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**Electronic Communications Equipment  
(TYPE APPROVAL)  
REGULATIONS**

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## **PRELIMINARY PROVISIONS**

IN exercise of the power conferred on the Minister responsible for Communications by Regulations 97(1)(c) of the Electronic Communications Act, 2008 (Act 775) and acting on the advice of the Authority, these Regulations are made this ---- day of ----month, year-----.

### **1. PURPOSE OF REGULATIONS**

1.1 The purpose of these Regulations is to:

- (a) Enforce Section 3 (n) of the Act which empowers the NCA to certify and ensure the testing of Electronic Communications Equipment (ECE) for compliance with international standards; and environmental health and safety standards including electromagnetic radiation and emissions,
- (b) Streamline the Type Approval framework in accordance with Sections 66 and 67 of the EC Act and Regulations 78 and 79 of L.I. 1991,
- (c) Categorize Electronic Communications Equipment with respect to Equipment Type Approval,
- (d) Protect the integrity of public networks,
- (e) Ensure efficient use of the frequency spectrum,
- (f) Facilitate interoperability between communications networks and devices,
- (g) Avoid harmful interference to other communications systems,
- (h) Ensure minimum guarantee of environmental safety and health of users of Electronic Communications Equipment,
- (i) Facilitate the availability of quality equipment to consumers and operators,
- (j) Promote the development of communications networks, including the supply of Electronic Communications Equipment by licensed suppliers,
- (k) Define processes for the Type Approvals of Electronic Communications Equipment,
- (l) Ensure conformance to national and international standards.

## **2. OBJECTIVES OF TYPE APPROVAL REGIME**

2.1 The main objective of the Type Approval regime is to ensure that all Electronic Communications Equipment that are used in Ghana comply with the applicable technical standards accepted by the Authority relative to:

- (m) Efficient Use of radio frequency spectrum for Electronic Communications Equipment: the efficient and appropriate use of the radio frequency spectrum, which is a limited resource, should be ensured so as to avoid harmful interferences and unacceptable degradation of service to other users of the radio spectrum.
- (n) Interconnection of Terminal Equipment with Public Telecommunications Networks to ensure that Terminal Equipment may be connected to the Public Telecommunications Networks without causing any damage to the Public Telecommunications Networks and to protect the interests of the users of the Terminal Equipment.
- (o) The protection of the health and the safety of the user to ensure that the operation of a particular Electronic Communications Equipment, does not cause any harm to the users or to any other individual.
- (p) Electromagnetic Compatibility (EMC) to ensure that electromagnetic emissions of the Electronic Communications Equipment does not disrupt or affect the operation of other equipment working nearby. In addition, such Electronic Communications Equipment must have an acceptable level of immunity to disturbances, which may occur as a result of the operation of other equipment found close to them.

2.2 By verifying the compliance of Electronic Communications Equipment with applicable technical standards recognized by the Authority, the Type Approval of Electronic Communications Equipment ensures that:

- (a) No substandard Electronic Communications Equipment which can present health and safety hazards are operating in Ghana
- (b) Consumers are protected from Electronic Communications Equipment that are non-compatible with the local telecommunications network

- (c) The operating frequency of all radio Electronic Communications Equipment is as per the National Frequency Allocation Plan in Ghana and that no interference is caused to current and planned services.

### **3 SCOPE**

- 3.1 These Regulations cover all Electronic Communications Equipment used or to be used in connection with the provision of Electronic Communications services, unless explicitly exempted by the Authority from Equipment Type Approval.
- 3.2 These Regulations apply to all Electronic Communications Equipment imported into or manufactured in Ghana, whether for marketing or commercial purposes or for private use, and apply to any entity that is the initial or first point of supply of the Electronic Communications Equipment in Ghana.
- 3.3 With the exception of Electronic Communications Equipment used for National Security purposes, all other Electronic Communications Equipment shall be type approved.
- 3.4 These Regulations may not apply to Electronic Communications Equipment exclusively used for activities concerning public security, defence, National Security, including the economic wellbeing of the country in the case of activities pertaining to National security matters, and the activities of the country in the area of criminal law.
- 3.5 These Regulations may not apply to Electronic Communications Equipment to be solely used by diplomatic missions.
- 3.6 For the avoidance of doubt, and in addition to the requirements of these Regulations, all Brand Owners of Electronic Communications Equipment, service providers and dealers licensed by the Authority shall be subject to other applicable statutory laws, terms and conditions regarding equipment standards and radio spectrum

interferences set out in their licence(s) and other product standards applicable in Ghana.

3.7 These Regulations are to be read in conjunction with the Act, EC Act, L.I. 1991, Gazetted Standards and any other statutory laws and guidelines that may be issued by the Authority from time to time.

