

**TELECOMMUNICATIONS (RADIO EQUIPMENT
TECHNICAL STANDARDS AND TYPE APPROVAL)
RULES 2017**

SAMOA

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In exercise of the powers conferred on me by sections 23 and 60 of the *Telecommunications Act 2005* (“the Act”), I, LEFAOALI’I UNUTOA AUELUA-FONOTI, the Regulator, MAKE these Rules—

DATED this [DATE] day of [MONTH] 2017.

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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 2017*.

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

(3) Order of the Regulator No.2011/02 is hereby revoked.

2. Interpretation– (1) Subject to Subrule (2), unless the context otherwise requires, terms used in these Rules have the same meaning as in the Act.

(2) In these Rules, unless the context otherwise requires:
“Act” means the *Telecommunications Act 2005*;
“applicable standard”, in relation to specified telecommunications equipment that is mentioned in column 1 in Schedule 1, means the standards, as amended from time to time, that are specified in the corresponding entries

in columns 2, 3 and 4 mentioned 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:

- manufacture in Samoa; or
- 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:

- manufactures the equipment in Samoa; or
- 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 (including re-supply) by way of sale, exchange, lease, hire or hire-purchase;

“supplier”, in relation to telecommunications equipment, means:

- the manufacturer or importer of the equipment; or
- an agent of the manufacturer or importer of the equipment;

“working day” means a day that is not:

- a Saturday or Sunday; or
- a public holiday specified in, or declared pursuant to, the *Public Holidays Act 2008* or any other law.

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 is to 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) & 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 transmission 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 transmission to be made by non-standard equipment if that use is in accordance with written permission given by the Regulator under Rule 10.

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 written permission given by the Regulator under Rule 10.

(6) Without limitation, a person is taken, for the purposes of this section, 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 proving that non-standard equipment is being supplied for use solely outside Samoa or was imported for the purpose of re-export lies on the person in possession of the equipment.

8. Imputed knowledge – For the purposes of establishing a contravention of Rules 6, 7 or 8, 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, her or their possession specified non-standard equipment; and
- (b) if, and only if, the permit so specifies—to cause such equipment to make radio emissions.

(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.
- (c) 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.
- (d) If the Regulator refuses to issue the permit, it 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 10 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 paragraph (a); or
 - ii. specified under paragraph (1)(b).

11. Duration of permits – (1) A permit granted by the Regulator under Rule(1) comes into force on the day on which it is issued.

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

(3) A permit that does not authorise radio emission remains in force:

- (a) if it specifies a day of expiration—until the end of that day; or
- (b) otherwise—indefinitely, subject to earlier cancellation by the Regulator pursuant to Rule13.

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

(2) The notice mentioned in subrule (1) must give the Regulator’s 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 manufacturer 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 manufacturer’s 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 in subrule (2) for three 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 the purposes of sections 14 and 16(1)(a) are available for inspection by the Regulator at the supplier’s registered address in 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 14 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 14 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 10.

(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.

SCHEDULE 1:
TELECOMMUNICATIONS EQUIPMENT TECHNICAL STANDARDS

| Column 1 | Column 2 | Column 3 | Column 4 |
|---|--|---|----------------------------------|
| Telecommunications Equipment | Effective Use of Radio Spectrum | Electromagnetic 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 |

| Column 1 | Column 2 | Column 3 | Column 4 |
|---|---|--|-----------------|
| Telecommunications Equipment | Effective Use of Radio Spectrum | Electromagnetic Compatibility | Safety |
| 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, 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 | ETSI EN 300 219-2 ETSI EN 300 219-1 | ETSI EN 301 489-1 ETSI EN 301 489-5 | IEC / EN 60950 |

| Column 1 | Column 2 | Column 3 | Column 4 |
|---|--|--|-----------------|
| Telecommunications Equipment | Effective Use of Radio Spectrum | Electromagnetic Compatibility | Safety |
| of signals use to initiate a specific response in the receiver). | | | |
| 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. | ETSI EN 300 296-2 ETSI EN 300 296-1 | 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, 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). | ETSI EN 300 341-2 ETSI EN 300 341-1 | 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 | ETSI EN 300 390-2 ETSI EN 300 390-1 | ETSI EN 301 489-1 ETSI EN 301 489-5 | IEC / EN 60950 |

| Column 1 | Column 2 | Column 3 | Column 4 |
|--|--|--|-----------------|
| Telecommunications Equipment | Effective Use of Radio Spectrum | Electromagnetic Compatibility | Safety |
| 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 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 | | | |

| Column 1 | Column 2 | Column 3 | Column 4 |
|---|--|---|-----------------|
| Telecommunications Equipment | Effective Use of Radio Spectrum | Electromagnetic Compatibility | Safety |
| 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 COSPASSARSAT 406 MHz | | IEC / EN 60945 |

| Column 1 | Column 2 | Column 3 | Column 4 |
|--|--|---|-----------------|
| Telecommunications Equipment | Effective Use of Radio Spectrum | Electromagnetic Compatibility | Safety |
| | Distress Beacon Type Approval Standard. C/S G.005 COSPASSARSAT 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 (applies to frequency bands where there is coordinated link by link planning) | ETSI EN 301 489-4 | IEC / EN 60950 |

| Column 1 | Column 2 | Column 3 | Column 4 |
|--|--|--------------------------------------|----------------|
| Telecommunications Equipment | Effective Use of Radio Spectrum | Electromagnetic Compatibility | Safety |
| | 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 |
| Singapore | Infocomm Development Authority |
| South Korea | Korea Communications Commission |
| USA | Federal Communications Commission |

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