

SAMOA

**TELECOMMUNICATIONS (RADIO EQUIPMENT
TECHNICAL STANDARDS AND TYPE APPROVAL)
RULES 2018**

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PURSUANT to sections 8(1)(q) and 23 of the Telecommunications Act 2005 (“the Act”), **I, LEFAOALII UNUTOA AUELUA-FONOTI**, the Regulator, **MAKE** these Rules:

DATED this 6th day of November 2018.



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(Lefaoalii Unutoa Auelua-Fonoti)

REGULATOR

RULES

PART 1 PRELIMINARY

1. Citation and commencement-(1) These Rules may be cited as the Telecommunications (Radio Equipment Technical Standards and Type Approval) Rules 2018.

(2) These Rules commence on the date it is signed by the Regulator (“the commencement date”).

2. Interpretation - In these Rules, unless the context otherwise requires:

“applicable standard” refers to specified telecommunications equipment stipulated in Schedule 1;

“conformity assessment body” means a testing laboratory or a certification body that determines directly or indirectly that a type of telecommunications equipment fulfils specified requirements of one or more technical standards that relate to that equipment type;

“importer” in relation to telecommunications equipment that was manufactured outside Samoa, means a person who imports the equipment into Samoa;

“manufacture” in relation to telecommunications equipment, means:

- (a) manufacture in Samoa; or
- (b) modification of the equipment in Samoa (whether or not the equipment was manufactured in Samoa).

“manufacturer”, in relation to telecommunications equipment, means a person who:

- (a) manufactures the equipment in Samoa; or
- (b) modifies the equipment in Samoa (whether or not the equipment was manufactured in Samoa).

“non-standard equipment” means specified telecommunications equipment that does not comply with an applicable standard when it was manufactured or imported, as the case may be;

“radio emission” means an emission of electromagnetic energy of frequencies less than 420 terahertz without continuous artificial guide, whether or not any person intended the emission to occur;

“recognised certification body” means any of the bodies specified in Schedule 2;

“specified telecommunications equipment” means telecommunications equipment of a type specified in column 1 in Schedule 1;

“supply” includes supply or re-supply by way of sale, exchange, lease, hire or hire-purchase;

“supplier”, in relation to telecommunications equipment means:

- (a) the manufacturer or importer of the equipment; or
- (b) an agent of the manufacturer or importer of the equipment.

“working day” means a day that is not:

- (a) a Saturday or Sunday; or
- (b) a public holiday specified in, or declared pursuant to the Public Holidays Act 2008.

3. Application - These Rules apply to telecommunications equipment that:

- (a) emits radio frequency energy and which is required for the transmission of radio signals;
- (b) is manufactured in or imported into Samoa for operation or supply in Samoa; and
- (c) is equipment to which an applicable standard applies.

PART 2 COMPLIANCE WITH APPLICABLE TECHNICAL STANDARDS

4. Conformity with technical standards-(1) Specified telecommunications equipment must, at the time it is manufactured in Samoa or imported, conform with the applicable standards in force at the time.

(2) The use of specified telecommunications equipment shall comply with the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines for limiting exposure to time-varying electric, magnetic and electromagnetic fields (up to 300 GHz), European Telecommunication Standards Institute (ETSI), International Telecommunication Union Radiocommunication Recommendation (ITU-R.Rec) and Telecommunication Recommendation (ITU-T. Rec).

(3) A person who manufactures in Samoa or imports specified telecommunications equipment is responsible for informing themselves of and ensuring conformance with the most recent editions of the applicable standards.

PART 3 PROHIBITIONS RELATING TO NON-STANDARD EQUIPMENT

5. Prohibition of the use of non-standard equipment-
(1) A person must not cause a radio emission to be made by telecommunications equipment that the person knows is non-standard equipment.

(2) A person does not contravene subrule (1) by causing a radio emission to be made by non-standard equipment in the reasonable belief that the emission or possession was necessary for the purpose of:

- (a) securing the safety of a vessel or aircraft that was in danger; or
- (b) dealing with an emergency involving a serious threat to the environment; or
- (c) dealing with an emergency involving risk of death of, or injury to, persons; or
- (d) dealing with an emergency involving risk of substantial loss of, or damage to, property.

(3) A person does not contravene subrule (1) by causing a radio emission to be made by non-standard equipment if that use is in accordance with terms and conditions on a permit issued by the Regulator under Rule 9.

6. Prohibition of the possession of non-standard equipment-(1) A person must not have in his or her possession for the purpose of operation telecommunications equipment that the person knows is non-standard equipment.