#### **4 GENERAL CONDITIONS & ESSENTIAL REQUIREMENTS**

4.1 Electronic Communications Equipment shall be manufactured so as to ensure:

- a) the protection of the health and the safety of the user and any other person,
- b) compliance with safety requirements as shall be prescribed by the National Communications Authority
- c) the protection of electromagnetic compatibility as shall be prescribed by the National Communications Authority, including particular levels of immunity which lead to improvements in the efficient use of shared or adjacent frequency bands.
- d) that its transmitted signals efficiently use the spectrum allocated to terrestrial/space radio communication and orbital resources so as to avoid harmful interference.

4.2 The manufacturing of Electronic Communications Equipment shall be such that the Electronic Communications Equipment:

- a) interworks with accessories, and/or it interworks via networks with other Electronic Communications Equipment, and/or it can be connected to interfaces of the appropriate type;
- b) does not cause harm to the public network or its functioning nor misuse network resources, thereby causing an unacceptable degradation of service;
- c) incorporates safeguards to ensure that the personal data and privacy of the user and of the subscriber are protected;
- d) supports features ensuring avoidance of fraud;

- e) supports features ensuring access to emergency services;
- f) supports features in order to facilitate its use by users with a disability;
- g) supports features to ensure that software can only be loaded into the Electronic Communications Equipment where the compliance of the combination of software and the Electronic Communications Equipment has been demonstrated.

4.3 The following general conditions shall apply:

- a) The essential characteristics, the recognition and observance of which will ensure that Electronic Communications Equipment will be used safely and in applications for which it was made, shall be marked on the equipment, or, if this is not possible, on an accompanying notice
- b) The brand name or the trade mark shall be clearly affixed on the Electronic Communications Equipment or, where that is not possible, on the packaging
- c) The Electronic Communications Equipment, together with its component parts, shall be made in such a way as to ensure that it can be safely and properly assembled and connected
- d) The Electronic Communications Equipment shall be designed and manufactured to ensure compliance with safety requirements set by the Authority providing that the equipment is used in applications for which it was made and is adequately maintained

4.4 The manufacturer shall prescribe measures of a technical nature to protect against hazards arising from the Electronic Communications Equipment in order to ensure:

- a) that persons and domestic animals are adequately protected against the danger of physical injury or other harm which might be caused by direct or indirect contact;
- b) that temperatures, arcs or radiation which would cause a danger, are not produced;

- c) that persons, domestic animals and property are adequately protected against non-electrical dangers caused by the Electronic Communications Equipment which are revealed by experience;
- d) that the insulation must be suitable for foreseeable conditions.

4.5 The manufacturer shall lay down technical measures to ensure that the Electronic Communications Equipment:

- a) meets the expected mechanical requirements in such a way that persons, domestic animals and property are not endangered by external influences on the Electronic Communications Equipment;
- b) shall be resistant to non-mechanical influences in expected environmental conditions, in such a way that persons, domestic animals and property are not endangered;
- c) shall not endanger persons, domestic animals and property in foreseeable conditions of overload.

## **5 PROVISION OF INFORMATION ON THE COMPLIANCE OF COMBINATIONS OF SOFTWARE AND ELECTRONIC COMMUNICATIONS EQUIPMENT**

5.1 Manufacturers of Electronic Communications Equipment and of software allowing Electronic Communications Equipment to be used as intended shall provide the Authority with information on the compliance of intended combinations of Electronic Communications Equipment and software with the essential requirements prescribed in these Regulations.

## **6 TYPE APPROVAL APPLICANTS**

6.1 Type Approval shall primarily be requested by a Brand Owner, of an Electronic Communications Equipment or through Telecommunication Service Licensees, authorised Representatives, Local Contact Registered Dealers and Consultants.

6.2 A telecommunication service licensee, authorised Representatives, Local Contact Registered Dealers and Consultants wishing to type approve an Electronic



Communications Equipment shall do so by submitting all required Technical Documentations and a Power of Attorney issued by the Brand Owner, of the Electronic Communications Equipment.

6.3 The Power of Attorney may be issued by the a supplier, consultants or authorised representative acting under the mandate of a Brand Owner, of Electronic Communications Equipment.

6.4 Brand owners, , Suppliers and consultants who do not have presence in Ghana and are licensed or authorised by the Authority shall apply for type approval through authorized local representative.

6.5 Brand owners, can apply for Type Approval only for Electronic Communications Equipment that is manufactured by them or manufactured on their behalf.

6.6 Type Approval Certificates shall always bear the name of the Brand Owner, of the device unless otherwise stated through a Power of Attorney.

