a technical standard, the Commission shall, so far as is practicable, ensure that—

- (a) an interested person has had an adequate opportunity to make representations about the proposed standard; and
- (b) due consideration is given to any representation made.

(7) The Commission may prescribe standards for specified customer equipment, where—

- (a) the equipment is for use with a standard telephone service;
- (b) the equipment is for use primarily by a person who does not have a disability; and
- (c) the standard relates to features of the equipment that are designed to cater for any or all of the special needs of a person with a disability.

(8) The Commission may make a technical standard relating to the interconnection of facilities—

- (a) to promote the long-term interests of an end-user of a telecommunications or radio communications service; or
- (b) to reduce or eliminate the likelihood of hindrance to the provision of access to telecommunications or radio communications services.

9. Metering equipment

(1) An operator shall, before connection and use of any meter in the operation and provision of a telecommunications or radio communications service, obtain the prior approval of the Commission.

(2) An operator shall ensure that the metering equipment used for the services provided or operated under a licence is accurate and reliable and shall not in any way tamper with the metering equipment.

(3) The Commission shall at any time conduct tests on any metering equipment to assess its accuracy, reliability and conformity to a technical standard.

10. Categories of type approval of equipment

Type approval of equipment may be applied through verification, certification or authorization of the equipment.

11. Verification of equipment

(1) The verification of equipment shall signify that a manufacturer or importer of equipment determined that the equipment was proved to be capable of compliance with the prescribed technical standards, if no unauthorised change is made in the equipment and where the equipment is properly maintained and operated.

(2) Verification of a telecommunications or radio communications equipment shall be by a declaration of conformity where a manufacturer or responsible party makes measurements or takes the necessary steps to ensure that the equipment complies with the appropriate technical standards.

(3) The verification of equipment attaches to all items subsequently marketed by a manufacturer or importer, which are identical to a tested sample and found acceptable by the manufacturer.

(4) A declaration of conformity attaches to all items, subsequently marketed by a party responsible for marketing of the items, which are identical to the sample tested and found acceptable by that party.

(5) In verifying compliance, the party responsible shall warrant that each unit of equipment marketed under the verification procedure is identical to the unit tested and found acceptable with the standards and that the records maintained by that party continue to reflect the equipment produced under that verification within variation that can be expected due to quantity production and testing on a statistical basis.

(6) An importer of equipment subject to verification may upon receiving a written statement from a manufacturer that the equipment complies with the appropriate technical standards, rely on the manufacturer or an independent testing agency to verify compliance and the test records for compliance may be made available to the Commission upon request.

(7) A device which is subject to verification shall be uniquely identified by a person responsible for marketing or importing the device into Uganda.

(8) An identification under this regulation shall not be identical with the Commission identifier required for certified, notified or type accepted equipment.

(9) An importer or manufacturer shall maintain adequate identification records to facilitate positive identification for each verified device.

12. Certification of equipment

(1) A telecommunications or radio communications equipment may receive a certification or equipment authorisation issued by the Commission, based on representations and test data submitted by an applicant.

(2) A grantee of an equipment authorisation shall guarantee and give a warrant that each unit of equipment marketed under the grant and bearing the identification specified in the grant shall, conform to the unit that was measured and that the data, including the design and rated operational characteristics, filed with the application for certification, continues to be representative of the equipment produced under the grant within a variation that can be expected due to quantity production and testing on a statistical basis.

(3) The Commission may require an applicant to submit a sample unit for measurement at the Commission's laboratory or at any other place as the Commission may specify.

(4) Where the applicant believes that shipment of a sample to the Commission's laboratory is impractical because of the size or weight of the equipment, the power requirement or for any other reason, the applicant may submit a written statement explaining why the shipment is impractical and should not be required.

(5) The Commission may from time to time request a party responsible for any equipment, to submit the equipment to determine the extent to which subsequent production of the equipment continues to comply with the data filed by an applicant or data kept on file with that party, subject to a declaration of conformity.

(6) Any measurement procedure acceptable to the Commission may be used to prepare data demonstrating compliance.