(2) A person does not contravene subrule (1) by having non-standard equipment in his or her possession in the reasonable belief that the possession was necessary for the purpose of:

- (a) securing the safety of a vessel or aircraft that was in danger; or
- (b) dealing with an emergency involving a serious threat to the environment; or
- (c) dealing with an emergency involving risk of death of, or injury to, persons; or
- (d) dealing with an emergency involving risk of substantial loss of, or damage to, property.

(3) A person does not contravene subrule (1) by having non-standard equipment in his or her possession if the equipment is intended to be used solely outside Samoa.

(4) For the purposes of subrule (3), the burden of proving that non-standard equipment is intended for use solely outside Samoa lies on the person in possession of the equipment.

(5) A person does not contravene subrule (1) by having non-standard equipment in his or her possession if the possession is in accordance with terms and conditions on a permit issued by the Regulator under Rule 9.

(6) Without limitation, a person is taken, for the purposes of this subrule, to have equipment in his or her possession for the purpose of operation if it is in his or her possession, otherwise than for the purpose of supply to another person, and can be operated by merely doing one or more of the following:

- (a) connecting the equipment to an electric power supply by means of an electric plug or other electric connection;
- (b) connecting a microphone to the equipment by inserting a microphone plug into the equipment;
- (c) switching on the equipment;
- (d) switching on any other equipment relevant to the equipment's operation;
- (e) adjusting settings by manipulating the equipment's external switches, dials or other controls;
- (f) connecting the equipment to an antenna.

(7) A reference in this Rule to a person having telecommunications equipment in his or her possession includes a reference to the person having it under his or her control in any place whatsoever, whether for the use or benefit of that person or another person, and although another person has the actual possession or custody of the equipment.

7. Prohibition of the supply of non-standard equipment-(1) A person must not supply telecommunications equipment that the person knows is non-standard equipment.

(2) A person does not contravene subrule (1) by supplying non-standard equipment if:

- (a) the equipment is intended to be used solely outside Samoa; or
- (b) the equipment was imported and the person supplied it for the purposes of re-export.

(3) For the purposes of subrule (2), the burden of proof lies on the person in possession of the equipment.

8. Imputed knowledge - For the purposes of establishing a contravention of Rule 5, 6 or 7 if, having regard to:

- (a) a person's abilities, experience, qualifications and other attributes;
- (b) all the circumstances surrounding the alleged contravention; and
- (c) previous advice in writing from the Regulator that the equipment, or equipment of the type in question, was non-standard equipment, the person ought reasonably to have known that the specified telecommunications equipment in question was non-standard equipment, the person is taken to have known that it was non-standard equipment.

PART 4 PERMITS FOR NON-STANDARD EQUIPMENT

9. The Regulator may issue permits-(1) A person may apply to the Regulator, in a form specified by the Regulator, for a permit authorising:

- (a) the possession of non-standard equipment; or
- (b) a radio emission to be made by non-standard equipment; or
- (c) the activities mentioned in both paragraphs (a) and (b).

(2) The Regulator may, in writing, issue to the person a permit authorising the person and, if the permit so specifies, his or her agents:

- (a) to have in his or her or their agents possession specified non-standard equipment; or
- (b) if, and only if, the permit so specifies - to cause such equipment to make radio emissions; or
- (c) the activities mentioned in both paragraphs (a) and (b).

(3) Without limitation, in deciding whether to issue a permit, the Regulator:

- (a) may have regard to whether the purpose for which the permit is sought is a purpose related to -

- (i) education or research;
 - (ii) testing of equipment; or
 - (iii) demonstration of equipment; and
- (b) must have regard to the protection of the health or safety of persons who -
- (i) operate telecommunications equipment;
 - (ii) work on telecommunications equipment;
 - (iii) use services supplied by means of telecommunications equipment; or
 - (iv) are otherwise reasonably likely to be affected by the operation of telecommunications equipment.

(4) The Regulator may define and charge a permit application processing fee in respect of each application received. The fee shall be paid with the applications and shall apply irrespective of whether the application is granted or refused.

(5) If the Regulator refuses to issue the permit, he or she must give the person a written notice of the refusal, together with a statement of its reasons.

10. Conditions of permits-(1) A permit granted by the Regulator under Rule 9 is subject to the following conditions:

- (a) a condition that a person to whom the permit relates must comply with the Act; and
 - (b) any other conditions that the Regulator may, in its discretion, specify in the permit.
- (2) The Regulator may, by written notice given to the person to whom the permit was issued:
- (a) impose one or more further conditions to which the permit was issued; or
 - (b) vary or revoke any conditions -
 - (i) imposed under subrule (2)(a); or
 - (ii) specified under subrule (1)(b).

