

A public consultation document issued by the
Telecommunications Regulatory Authority of the
Kingdom of Bahrain

**Consultation regarding the Draft Regulation on the
Approval of Telecommunications Equipment**

5th March 2009

Reference Number: TOD/0109/004

The address for responses to this document is:

The General Director

Telecommunications Regulatory Authority (TRA)

PO Box 10353, Manama, Kingdom of Bahrain

Alternatively, e-mail responses may be sent to the

Authority's email address at consult@tra.org.bh

The deadline for responses is **4pm on 18th April 2009**

Purpose: To seek the views of interested parties on TRA's proposal for the introduction of a revised approvals regime for telecommunications equipment.



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Instructions for submitting a response

The Telecommunications Regulatory Authority (“TRA”) invites comments on this consultation document from all interested parties.

Comments should be submitted by **4pm on 18th April 2009**

The address for responding to this document is:

The General Director
Telecommunications Regulatory Authority
P.O. Box 10353, Manama, Kingdom of Bahrain

Alternatively, responses may be sent to TRA for the attention of the General Director by email to consult@tra.org.bh.

Responses should include:

- the name of the company/institution/association, etc;
- the name of the principal contact person; and
- full contact details (physical address, telephone number, fax number and email address).
- in the case of responses from individual consumers, name and contact details.

In the interest of transparency, TRA will make all submissions received available to the public, subject to the confidentiality of the information received. TRA will evaluate requests for confidentiality in line with relevant legal provisions and TRA’s published guidance on the treatment of confidential and non-confidential information.¹

Respondents are required to clearly mark any information included in their submission which is considered confidential. Where such confidential information is included respondents are required to provide both a **confidential** and **non-confidential** version of their submission. If a submission is marked confidential in its entirety, reasons for this should be provided. TRA may publish or refrain from publishing any document or submission at its sole discretion.

¹ http://www.tra.org.bh/en/pdf/Confidentiality_Guidelines_Final.pdf

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Once TRA has received and considered responses to this consultative document, TRA will issue a final version of the Regulation, together with a report on the consultation.

1. Introduction and Background

- 1.1 This Consultation is issued pursuant to the Authority's Consultation Process Regulation issued by the Authority on 10 August 2003².
- 1.2 The Telecommunications Regulatory Authority ("TRA") is the regulatory authority established in the Kingdom of Bahrain under Legislative Decree No. 48 of 2002 promulgating the Telecommunications Law ("the Telecommunications Law") and is granted powers and responsibilities concerning Telecommunications Equipment approval in accordance with the Telecommunications Law.
- 1.3 Section 38 of the Telecommunications Law regulates the approval of Telecommunications Equipment. Sections 24(b) and 73(f) of the Telecommunications Law makes it an offence for anyone to connect to a licensed Telecommunications Network any Telecommunications Equipment which is not approved in accordance with Section 38 of the Telecommunications Law.

2. Proposed Measure

- 2.1 In accordance with Sections 3(c)(1) and 38 of the Telecommunications Law TRA intends to issue a Regulation, attached to this Consultation document, regarding the approval of Telecommunications Equipment ("the Regulation"). The Regulation defines the roles and responsibilities of TRA and any person wishing to import Telecommunications Equipment into the Kingdom of Bahrain.
- 2.2 In addition to the Regulation, TRA intends to issue guidelines which explain the practical implementation of the Regulation and provide information to assist an applicant to prepare and submit an application to TRA.

² Arabic and English versions of the Consultation Process Regulation can be found at <http://www.tra.org.bh/en/LegalRegulations.asp>. Note that only the Arabic version of Consultation Process Regulation may be relied upon for legal purposes. The English translation is published for information purposes only.

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3. Consultation

3.1 The Authority seeks the comments of stakeholders on the proposed measure.

3.2 Stakeholders are encouraged to comment on any aspect of the draft Regulation or related issues and may wish to consider the following points:

- The adoption of international standards as the basis for TRA technical specifications to establish the benchmark for approval.
- The purpose of approval.
- The types of telecommunications equipment approved by regulation.
- The nature and requirements of the approval process.
- Requirements for labelling.
- TRA's intention to implement a market surveillance regime.
- The requirements for customs clearance.

