

Order of the Regulator No. 2011/02 Type Approval of all telecommunications equipment

In 2005, the Government liberalized the telecommunications market in Samoa. As a result of opening the market up to competition, three cellular digital (GSM) licenses were issued; one to Telecom Samoa Cellular Limited ('TSCL'), one to Digicel (Samoa) Limited ('Digicel') and one to SamoaTel Limited ('SamoaTel').

Prior to its launch in 2006, Digicel purchased TSCL and gained ownership of TSCL'S existing cellular radio network and as such, competition in the cellular radio market was between Digicel and SamoaTel. This continues to be the case today.

Pursuant to section 60 of the Telecommunications Act 2005, the Regulator may issue an order deciding which types of telecommunications equipment proposed to be attached to telecommunications network that are used to provide telecommunications service to the public require approval for such attachment.

On 23rd May 2007, the Regulator wrote to Digicel and SamoaTel informing the providers that *"all equipment used for transmission of radio frequencies must be type approved prior to use in Samoa"*. The Regulator further advised that the requirement to obtain type approval extended to GSM handsets or mobile phones. There would also be no fee for registration of type approvals with the Office of the Regulator.

In an effort to assist the providers and their suppliers with regard to the standards which would be used by the Office of the Regulator in assessing the applicability of equipment, the Office of the Regulator published on its website a list of recognized regulatory authorities as an indication of the standards to be used by the Regulator for the purposes of type approval.

Between 2007 and 2011, the Office of the Regulator has noted that there has been an increase in the types of telecommunications equipment present in Samoa; such equipment being imported by both service providers and other companies or persons and are being used for the transmission of radio frequencies. Due to the influx of equipment into the country, the Regulator deems it necessary to again clarify to all manufacturers and suppliers of telecommunications equipment and to again remind service providers in Samoa that any telecommunications equipment which is intended to be attached or connected to a telecommunications network and/or used to provide telecommunications services must first be type approved by the Office of the Regulator.

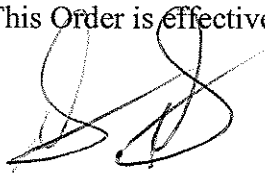
Order requiring type approval of all telecommunications equipment

Any manufacturer and / or supplier of telecommunications equipment or service provider intending to use a certain type of telecommunications equipment must obtain from the Office of the Regulator type approval for such equipment before that equipment is connected to or used to provide telecommunications services in Samoa.

In the case where telecommunications equipment is purchased by a company or individual who is not a service provider and that telecommunications equipment is intended to be used in Samoa in connection with a telecommunications network; such company or individual must also apply to the Office of the Regulator for type approval of that equipment.

The Office of the Regulator will continue to apply such standards as are published on its website for the purposes of type approving telecommunications equipment.

This Order is effective from the 23rd day of September 2011.



Donnie De Freitas
Regulator

Dated this 23rd day of September 2011.