11. Duration of permits-(1) A permit granted by the Regulator under Rule 9 is valid from the day it is issued.

(2) A permit that authorises radio emission must specify a day of expiration.

12. Cancellation of a permit-(1) The Regulator may, by written notice to the holder of a permit, cancel the permit.

(2) The notice under subrule (1) must give reasons for cancelling the permit.

PART 5 RECOGNITION OF TYPE APPROVALS

13. Type approval recognised as certification of conformity to applicable standards-(1) Specified telecommunications equipment must not be operated or imported in Samoa unless a recognised certification body has type approved equipment of that type as conforming to the applicable standards.

(2) Before specified telecommunications equipment is operated or imported, the supplier must, for each applicable standard for the equipment, make a record of the following:

- (a) the vendor of the equipment;
- (b) the current model number for the equipment and, if relevant, any related model numbers for the equipment;
- (c) evidence of the type approval from a recognised certification body that the supplier has relied on for the purposes of subrule (1); and
- (d) any vendor documentation supplied with the equipment that sets out specifications for the correct installation and operation of the equipment.

(3) The supplier must keep the records specified under subrule (2) for three (3) years after the supplier has ceased to supply the specified telecommunications equipment.

14. Records to be made available to the Regulator for inspection-(1) A supplier of specified telecommunications equipment must ensure that the records maintained for Rule 13 or 16(1)(a) are available for inspection by the Regulator within Samoa.

(2) The Regulator may, by written notice, request a supplier of specified telecommunications equipment to provide the Regulator with a copy of part or all of the records maintained for the purposes of Rule 13 or 16(1)(a).

(3) A supplier in receipt of a notice issued by the Regulator under subrule (2) shall comply with the requirements of the notice within the timeframe, if any, specified in the notice.

15. Request for test report or statement-(1) If the Regulator believes that the records of specified telecommunications equipment kept by a supplier for the purposes of Rule 13 or 16(1)(a) do not provide sufficient evidence that the equipment complies with each applicable standard, the Regulator may, in writing, require the supplier to give the Regulator:

- (a) a test report from a conformity assessment body recognised by one of the recognised certification bodies stating that the equipment complies with each applicable standard; or
- (b) a written statement from a conformity assessment body recognised by one of the recognised certification bodies certifying that the equipment complies with one or more requirements in an applicable standard.

(2) A supplier in receipt of a request from the Regulator under subrule (1) must comply with the request within 30 working days of the date of the request.

16. Transitional arrangements-(1) If specified telecommunications equipment was supplied or available for supply before the commencement date, the supplier of that equipment shall:

- (a) for each applicable standard for the equipment, make a record of the following -
 - (i) the manufacturer of the equipment;
 - (ii) the current model number for the equipment and, if relevant, any related model numbers for the equipment; and
 - (iii) evidence that that equipment has been type approved by a recognised certification body; or

- (b) if the equipment is non-standard equipment or has not been type approved by a recognised certification body, apply to the Regulator for a permit under Rule 9.
- (2) A supplier to which subrule (1) applies must:
 - (a) fulfil the requirements of subrule (1) within 12 months of the commencement date; and
 - (b) keep any records prepared for the purposes of subrule (1)(a) for three years after the supplier has ceased to supply the specified telecommunications equipment to which the records relate.

17. Revocation - Order of the Regulator No. 2011/02 is revoked.

**SCHEDULE 1:
TELECOMMUNICATIONS EQUIPMENT
TECHNICAL STANDARDS**

Column 1	Column 2	Column 3	Column 4
Telecommuni- cations Equipment	Effective Use of Radio Spectrum	Electro- magnetic Compatibility	Safety
Mobile Cellular networks			
Cellular Base Station & Repeater Station (GSM)	ETSI EN 301 502 ETSI EN 300 609-4	ETSI EN 301 489-1 ETSI EN 301 489-8	IEC / EN 60950 IEC / EN 60215
Cellular Mobile Terminal (GSM)	ETSI EN 301 511	ETSI EN 301 489-1 ETSI EN 301 489-7	EN 50360:2001 EN 50361:2001
Cellular Base Station and Repeater Station (ITU IMT-2000, UTRA and EUTRA)	ETSI EN 301 908-1 ETSI EN 301 908-3 ETSI EN 301 908-11 ETSI EN 301 908-14 ETSI EN 301 908-15 ETSI EN 301 908-18	ETSI EN 301 489-1 ETSI EN 301 489-23	IEC / EN 60950 IEC / EN 60215
Cellular Mobile Terminal (ITU IMT-2000, UTRA and E-UTRA)	ETSI EN 301 908-1 ETSI EN 301 908-2	ETSI EN 301 489-1 ETSI EN 301 489-24	EN 50360:2001 EN 50361: 2001
Cellular Base Station and Repeater Station (ITU IMT, LTE)	ETSI EN 301 908-13 ETSI EN 301 908-15 ETSI EN 301 908-21 ETSI EN 301 908-22	ETSI EN 301 489-1	
Cellular Mobile Terminal (ITU IMT, LTE)	ETSI EN 301 908-1 ETSI EN 301 908-2		