3.3 All comments shall contain a brief statement explaining the interest of the party submitting the comments in relation to the draft Regulation. In addition, the interested party must include as part of its comments its:

- Name of organisation;
- name of principal contact person;
- physical address;
- telephone number;
- fax number; and
- email address.

3.4 Upon receipt of the comments from stakeholders TRA will consider such comments in the preparation of the final version of the Regulation.

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Regulation
on the
Approval of Telecommunications Equipment

Issued by the
Telecommunication Regulatory Authority

5th March 2009
Version 1.0



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1. PREAMBLE

- 1.1 This Regulation is concerned with the approval of Telecommunications Equipment by the Telecommunications Regulatory Authority (“TRA”) as mandated by Legislative Decree No. 48 of 2002 promulgating the Telecommunications Law (“the Telecommunications Law”).
- 1.2 According to section 24(b) of the Telecommunications Law, only approved Telecommunications Equipment is permitted to be connected to licensed Telecommunications Networks.
- 1.3 According to section 38(a) of the Telecommunications Law, the power for granting approvals for Telecommunications Equipment is vested in TRA.
- 1.4 Pursuant to sections 3 and 38 of the Telecommunications Law TRA is empowered to determine the requirements that must be met before approval can be granted.
- 1.5 The approval process shall be open, transparent and non discriminatory and shall support the promotion of competition in the telecommunication sector in the Kingdom. In order to facilitate competition in the supply of Telecommunications Equipment and to stimulate the availability of a wide variety of Telecommunications Equipment at affordable prices, the approval process shall not place unnecessary burdens on suppliers of Telecommunications Equipment.

2. DEFINITIONS

- 2.1 Unless the context requires otherwise, terms and expressions used in this Regulation shall have the same meaning as that prescribed to them in the Telecommunications Law.
- 2.2 The following words shall be defined as follows for the purposes of this Regulation:
“Approval holder” means any person or organisation who has successfully obtained an approval for Telecommunications Equipment according to this Regulation.

“Bahrain” means the territory of the Kingdom of Bahrain

“Benchmark” means those technical specifications prepared by international standards making bodies designated by TRA or other technical requirements identified by TRA, including interface or

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inter-working requirements published by Licensed Operators in Bahrain, deemed by TRA to be relevant to Telecommunications Equipment.

“Bluetooth” means a standard for Radiocommunications over short distances using 2.4GHz radio frequencies.

“CE Mark” means the mark lawfully applied to Telecommunications Equipment to demonstrate compliance with relevant European Union legislation.

“Declaration of Conformity” (“DoC”) means a document in which a Supplier provides written assurance (in accordance with ISO/IEC 17050: 2004 ³) that Telecommunications Equipment conforms to this Regulation and, if applicable, the Benchmark.

“GSM” means Global System for Mobile Communications.

“IEC” means the International Electrotechnical Commission.

“IEEE” means the Institute of Electrical and Electronics Engineers.

“ILAC” means the International Laboratory Accreditation Cooperation.

“Interface” is a means of connecting to a public telecommunications network or any part of an item of equipment which is intended for Radiocommunications.

“ISO” means the International Standards Organisation.

“LAN” means Local Area Network.

“No Objection Certificate” means the document issued by TRA, prior to this Regulation coming into force, to enable the importation of Telecommunications Equipment into Bahrain.

“Private Use” means use of personally imported Telecommunications Equipment by the importing individual only and not for sale to third parties. Such use does not include the use of such equipment by Licensed Operators or any other organisation.

3 ISO/IEC 17050-1:2004 Conformity assessment – Supplier’s declaration of conformity – Part 1: General requirements

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“Supplier” is an entity, who has an establishment in Bahrain, offering Telecommunications Equipment for sale in Bahrain either on its own behalf or on behalf of a non-Bahrain entity.

“UMTS” means Universal Mobile Telecommunications System and shall include such developments as LTE (Long Term Evolution).

“TRA Website” means www.tra.org.bh or such other website that is normally used by TRA.

2.3 A word in the singular form shall encompass the correspondent meaning of that word in its plural form and a word in its plural form shall encompass the correspondent meaning of that word in its singular form.