(7) Information on measurement submitted to the Commission shall identify the specific standard or measurement procedure used.

(8) A party making measurements of equipment that is subject to equipment authorization, whether the measurements are filed with the Commission or kept on file by the party responsible for the compliance of the equipment, shall compile a description of the measurement facilities employed.

(9) A description of measurement facilities shall contain—

(a) the location of a test site;

(b) physical description of a test site, accompanied by photographs;

(c) a drawing showing the dimensions of a test site, the physical layout of all supporting structures and all structures within five times the distance between a measuring antenna and a device which is measured;

(d) a description of structures used to support a device which is measured and the test instrumentation;

- (e) a list of measuring equipment used;
- (f) information concerning the calibration of the measuring equipment, including the date the equipment was last calibrated and how often the equipment is calibrated;
- (g) where desired, a statement on whether a test site is available to do measurement services for the public at a fee.

(10) Each equipment covered in an application for equipment authorisation shall bear a name plate or label with a Commission identifier.

(11) A name-plate or label shall be permanently affixed to an equipment and shall be readily visible to a purchaser at the time of purchase.

(12) A grant of equipment authorisation is valid only where the Commission identifier is permanently affixed to the device and remains effective until it is revoked, withdrawn, rescinded, surrendered, or where a termination date is specified by the Commission.

(13) A grantee of equipment authorisation shall be responsible to the Commission, for any equipment produced using the authorisation.

(14) Certification attaches to any equipment subsequently marketed by an authorised person, which is identical to the tested sample.

(15) Any sample of equipment submitted 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 a trade name, model and serial number.

(16) Any equipment to be sold shall be similar to the model that is granted a type approval and the approved equipment shall not be modified in any way, without the approval of the Commission.

(17) A type approval granted under this regulation, shall not be construed as a guarantee by the Commission, of the proper functioning, performance or quality of equipment.

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

13. Parties responsible for equipment compliance

(1) The following parties are responsible for the compliance of telecommunications and radio communications equipment, with the applicable standards—

- (a) in the case of equipment which requires the issuing of a grant of equipment authorization by the Commission, the grantee to whom the grant of authorization is issued or where the telecommunications or radio communications equipment is modified by any party who is not

the grantee and that party is not working under the authorization of the grantee, the party that performs the modification;

- (b) in the case of equipment subject to authorization under the verification procedure, a manufacturer or, in the case of imported equipment, an importer, and where subsequent to manufacture or importation the telecommunications and radio communications equipment is modified by any party without the authority of the manufacturer or importer, the party that performs the modification; and
- (c) in the case of equipment subject to authorization under the declaration of conformity procedure—
 - (i) a manufacturer or, where the equipment is assembled from individual component parts and the resulting system is subject to authorization under a declaration of conformity, the assembler;
 - (ii) where the equipment, by itself, is subject to a declaration of conformity and it is imported, the importer;
 - (iii) to assume responsibilities, ensure compliance of equipment and become the new responsible party, a retailer or original equipment manufacturer may enter into an agreement with the responsible party designated in paragraph (i) or (ii); and
 - (iv) where a telecommunications or radio communications equipment is modified by any party without the authority of a responsible party, the party performing the modifications, or an importer, if the equipment is imported subsequent to the modifications.

(2) Where, as a result of modifications performed subsequent to authorization, a new party becomes responsible for ensuring that a product complies with the technical standards but does not obtain a new equipment authorization, the equipment shall be labelled with the following words; “This product has been modified by [insert name, address and telephone number of the party performing the modifications].”