PMR (Land Mobile)			
Terrestrial Trunked Radio (TETRA)	ETSI EN 303 035-1 ETSI EN 303 035-2	ETSI EN 301 489-1 ETSI EN 301 489-18	IEC / EN 60950
Land mobile service base station, mobile and transportable, operating on radio frequencies between 30 MHz and 1000 MHz, with channel separations of 12.5 kHz, 20 kHz and 25 kHz, primarily intended for analogue speech.	ETSI EN 300 086-2 ETSI EN 300 086-1	ETSI EN 301 489-1 ETSI EN 301 489-5	IEC / EN 60950
Land mobile service base station, mobile and transportable, operating on radio frequencies between 30 MHz and 1000 MHz, with channel separations of 12.5 kHz, 20 kHz and 25 kHz, intended for speech and/or data using constant or non-constant envelope modulation.	ETSI EN 300 113-1 ETSI EN 300 113-2 ETSI EN 300 771-2 (rules for access and sharing of common used channels)	ETSI EN 301 489-1 ETSI EN 301 489-5	IEC / EN 60950
Constant envelope angle modulation systems for use in the land mobile service, using the available bandwidth,	ETSI EN 300 219-2 ETSI EN 300 219-1	ETSI EN 301 489-1 ETSI EN 301 489-5	IEC / EN 60950

<p>operating on radio frequencies between 30 MHz and 1000 MHz, with channel separations of 12.5 kHz, 20 kHz and 25 kHz intended for non-speech transmissions (more specifically, transmissions of signals use to initiate a specific response in the receiver).</p>			
<p>Equipment with integral antennas, used in angle modulation systems in the land mobile service, operating on radio frequencies between 30 MHz and 1000 MHz, with channel separations of 12.5 kHz, 20 kHz and 25 kHz, and is intended primarily for analogue speech.</p>	<p>ETSI EN 300 296-2 ETSI EN 300 296-1</p>	<p>ETSI EN 301 489-1 ETSI EN 301 489-5</p>	<p>IEC / EN 60950</p>
<p>Constant envelope angle modulation systems for use in the land mobile service, using the available bandwidth,</p>	<p>ETSI EN 300 341-2 ETSI EN 300 341-1</p>	<p>ETSI EN 301 489-1 ETSI EN 301 489-5</p>	<p>IEC / EN 60950</p>

<p>operating on radio frequencies between 30 MHz and 1000MHz, with channel separations of 12.5 kHz, 20 kHz and 25 kHz intended for non-speech transmissions (applies to non-speech and to the non-speech part of combined speech/non-speech equipment with integral antennas).</p>			
<p>Constant envelope angle modulation systems for use in the land mobile service, using the available bandwidth, operating on radio frequencies between 30 MHz and 1000 MHz, with channel separations of 12.5 kHz, 20 kHz and 25 kHz intended for data transmissions. It applies to digital and combined analogue and digital radio equipment which is hand portable, using an integral antenna and intended for</p>	<p>ETSI EN 300 390-2 ETSI EN 300 390-1</p>	<p>ETSI EN 301 489-1 ETSI EN 301 489-5</p>	<p>IEC / EN 60950</p>

the transmission of data and/or speech.			
Equipment operating with narrow channel separations (CSP) (less than 10 kHz e.g. 6.25 kHz) operating on radio frequencies between 30 MHz and 3000 MHz, and intended for speech and/or data.	ETSI EN 301 166-2 ETSI EN 301 166-1	ETSI EN 301 489-1 ETSI EN 301 489-5	IEC / EN 60950
Equipment using constant or non-constant envelope modulation operating on radio frequencies between 30 MHz and 3000 MHz, with channel separations of 25 kHz, 50 kHz, 100 kHz and 150 kHz.	ETSI EN 302 561	ETSI EN 301 489-1 ETSI EN 301 489-5	IEC / EN 60950
On site paging	ETSI EN 300 224-2	ETSI EN 301 489-2	IEC / EN 60950
Short Range Devices			
SRDs in frequency range 9 kHz – 25 MHz and inductive loop systems in 9 kHz – 30 MHz range	ETSI EN 300 330-1 ETSI EN 300 330-2	ETSI EN 301 489-1 ETSI EN 301 489-3	IEC / EN 60950
SRDs in frequency range 25 MHz to 1000 MHz with power levels ranging up to 500mW	ETSI EN 300 220-1 ETSI EN 300 220-2	ETSI EN 301 489-1 ETSI EN 301 489-3	IEC / EN 60950