2.4 References to one gender encompass all genders.

3. SCOPE

3.1 This Regulation applies to:

- (i) all parties in Bahrain who use, sell, offer for sale or connect Telecommunications Equipment; and
- (ii) all Telecommunications Equipment used, sold, offered for sale or which are intended to be, will be or are connected to a Telecommunications Network in Bahrain.
- (iii) Telecommunications equipment imported into Bahrain for processing or modification before being offered for sale in Bahrain or re-exported.

3.2 A Person or Telecommunications Equipment complying with this Regulation shall be deemed to be in compliance and approved in accordance with article 38 of the Telecommunications Law.

4. TECHNICAL REQUIREMENTS

4.1 Telecommunications Equipment used, sold, offered for sale or connected in Bahrain shall:

- (i) not cause harm to the general public or staff working on Telecommunications Networks;

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- (ii) not generate electromagnetic disturbance exceeding the level above which Telecommunications Equipment or other equipment cannot operate as intended;
 - (iii) have a level of immunity to the electromagnetic disturbance to be expected in its intended use which allows it to operate without unacceptable degradation of its intended use;
 - (iv) make efficient use of the radio spectrum; and
 - (v) not cause damage to or interfere with the correct working of a Telecommunications Network and be capable of interworking with other Telecommunication Equipment for the purposes of establishing, charging for, holding or clearing real and virtual connections.
- 4.2 Telecommunications Equipment, which complies with the relevant Benchmark, is deemed to be in compliance with the relevant requirements of paragraph 4.1 of this Regulation. In case there is no relevant Benchmark or Telecommunications Equipment does not comply with the Benchmark, the Supplier or, in the event that there is no Supplier, the user of such equipment, must demonstrate to TRA's satisfaction that such Telecommunications Equipment complies with paragraph 4.1 of this Regulation.
- 4.3 Technical specifications prepared by international standards making bodies, adopted and published by TRA on the TRA Website, shall constitute the Benchmark.
- 4.4 Approval shall not be concerned with the performance or quality of Telecommunications Equipment beyond that stated in paragraph 4.1 of this Regulation.

5. APPROVAL

- 5.1 With the exception of Telecommunications Equipment subject to Permission to Import Certificates or purchased outside Bahrain and imported personally for Private Use, all Telecommunications Equipment must comply with section 4 of this Regulation and be approved by TRA prior to import, use, sale, offer for sale or connection to a Telecommunications Network in Bahrain.
- 5.2 Equipment purchased outside Bahrain and imported personally for Private Use, whilst not requiring TRA approval, must be CE marked

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and must comply with the requirements of section 4 of this Regulation.

5.3 In recognition of the global market which exists for the following types of Telecommunications Equipment and in accordance with Section 38(a)1 of the Telecommunications Law, TRA hereby approves the following Telecommunications Equipment:

- (i) All CE Marked Telecommunications Equipment without radiocommunications interfaces used exclusively by licensed operators to establish Telecommunications Networks for the provision of public telecommunications services.
- (ii) CE Marked Telecommunications Equipment supporting one or more of the following interfaces (however, if the Telecommunications Equipment also supports an interface which is not listed below, then a separate approval is needed in relation to the interface not listed):
 - GSM (base stations, handsets etc.);
 - UMTS (base stations, handsets etc.);
 - Bluetooth; and
 - Wireless LAN (IEEE802.11 series of standards).

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- 5.4 Telecommunications Equipment approved by paragraph 5.3 of this Regulation shall not be subject to the application procedures defined in this Regulation, however, such equipment must comply with section 4 of this Regulation as well as rules applicable to such equipment according to the European Union Directive 1999/5/EC⁴, and/or other applicable legal measures. Suppliers of such equipment (or any organisation that has imported the relevant equipment directly) shall retain and be able to present on demand the documents confirming the lawfulness of CE Marking as per the European Union Directive 1999/5/EC and/or other applicable legal measures. TRA reserves the right to inspect the Declaration of Conformity and other documentation supporting the CE Mark applied to any such equipment to ascertain that CE Mark is affixed lawfully.
- 5.5 Telecommunications Equipment, other than that referred to in section 10 and paragraphs 5.2 and 5.3 of this Regulation, shall be subject to the approval procedures defined in this Regulation:
- (i) The application for approval must be submitted to TRA.
 - (ii) The application for approval and any supporting documentation must be in Arabic or English.
 - (iii) Applications for approval must be made on the form provided by TRA (available on the TRA Website) and shall be accompanied by a Declaration of Conformity. The application shall include the following information as a minimum:
 - Name and address of the applicant;
 - CR Number;
 - Contact information for responsible person;
 - Details of the equipment to be approved (make/brand, model identification, hardware and software versions, description of intended use of radio spectrum or wired telecommunications interfaces;
 - Details of the organisation making the DoC and reference number for the DoC; and
 - Signed declaration by the applicant.