14. Application for equipment approval

(1) All applications for equipment approval shall indicate—

- (a) the identification, technical description and purpose of the equipment for which approval is sought;
- (b) a description of all circuitry employed in assuring compliance with—
 - (i) specifications, including voltage or current ratings, of all circuit elements in that part of the equipment or circuitry;
 - (ii) a circuit diagram containing the complete circuit of that part of the equipment or circuitry;
 - (iii) a statement that the terminal equipment or protective circuitry complies with these Regulations accompanied by test results, description of test procedures, analyses, evaluations, quality control standards and quality assurance standards that are necessary to demonstrate that the terminal equipment or protective circuitry complies with all the applicable rules and regulations;

- (iv) a photograph, sample or drawing of the equipment label showing the information to be placed on it;
- (v) a photograph of the equipment of sufficient clarity to reveal equipment construction and layout and labels for controls, with sufficient views of the internal construction to define component placement and chassis assembly;
- (vi) descriptive installation procedures for cross-connect panels where applicable; and
- (vii) additional requirements including—
 - (A) an extension cord consisting of a male connector and a female connector and wiring between them; and
 - (B) a transfer switch manually operated and wired in a balanced tip and ring configuration.

(2) An application for certification shall be accompanied by a technical report containing—

- (a) the full name and mailing address of the manufacturer of a device and the applicant for certification;
- (b) the Commission identifier;
- (c) a copy of the installation and operating instructions to be furnished to a user;
- (d) a brief description of the circuit functions of the device and a statement describing how the device operates, including a description of the ground system and antenna, if any, used with the device;
- (e) a block diagram showing the frequency of all oscillators in the device, including the signal path, frequency for tuning range and intermediate frequency for each block and a schematic diagram for intentional radiators;
- (f) a report of measurements showing compliance with the Commission technical requirements, including an identification of the test procedure used, the date and location of the measurements, the device that was tested and its model and serial number, if available and sample calculations showing how the measurement results are converted for comparison with the technical requirements;
- (g) a sufficient number of photographs to clearly show the construction, the component placement on the chassis, the chassis assembly and the exterior appearance showing the overall appearance, the antenna used with the device, if any, the controls available to a user, and the required identification label in sufficient detail so that the name and Commission identifier can be read;
- (h) instead of a photograph of a label in paragraph (g), a sample label or a facsimile, may be submitted together with a sketch showing where the label is to be placed on the equipment;

(i) where the equipment for which certification is sought must be tested with peripheral or accessory devices connected or installed, a brief description of the peripherals or accessories which shall be unmodified and commercially available equipment.

(3) Where a device covered by an application is designed to operate in conjunction with equipment whose characteristics affect the compliance of the device, the equipment shall be registered or where the equipment is already registered, the Commission number shall be supplied.

(4) The Commission may issue public notices of applications for registration of equipment and the grants.

(5) A grant shall not issue before five days, from the date of the public notice, of the filing of an application in subregulation (4).

(6) Comments on any application for the registration of equipment may be filed within five days of the date of the public notice and any reply to the comments may be filed within five days of filing of the comments.

(7) The Commission may grant an application for the registration of equipment where it finds from an examination of the application and other matter which it may officially notice, that the equipment complies with the prescribed standards or that the grant shall serve the public interest.

(8) Notwithstanding that stress may result in partial or total destruction of equipment, an approved terminal equipment shall comply with the criteria provided in these Regulations, before and after the application of each of the following mechanical and electrical stresses—

- (a) vibration;
- (b) temperature and humidity;
- (c) shock;
- (d) metallic voltage surge; and
- (e) longitudinal voltage surge.

15. Conformity of equipment

(1) A manufacturer or an authorised representative of a manufacturer shall affix a label marking to each product and draw up a written declaration of conformity.

(2) A manufacturer shall establish the technical documentation specified in this regulation and the manufacturer or the authorised representative of the manufacturer, shall keep it for a period of at least ten years after the last product is manufactured, at the disposal of the Commission for inspection purposes.

(3) Where a manufacturer or an authorised representative of a manufacturer is not established within Uganda, the obligation to keep the technical documentation available shall be the responsibility of the person who places the product on the market in Uganda.