6.7 Once an Electronic Communications Equipment is type approved by the Authority, the same type/model of equipment may be imported, subject to import permission, by any eligible importer without having to apply for another Type Approval.

## **7 TYPE APPROVAL APPLICATION REQUIREMENTS AND PROCEDURES**

7.1 An application for Type Approval shall:

- a. be based on requirements set out in Regulation 9
- b. be accompanied by a Declaration of Conformity from a manufacturer or a supplier of the Electronic Communications Equipment.
- c. satisfy all requirements on the Type Approval Application Form.
- d. have a duly signed and dated Certificate of Compliance from a National Regulatory Authority or a Conformity Assessment Body recognized by the Authority.

7.2 National Regulatory Authorities and Conformity Assessment Bodies that are recognized by the Authority are identified in the list of recognized Type Approval bodies, available on the Authority's website.

- 7.3 The list of recognized National Regulatory Authorities and Conformity Assessment Bodies will be regularly updated by the Authority, at its discretion.
- 7.4 Where there is no evidence in the form of the aforementioned Certificate of Compliance attesting that the Electronic Communications Equipment complies with the standards recognized by the Authority, the evidence of compliance of the Electronic Communications Equipment must be based on, but not limited to, duly signed and dated Test Reports issued by accredited Test Laboratories demonstrating that the Electronic Communications Equipment complies with the appropriate technical standards recognized by the Authority.
- 7.5 The Authority may accept Test Reports from any accredited Test Laboratory included in the list of accredited Testing Laboratories recognized by the Authority. This shall be made available on the Authority's website and will be updated as and when necessary.
- 7.6 The Authority reserves the right to request for re-testing at its laboratory or at a laboratory recognised by the Authority. The applicant will be responsible for all laboratory or other costs incurred.
- 7.7 A sample of Electronic Communications Equipment shall be included in Type Approval applications except where the Authority determines otherwise.
- 7.8 Samples submitted shall be as sold on the market and when required, accompanied with accessories, device drivers, software and Radio Frequency cables.
- 7.9 Samples submitted shall be retained by the Authority even if the Type Approval Application is rejected.
- 7.10 An application that satisfies all requirements shall be processed within twenty (20) working days of its receipt by the Authority.
- 7.11 Following approval, the Authority will issue the applicant with a Type Approval Certificate and make a corresponding entry in the Type Approval Register within fifteen (15) working days from date of issue.
- 7.12 The Authority reserves the right to reject the application where the Authority is not satisfied with any aspect of the application.

- 7.13 The Applicant may, however, address the non-compliance and submit a new application for Type Approval when appropriate. In case of rejection, the Type Approval Application Fee will not be reimbursed.
- 7.14 An appeal to a rejection for type approval shall be made within thirty (30) days of the date of rejection.
- 7.15 Where no appeal is lodged within the time frame in Regulation (7.14) above, the Authority shall publish the details of the rejected Electronic Communication Equipment on its website.
- 7.16 The Authority shall maintain on its website a list of approved Electronic Communications Equipment (hereinafter referred to as “Type Approval Register”) to be accessed by the general public.

## **8 CONFORMITY OF ELECTRONIC COMMUNICATIONS EQUIPMENT**

### **8.1 Presumption of conformity and Adopted Standards**

- a. Electronic Communications Equipment which is in conformity with adopted national standards or parts thereof the references of which have been gazetted by the Authority shall be presumed to be in conformity with the essential requirements covered by those standards or parts thereof, set out in Regulations 4.

### **8.2 Conformity Assessment Procedures**

- a. Brand Owners may demonstrate compliance of Electronic Communications Equipment with Regulations 4 using type approval application requirements and procedures as set out in Regulation 7.

### **8.3 Declaration of conformity**

- a.** The Declaration of Conformity shall state that the fulfilment of the essential requirements set out in Regulations 4 has been demonstrated.
- b.** By drawing up the Declaration of Conformity, the Brand Owner assumes responsibility for the compliance of the Electronic Communications Equipment.

## **9 TECHNICAL DOCUMENTATION**

9.1 Technical Documentation in support of Type Approval shall include:

- i. suitable test reports such as Radio Frequency (RF) test, Electromagnetic Compatibility (EMC) Tests, Health and Safety Tests, Mechanical Tests from an accredited laboratory
- ii. Technical specification and operational documentation of the Electronic Communications Equipment
- iii. Photographs (external and internal), Circuit diagram, Printed Circuit Board Layout, Part Lists and other relevant design information and
- iv. other supporting documents demonstrating compliance of the Electronic Communications Equipment to Regulations 8. Its contents must be written in English.