⁴ Directive 1999/5/EC of the European Parliament and of the Council of 9 March 1999 on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity. OJ L 91, 1999, p. 10–28.

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- (iv) The applicant for approval must be an importer, manufacturer or a Supplier, who is registered for commercial activities in Bahrain.
- 5.6 The application for approval and any accompanying information must be delivered to TRA. After reviewing the application, TRA may request additional information to enable it to reach a decision on whether or not to grant an approval. Such information may include but is not limited to the evidence of compliance with section 4 of this Regulation.
- 5.7 TRA may request a sample of the Telecommunications Equipment for examination and testing.
- 5.8 TRA shall hold in confidence all information about applications pending evaluation.
- 5.9 Where TRA is not satisfied in respect of any aspect of the application it will reject the application and state the reasons for rejection.
- 5.10 An approval number shall be issued by TRA when it is satisfied that all the requirements of this Regulation have been met.
- 5.11 TRA may specify conditions for the approval to be valid.
- 5.12 The approval certificate is the exclusive property of the Approval holder. Other parties may only import (except for the importation for the Private Use) or sell Telecommunications Equipment of the same brand name and model number if they have obtained the written consent of the party who has been granted the original approval or they obtain a separate approval in their own name for the equipment.
- 5.13 An approval is not transferable to another party without the consent of TRA.
- 5.14 After approval, any Telecommunications Equipment sample submitted at the request of TRA shall be returned to the applicant but any related documents may be retained by TRA for reference.
- 5.15 An approval shall be valid for all items of a given type of Telecommunications Equipment for which documentation submitted to support an application is relevant and shall not be restricted to a given batch of equipment unless so requested by the applicant.

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5.16 Telecommunications Equipment supplied must in all cases be identical in all material respects to the type which has been approved.

5.17 The approval shall normally be granted for a term of three years and is subject to renewal at the discretion of TRA on request.

5.18 TRA may cancel an approval in the event that:

- (i) any information provided to TRA is found to be counterfeited or false;
- (ii) there is a breach of this Regulation in respect of the approved Telecommunications Equipment;
- (iii) it forms the opinion that the product does not comply with section 4 of this Regulation;
- (iv) TRA establishes that the relevant Benchmark does not guarantee compliance with paragraph 4.1 of this Regulation and publishes the updated Benchmark accordingly; or
- (v) there is a breach of any condition endorsed on the approval.

5.19 On expiry or cancellation of an approval, equipment already in use may continue to be used, except for the cases defined in this Regulation, but it shall no longer be permissible to import or offer the Telecommunications Equipment in question for sale in Bahrain.

5.20 TRA has the right to decide that Telecommunications Equipment in use, referred to in paragraph 5.19 of this Regulation, can no longer be used, if:

- (i) an approval was granted on the basis of misleading or false documentation; or
- (ii) Telecommunications Equipment is shown not to comply with paragraph 4.1 of this Regulation to a material extent.

5.21 TRA's decision referred to in paragraph 5.20 of this Regulation could also include additional obligations to an Approval holder, including requiring the Approval holder to disconnect all equipment of the type/model covered by the expired or cancelled approval.

5.22 TRA may publish on the TRA Website details of:

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- (i) the model name and/or other identifying particulars of approved Telecommunications Equipment including a brief description;
 - (ii) the approval including any conditions attached; and
 - (iii) any cancellation.
- 5.23 A simplified procedure shall apply for Telecommunications Equipment imported on a temporary basis for test and development or exhibition purposes. Applicants wishing to import such equipment must write to TRA stating the intended use, key technical characteristics of the equipment (interface types supported, standards applied, radio spectrum used by the equipment), serial numbers of the equipment to be imported and duration of import. TRA will issue a Temporary Approval Certificate, to enable the importation and use of equipment for a defined period, on terms and conditions to be determined by TRA at its discretion on a case by case basis.