(4) The technical documentation shall enable the assessment of the conformity of a product with the essential requirements and shall cover the design, manufacture and operation of the product, and in particular—

- (a) a general description of the product;

- (b) a conceptual design and manufacturing drawings and schemes of components, sub-assemblies and circuits;
- (c) descriptions and explanations, necessary for the understanding of the drawings and schemes and the operation of the product;
- (d) a list of the standards, applied in full or in part, and descriptions and explanations of the solutions adopted to meet the essential requirements of the directive, where the standards have not been applied or do not exist;
- (e) results of design calculations made and examinations carried out; and
- (f) test reports.

(5) A manufacturer or an authorised representative of a manufacturer shall keep a copy of the declaration of conformity with the technical documentation.

(6) A manufacturer shall take all necessary measures during a manufacturing process to ensure compliance of a manufactured product with the technical documentation and these Regulations.

16. Quality assurance

(1) In this regulation, “quality assurance” means a system where a manufacturer ensures and declares that a product satisfies the requirements that apply to it and affixes a mark to the product and draws up a written declaration of conformity.

(2) A manufacturer shall operate an approved quality assurance system for the design, manufacture, inspection of a final product and testing as prescribed by this regulation.

(3) A manufacturer shall lodge an application for assessment of its quality assurance system with the Commission which shall include—

- (a) all relevant information on an envisaged product; and
- (b) the quality assurance system’s documentation.

(4) The quality assurance system shall ensure the compliance of a product with the requirements that apply to it.

(5) A manufacturer shall document in a systematic and orderly manner and in the form of written policies, procedures and instructions, all the elements, requirements and provisions adopted by the manufacturer, which shall ensure a common understanding of the quality, policies and procedures such as quality programmes, plans, manuals and records.

(6) The Commission shall assess the quality assurance system to determine whether it satisfies the requirements prescribed in this regulation, and in particular, whether the quality control system ensures conformity of a product with this regulation, using the relevant documentation and test results supplied by a manufacturer.

(7) A manufacturer shall undertake to fulfil the obligations arising out of the quality assurance system as approved and to uphold it so that it remains adequate and efficient.

(8) A manufacturer or an authorised representative of a manufacturer shall keep the Commission informed of any intended update of the quality assurance system.

(9) Where a manufacturer proposes to modify the quality assurance system, the Commission shall evaluate the modifications and determine whether the proposals satisfy the requirements under this regulation or whether a reassessment of the system is required.

(10) A manufacturer shall allow the Commission access, for inspection purposes, to the location of design, manufacture, inspection, testing, and storage and shall provide it with all necessary information and in particular—

- (a) the quality assurance system documentation;
- (b) the quality assurance records of the design stage of the quality assurance system, including results of analyses, calculations and tests; and
- (c) the quality assurance records of the manufacturing stage of the quality assurance system, including inspection reports, test data, calibration data and qualification reports of the concerned personnel.

(11) The Commission may at any time make a visit to a manufacturer and carry out tests or have tests carried out to check the functioning of the quality assurance system.

(12) A manufacturer shall be provided with a visit report and where a test has been carried out, the manufacturer shall be provided with the test report of the Commission.

17. Marketing of telecommunications and radio communications equipment

(1) The Commission shall authorise the sell or lease, or offer for sale or lease, or importation, shipment, or distribution for the purpose of selling, leasing or offering for sale or lease, any telecommunications or radio communications equipment.

(2) Telecommunications and radio communications equipment shall be approved by the Commission before its use.

- (3) The requirements for approval of any equipment are—
 - (a) that the equipment satisfies the essential requirements provided in these Regulations;
 - (b) that information on the equipment is provided in accordance with these Regulations;
 - (c) that appropriate conformity assessment procedure in respect of the apparatus is carried out;
 - (d) that the Commission label or marking is affixed to the equipment by a manufacturer of an apparatus or by the person responsible for the apparatus; and
 - (e) a declaration of conformity is drawn up in respect of the manufacturer of the apparatus or a person responsible for the apparatus.

(4) A telecommunications or radio communications device may be advertised or displayed, at a trade show or exhibition before equipment authorisation or, for a device that is not subject to the equipment authorisation requirements, before a determination of compliance with the applicable technical requirements.