SRDs in frequency range 1 GHz to 40 GHz	ETSI EN 300 440-1 ETSI EN 300 440-2	ETSI EN 301 489-1 ETSI EN 301 489-3	IEC / EN 60950
Spread spectrum data transmission equipment operating in the 2.4 GHz (ISM) band	ETSI EN 300 328	ETSI EN 301 489-1 ETSI EN 301 489-17	IEC / EN 60950
High performance RLAN (5 GHz)	ETSI EN 301 893	ETSI EN 301 489-1 ETSI EN 301 489-17	IEC / EN 60950
Wireless microphones operating in the 25 MHz to 3 GHz range	ETSI EN 300 422-1 ETSI EN 300 422-2	ETSI EN 301 489-1 ETSI EN 301 489-9	IEC / EN 60950
Maritime			
EPIRB (121.5 MHz and 243 MHz)	ETSI EN 300 152-2 ETSI EN 300 152-3 AS/NZS 4330	IEC/ EN 60945	IEC / EN 60945
Personal Location Beacon - PLB (406 MHz)	COSPAS-SARSAT Documents:- C/S T.001 Specification for COSPAS-SARSAT 406 MHz Distress Beacons. C/S T.007 COSPASSA RSAT 406 MHz Distress Beacon Type Approval Standard.		IEC / EN 60945

	C/S G.005 COSPASSA RSAT Guidelines on 406 MHz Coding, Registration and Type Approval. AS/NZS 4280.2		
MF / HF Transceiver	ETSI EN 300 373-1 ETSI EN 300 373-2 AS/NZS 4582	IEC/ EN 60945 ETSI EN 843- 1 ETSI EN 843- 5	IEC / EN 60945
VHF Transceiver as Coast Stations for GMDSS	EN 301 929- 2 AS/NZS 4415	IEC/ EN 60945 ETSI EN 843- 1	IEC / EN 60945
Portable VHF radiotelephone equipment with integrated handheld class D DSC	ETSI EN 302 885-2 ETSI EN 302 885-3 AS/NZS 4415	IEC/ EN 60945 ETSI EN 843- 1 ETSI EN 843- 2	IEC / EN 60945
UHF Transceiver on board vessels	ETSI EN 300 720-2	IEC/ EN 60945 ETSI EN 843- 1	IEC / EN 60945
Satellite			
VSAT 11/12/14 GHz band	ETSI EN 301 428	ETSI EN 301 489-12	IEC / EN 60950
VSAT 4/6 GHz band	ETSI EN 301 443	ETSI EN 301 489-12	IEC / EN 60950
Fixed			
Point to point equipment and antennas	ETSI EN 302 217-2-2 (applies to frequency bands where there is coordinated link by	ETSI EN 301 489-4	IEC / EN 60950

	link planning) ETSI EN 302 217-3 EN 302 217- 4-2		
Personal Communications			
HF Citizen Band Radio (26 MHz)	AS/NZS 4355		IEC / EN 60950
Broadcasting			
FM sound broadcasting Transmitters	ETSI EN 302 018-1 ETSI EN 302 018-2	ETSI EN 301 489-11	IEC / EN 60950
Analogue and digital terrestrial TV transmitters	ETSI EN 302 296-1 ETSI EN 302 296-2 (DVB-T) ETSI EN 302 297 (Analogue) ETSI EN 302 755 (DVB-T2) / ETSIEN 302 744 (DVB- T2) standard	ETSI EN 301 489-14	IEC / EN 60950

**SCHEDULE 2:
RECOGNISED CERTIFICATION BODIES**

Country or region	Recognised certification body
Australia	Australian Communications and Media Authority
China	Certification and Accreditation Administration of China
Chinese Taipei	Bureau of Standards, Metrology and Inspection
European Union	Conformité Européenne
Hong Kong	Office of the Communications Authority
Japan	Voluntary Council for Control of Interference by Information Technology Equipment of Japan
Malaysia	Malaysian Communications and Multimedia Commission
New Zealand	Ministry of Business, Innovation and Employment
Singapore	Infocomm Development Authority
South Korea	Korea Communications Commission
USA	Federal Communications Commission