6. THE DECLARATION OF CONFORMITY

- 6.1 The Declaration of Conformity must be made by the manufacturer or applicant. It shall be prepared and maintained in accordance with ISO/IEC 17050-1:2004. In addition to the minimum content specified in clause 6.1 of that standard, the additional information of clause 6.2 a), b) and e) of that standard shall also be included.
- 6.2 The evidence on which the Declaration of Conformity is based shall be held by the Approval holder and be made available to TRA for 5 years after the last sample of the Telecommunications Equipment concerned has been supplied in Bahrain.
- 6.3 The documentation constituting the evidence of compliance shall comply with ISO/IEC 17050-2:2004⁵ (excluding clause 5.2 (a)) and shall include test reports and data obtained from a laboratory that has been accredited by a body that is a member of the ILAC Mutual Recognition Arrangement.

5 ISO/IEC 17050-2:2004 Conformity assessment – Supplier's declaration of conformity – Part 2: Supporting documentation

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7. LABELLING

- 7.1 Approved Telecommunications Equipment or its packaging and user documentation must be clearly marked with the label specified in the Annex A to this Regulation unless otherwise agreed with TRA.
- 7.2 The label must not be used as a mark of quality or in any other way that might give an impression about the status of the product concerned or TRA's responsibilities in relation to it or otherwise indicate that TRA condones the Telecommunications Equipment for use over any other equipment that either complies with or is approved pursuant to this Regulation or Article 38 of the Telecommunications Law, for instance, by using words on the label to the effect of "TRA approved product".
- 7.3 Telecommunications Equipment approved by regulation shall not be required to display the TRA label.

8. MODIFICATIONS TO EQUIPMENT

- 8.1 Whenever Telecommunications Equipment is modified in respect of model number, design or function, it must be re-assessed for compliance with the requirements of this Regulation.
- 8.2 After modification in respect of design or function, the Approval holder shall notify TRA in respect of changes to documentation previously provided to TRA in connection with that Telecommunications Equipment.
- 8.3 Whenever the relevant Benchmark is amended, the Telecommunications Equipment must be re-assessed for compliance according to the effective date and the way of implementation given in the amended Benchmark.
- 8.4 If, as a result of a modification or a change in the Benchmark, Telecommunications Equipment ceases to comply with this Regulation the TRA shall be notified immediately and the approval shall be cancelled in accordance with Section 5 of this Regulation.
- 8.5 Any applicant that fails to notify TRA of modifications to Telecommunications Equipment (or otherwise comply with the Regulation) will be considered in breach of this Regulation and the Telecommunications Law and may be subject to enforcement action by TRA pursuant to the Telecommunications Law.

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9. MUTUAL RECOGNITION AGREEMENTS

9.1 TRA will accept test reports, compliance certificates and/or Declarations of Conformity issued under the bilateral or multilateral mutual recognition agreements or arrangements signed between Bahrain and other countries, regional organisations or international organisations.

10. IMPORTATION OF TELECOMMUNICATIONS EQUIPMENT FOR PROCESSING OR MODIFICATION

10.1 Telecommunications Equipment imported into Bahrain for processing or modification before being offered for sale in Bahrain or re-exported is not subject to approval prior to importation, however any Person wishing to import such equipment must apply to TRA for a Permission to Import Certificate to enable the importation.

10.2 An application for a Permission to Import Certificate must be made to TRA in writing and shall include details of the equipment concerned, and a statement of the reason for importation to Bahrain (processing or modification) and whether or not the equipment will be re-exported.

10.3 The person importing Telecommunications Equipment under a Permission to Import Certificate shall keep detailed records of serial numbers of all Telecommunications Equipment imported and processed or modified and/or re-exported. Such records shall be made available to TRA on request.

10.4 Any Telecommunications Equipment imported under a Permission to Import Certificate and modified to be sold in Bahrain must be approved in accordance with this Regulation before being offered for sale or used or connected to a Telecommunications Network in Bahrain.

11. CUSTOMS CLEARANCE

11.1 In order to facilitate customs clearance, the following documentation must be included with shipping documentation accompanying Telecommunications Equipment, except for equipment imported for Private Use:

- (i) For equipment approved by the Regulation, a copy of the Declaration of Conformity supporting the CE Mark.