(5) The advertisement or display shall contain or be accompanied by a conspicuous notice with the following words: “This device is not authorised by the Commission and may not be offered for sale or lease or sold or leased, until authorisation is obtained”.

(6) Where a product displayed is a prototype of another product that is properly authorised, and the prototype is not authorised due to differences between the prototype and the authorised product, the following disclaimer notice may be used instead of a notice specified under subregulation (5) : “prototype not for sale”.

(7) Before equipment authorisation or determination of compliance with the applicable technical requirements, any telecommunications or radio communications equipment shall not be marketed, but may be operated for—

- (a) compliance testing;
- (b) demonstration at a trade show;
- (c) demonstration at an exhibition conducted at a business, commercial, industrial, scientific, or medical location;
- (d) evaluation of product performance and determination of customer acceptability at a manufacturer’s facility, during the developmental, design, or pre-production stages; or
- (e) evaluation of product performance and determination of customer acceptability, where customer acceptability of a radio frequency device cannot be determined at a manufacturer’s facility because of size or the unique capability of a device.

(8) “Marketing”, in this regulation, includes sale, lease, offer for sale or lease, advertisement for sale or lease, importation, shipment, distribution for the purpose of selling or leasing and offering for sale or lease.

18. Labelling requirements

(1) A manufacturer or importer of specified customer equipment or specified customer cabling shall apply on the equipment or cabling, a label that indicates that the equipment or cabling meets the prescribed standards.

(2) Before a label is applied on any equipment or cabling, the following requirements shall be complied with—

- (a) the manufacturer or importer shall obtain certification from the Commission, that the equipment or cabling complies with the prescribed standard;
- (b) the equipment or cabling shall be tested by a recognised testing authority, for compliance with the prescribed standards;
- (c) a manufacturer or importer shall—

- (i) conduct quality assurance programs;
- (ii) be satisfied that quality assurance programs are conducted; and
- (iii) have regard to the results of quality assurance programs;
- (d) a manufacturer or importer shall obtain certification from the Commission that reasonable efforts have been made to comply with the specified standards; and
- (e) a manufacturer or importer shall make a written declaration in relation to the equipment or cabling.

(3) The standards may specify requirements that may be complied with after a label is applied to customer equipment or customer cabling, including a requirement that a manufacturer or importer retains for inspection, for the period specified—

- (a) records of the quality assurance programs;
- (b) records of results of any tests conducted in relation to compliance with the standards; and
- (c) a declaration of conformity or a copy of the declaration.

19. Application for facility installation permit

(1) Before carrying out any installation of a facility, an operator shall obtain from the Commission a facility installation permit.

(2) An application for a facility installation permit shall be accompanied by a fee determined by the Commission.

(3) The Commission may after considering the application, issue a facility installation permit authorising the applicant to carry out the installation of the facility specified in the application.

(4) The Commission shall not issue a facility installation permit unless the Commission is satisfied that—

- (a) the telecommunications and radio communications network to which the facility relates is or likely to be of national significance;
- (b) the facility is or is likely to be, an important part of the telecommunications or radio communications network to which it relates;
- (c) any of the following conditions is satisfied—
 - (i) the greater part of the infrastructure of the telecommunications or radio communications network to which the facility relates is already installed;
 - (ii) a greater part of the infrastructure of the telecommunications and radio communications network to which the facility relates is not installed but each administrative authority whose approval is required for the installation of the greater part of the

infrastructure of the network gives, or is reasonably likely to give the approval;

- (iii) no part of the infrastructure of the telecommunications and radio communications networks to which the facility relates is installed, but each administrative authority whose approval is required for the installation of a greater part of the infrastructure of the network gives, or is reasonably likely to give the approval;
- (d) the advantages that are likely to be derived from the operation of the facility in the context of the telecommunications or radio communications network to which the facility relates outweigh any form of degradation of the environment that is likely to result from the installation of the facility; and
- (e) the operator makes reasonable efforts to negotiate in good faith with—
 - (i) each proprietor whose approval is required, or would be required to carry out an installation; and
 - (ii) each administrative authority whose approval is required, or would be required, to carry out an installation.