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- (ii) For temporary imports, a copy of the TRA Temporary Approval Certificate;
 - (iii) For other approved equipment, a copy of the TRA approval certificate; or
 - (iv) For equipment covered by a Permission to Import Certificate, a copy of the Permission to Import Certificate.
- 11.2 Following customs clearance, approved Telecommunications Equipment that uses the radio spectrum (other than that approved by this Regulation) shall be kept in a secure location by the Approval holder. Radiocommunications equipment must not be released to the Person wishing to use it until that Person is in possession of the necessary Frequency Licence. In the event that the Approval holder intends to use the equipment itself, the Approval holder shall not use the equipment until the necessary Frequency Licence has been obtained.

12. SURVEILLANCE OF EQUIPMENT

- 12.1 TRA will perform market surveillance activities from time to time. Approval holders must cooperate in such activities and provide equipment (or samples of it) and/or documentation on request without charge to TRA. TRA shall return such equipment (or samples of it) if they are found to be compliant with the requirements of this Regulation.
- 12.2 In the case of non-compliance with this Regulation, Approval holders must either take corrective action or cease to sell the Telecommunications Equipment or type of Telecommunications Equipment concerned, ensure that no such equipment is used in the market and dispose of it at their own expense, as directed by TRA.

13. FEES

- 13.1 Application fees shall be charged in accordance with the Schedule of Fees published by TRA on its Website and which shall be made available to the public upon request. Evidence of payment of the fee must be included with the application submitted to TRA.
- 13.2 Fees must be paid into TRA's bank account, details of which are published on the TRA Website.

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14. APPEALS

14.1 Where a party has a grievance with any decision or action of TRA in relation to this Regulation then the aggrieved party may appeal to TRA in writing stating the grounds for the appeal. This appeal process is without prejudice to a party's rights to appeal TRA under the Telecommunications Law or the other laws of Bahrain, however parties must first apply and exhaust the appeal procedure set out here before applying its rights of appeal under the Telecommunications Law or the laws of Bahrain.

14.2 Such an appeal must be made within 30 days of the decision.

14.3 TRA will review the basis on which it arrived at its decision to determine whether or not the decision was made in accordance with this Regulation.

14.4 TRA will communicate the outcome of the review to the aggrieved party in writing.

15. TRA LIABILITY

15.1 TRA shall not be liable in respect of any interference to other equipment, injury, loss or damage arising from the application of this Regulation.

16. PENALTIES

16.1 Those who use, sell, offer for sale or connect Telecommunications Equipment in breach of this Regulation shall be punished in accordance with the provisions of the Telecommunications Law.

17. COMING INTO EFFECT

17.1 This Regulation shall come into force and take effect on the day of publication in the Official Gazette.

17.2 All previous approval schemes for Telecommunications Equipment will cease when this Regulation comes into effect.

17.3 Telecommunications Equipment covered by a No Objection Certificate (NoC) at the time this scheme comes into effect may continue to be supplied for the duration specified in the existing NoC. The supply of such Telecommunications Equipment must cease on expiry of the NoC unless an approval has been granted for the equipment in accordance with this Regulation.

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Annex A: Approval Label

Design is to be confirmed but will include the TRA logo, the word "APPROVED" and the approval number.

The label must be printed in both Arabic and English.

The characters must appear in black print against a white background unless the design of the equipment to which the label is affixed does not allow this.

No character is to be less than 2mm in height except where this is not possible on account of the nature of the equipment.

Except where this is not possible on account of the nature of the equipment, the letters in the word "APPROVED" must be at least 3mm in height and be in capital letters when printed in English and of equivalent size when printed in Arabic.

Where "nnnnn" appears it shall be substituted the approval number allocated by TRA to the Telecommunications Equipment concerned.

When the label is applied to the packaging of equipment, the minimum dimensions specified above must be doubled.

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Annex B: Approval Notice

NOTICE

This equipment has been
approved by the
Telecommunications
Regulatory Authority for
use in Bahrain.

TRA
APPROVAL No:
nnnnnn

Note: use of Telecommunications
Equipment with a radio interface is
subject to frequency licensing by TRA.

Note: Where “nnnnnn” appears shall be substituted the approval number allocated by TRA to the equipment concerned. Where the notice covers more than one type of equipment in an advertisement or display, the approval numbers for all equipment concerned shall be cited.