(5) In determining whether a network is of national significance, the Commission shall consider—

- (a) the geographical reach of the network;
- (b) the number of customers connected, or likely to be connected, to the network;
- (c) the importance of the network to the national economy; and
- (d) any other matters the Commission may consider relevant.

(6) In determining whether a facility is an important part of a network, the Commission shall consider—

- (a) the technical importance of the facility in the context of the telecommunications or radio communications network to which the facility relates;
- (b) the economic importance of the facility in the context of the telecommunications and radio communications networks to which the facility relates; and
- (c) the social importance of the facility in the context of the telecommunications and radio communications networks to which the facility relates.

(7) In determining whether the advantages of a facility outweigh the disadvantages of degradation of the environment, the Commission shall consider—

- (a) the extent to which the installation of the facility is likely to promote the long-term interests of end-users of telecommunications and radio communications services or of services supplied by means of telecommunications and radio communications services;

- (b) the impact of the installation, maintenance or operation of the facility on the environment;
- (c) the objective of facilitating the timely supply of efficient, modern and cost-effective services to the public;
- (d) any relevant technical or economic aspects of the installation, maintenance or operation of the facility in the context of the telecommunications and radio communications networks to which the facility relates;
- (e) whether the installation of the facility contributes to the fulfilment of a universal service obligation, by the applicant;
- (f) whether the installation of the facility involves co-location with one or more other facilities;
- (g) whether the installation of the facility facilitates co-location, or future co-location, with one or more other facilities; and
- (h) any other matter that the Commission may consider relevant.

(8) A facility installation permit may be subject to a condition requiring a holder—

- (a) to undertake an assessment or a further assessment of the environmental impact of the installation of the facility concerned;
- (b) to consult a particular person or body on the installation of the facility concerned; and
- (c) to obtain the approval of a particular person or body on the installation of the facility concerned.

20. Complaints against harmful equipment

(1) Cabling includes—

- (a) the installation of customer cabling for connection to a telecommunications or radio communications network or facility;
- (b) the connection of customer cabling to a telecommunications or radio communications network or facility; and
- (c) the maintenance of customer cabling connected to a telecommunications or radio communications network or facility.

(2) A person may apply to the Commission for a cabling licence that authorises the performance of any of the types of cabling work in subregulation (1).

(3) An application shall be in writing and shall—

- (a) describe the knowledge and experience of the applicant to perform cabling work; and
- (b) be in accordance with the form approved in writing by the Commission.

(4) An application may provide for verification by statutory declaration of statements in the application.

(5) An application shall be accompanied by such a fee as the Commission may determine.

(6) After considering an application, the Commission may grant a cabling licence in accordance with the application.

(7) Before granting a cabling licence, the Commission shall be satisfied that—

(a) the applicant has the necessary knowledge and experience to perform the type of cabling work applied for; and

(b) the type of cabling work if performed in accordance with the conditions included in the licence, complies with the standards in force.

(8) The Commission shall maintain a register indicating all current cabling licences and the conditions of those licences.

(9) A person may, on payment of a fee fixed by the Commission—

(a) inspect the register; and

(b) make a copy of or take extracts from the register.

21. Complaints against harmful equipment(1) A person may submit to the Commission—

(a) a complaint or representation on the performance of any equipment that is type approved; or

(b) an objection against a type approval of any equipment.

(2) A complaint or representation shall state—

(a) the name and address of the complainant;

(b) the name and address if known, of the person against whom the complaint is made; and

(c) the facts, including supporting data where available, showing that the equipment does not conform to the requirements of these Regulations and that the equipment may cause harmful interference to a telecommunications or radio communications network or is a risk to human health or the environment.

(3) The Commission shall forward a copy of the complaint or representation to an applicant or holder of a type approval certificate and give the applicant or holder an opportunity to reply to the representation or objection.

(4) In considering a grant of type approval or in evaluating the performance of any equipment which is type approved, the Commission shall take into account any complaints or representations.

22. Disconnection of dangerous equipment and cabling

(1) A person may—

- (a) connect customer equipment or customer cabling to a telecommunications or radio communications network or to a facility; or
- (b) have under his or her control, customer equipment or customer cabling, connected to a telecommunications or radio communications network or facility.

(2) An operator of a network or facility who believes that the equipment or cabling connected to his or her network is likely to be a threat or is a treat to the health or safety of any person who operates, works or uses services supplied by a telecommunications or radio communications network or facility, may disconnect the equipment or cabling.

(3) Where equipment or cabling is disconnected under subregulation (2) and the Commission is satisfied that there was no reasonable ground for the disconnection, it may, by written notice to the operator of the network or facility, direct the operator to reconnect the equipment or cabling.

(4) Where the Commission determines that an operator of the network or facility had no reasonable grounds for the disconnection under subregulation (2) and that as a result of the disconnection a person suffered loss or damage, that person may apply to the Commission for the recovery from the operator, of the amount of loss or damage suffered.

(5) An operator of a network or facility who believes that the equipment or cabling is likely to be a threat or is a treat to the integrity of a telecommunications and radio communications network or facility, may disconnect the equipment or cabling and where necessary, disconnect other customer equipment or cabling.

(6) Where equipment or cabling is disconnected or purportedly disconnected under subregulation (5), the Commission may by written notice to the operator of the network or facility, direct the operator to reconnect the equipment or cabling.

(7) Where the Commission determines that an operator of the network or facility had no reasonable grounds for disconnecting the equipment under subregulation (5) and that as a result of the disconnection a person suffered loss or damage, the person may apply to the Commission for the recovery from the operator of the amount of loss or damage the person may have suffered.

(8) The Commission may by written notice declare that the operation, supply or possession of a specified customer equipment or a specified customer cabling is prohibited for reasons the Commission may specify in the notice.

(9) The reasons under subregulation (8) of this regulation shall relate to—

- (a) the protection of the integrity of a telecommunications and radio communications network or facility; and
- (b) the protection of health or safety of a person who operates, works on, or uses services supplied by means of telecommunications and radio communications network or facility or who is reasonably likely to be affected by the operation of the telecommunications and radio communications network or facility.

(10) A copy of a notice issued by the Commission under this regulation shall be published in at least one newspaper of wide circulation in Uganda and in the *Gazette*.

(11) A person shall not operate or supply customer equipment or customer cabling which is not approved by the Commission or have in his or her possession customer equipment or customer cabling if the possession is for the purpose of operating or supplying that equipment or cabling.

23. Enforcement

(1) Where the Commission has reasonable grounds to suspect that the Commission marking is affixed to equipment without compliance to these Regulations, the Commission may serve a notice in writing on—

(a) a manufacturer of the equipment or his or her authorised representative in Uganda; or

(b) a person responsible for placing the equipment on the market in Uganda.

(2) A notice served under subregulation (1) shall—

(a) state that the Commission suspects that the Commission marking was not correctly affixed to the equipment;

(b) specify the circumstances in which the Commission suspected the anomaly and give particulars of the circumstances;

(c) require a person to whom the notice is given—

(i) to secure that any equipment to which the notice relates conforms to the correct affixation of the Commission marking within such a period as may be specified in the notice; or

(ii) to provide evidence within a specific period to the satisfaction of the Commission, that the label marking is correctly affixed; and

(d) give a warning that if the non-conformity continues, or if satisfactory evidence is not been provided within the period specified in the notice, further action may be taken under these Regulations in respect of that equipment or equipment of the similar type placed, on the market by the person to who the notice is given.

(3) Where the Commission is satisfied that a telecommunications operator is contravening or has contravened any of the provisions of the Act, or regulations made under the Act or any of the conditions of his or her licence, the Commission shall commence an investigation, for the purpose of securing compliance.

(4) The Commission shall in enforcing compliance of these Regulations apply the practice and procedure regulations.

ABEL KATAHOIRE,
Chairperson, Uganda Communications Commission.