9.2 Technical Documentation shall be drawn up before Electronic Communications Equipment is placed on the market and shall be continuously updated.

9.3 Technical Documentation and correspondence relating to any Type Approval procedures shall be drawn up in the English language.

9.4 Technical Documentation drawn up in accordance with the corresponding specifications of the adopted national standard that implements the relevant harmonized standard and or technical specification shall be presumed to provide an adequate basis for the assessment of conformity.

## **10 GENERAL PRINCIPLES OF MARKING AND EQUIPMENT IDENTITY.**

- 10.1 Marking is the process of affixing a Type Approval Mark on the Type Approved Electronic Communications Equipment which is made or imported into the Ghanaian market, indicating its compliance with the Authority's recognized technical standards and requirements for the purpose of improving consumer's confidence in telecommunications products and services in Ghana.
- 10.2 The Type Approval Mark may also be affixed on the packaging and/or in the user manual, but it is not mandatory in these places, unless for reasons of size or other design features, the Electronic Communications Equipment itself cannot be marked, in these cases it is mandatory to affix the label on the product package and the user documentation accompanying the Electronic Communications Equipment before it is displayed or offered for sale.
- 10.3 Where it is shown that a Type Approval Mark permanently affixed to the outside of the Electronic Communications Equipment is not desirable or is not feasible, an alternative method of displaying the required mark may be used if approved by the Authority in writing. The proposed alternative method of marking and the justification for its use must accompany the application for the Type Approval of the concerned Electronic Communications Equipment.
- 10.4 The Type Approval Mark shall be affixed before the Electronic Communications Equipment is made available on the Ghanaian market.
- 10.5 The Type Approval Mark shall be affixed under the responsibility of the Brand Owner, its authorized representative in Ghana, or the party responsible for placing the Electronic Communications Equipment on the Ghanaian market.
- 10.6 The responsible party shall be guilty of an offence if he or she fails to comply with these requirements.
- 10.7 The Authority shall take appropriate action against the responsible party who has affixed a marking found not to be in conformity with these requirements.
- 10.8 Electronic Marking (E-Marking) shall be accepted in place of physical marking however, it is the sole responsibility of the Brand Owner, to ensure that such mark is not altered.

10.9 Any party or dealer placing a mark on a Type Approved Electronic Communications Equipment may require permission or authorisation from the Brand Owner. This authorisation shall be presented to the Authority.

10.10 The Authority shall make available guidelines for printing and use of the Type Approval Mark.

## **11 VALIDITY OF THE TYPE APPROVAL**

11.1 The Type Approval for any model of Electronic Communications Equipment is granted with an unlimited period of time provided no modifications have been made to the approved Electronic Communications Equipment.

11.2 Whenever an existing model of Type Approved Electronic Communications Equipment is modified with respect to manufacturing brand name, product name, model number or function or any change that affect any of the information recorded in the Type Approval Register or the Certificate of Compliance or the Declaration of Conformity, a new application for Type Approval must be made according to the requirements of these Regulations.

11.3 Whenever changes to the Type Approved Electronic Communications Equipment may affect compliance with the applied standards and requirements to which it has been previously tested and validated, a new application for Type Approval shall be made according to the requirements of these Regulations.

11.4 Whenever changes to the Type Approved Electronic Communications Equipment may affect a network interface or have an effect on the specific essential requirements relating to safety, EMC or radio frequency behaviour of the concerned Electronic Communications Equipment, a new application for Type Approval shall be made according to the requirements of these Regulations.

11.5 If changes to Type Approved Electronic Communications Equipment are essentially cosmetic and are non-network affecting or have no effect on the specific essential requirements relating to health and safety, EMC or radio frequency behaviour; a new application for Type Approval is not required

provided that the information recorded in the Type Approval Register remains unchanged.

- 11.6 Brand Owners shall notify the Authority whenever there is a change in the version of software as well as firmware version used in the Electronic Communications Equipment. This is required where the said release is non-network affecting.
- 11.7 Notwithstanding Regulations sub-regulation 11.6, a software release that affects the network and basic functionality of the Electronic Communications Equipment as well as the information recorded in the Type Approval Register requires a new Type Approval.

## **12 REVOCATION OF TYPE APPROVAL**

- 12.1 The Type Approval for any particular Electronic Communications Equipment shall be revoked in the following cases:
  - i. In the event that the Electronic Communications Equipment listed in the Type Approval Register has undergone one or more of the changes described in Sub-Regulations 11.2, 11.3, and 11.4 without applying for a new Type Approval.
  - ii. If a defect of the Type Approved Electronic Communications Equipment becomes known or reported to the Authority or any other competent authority.
  - iii. In the event of a regulation change in Ghana, including but not limited to change in the assignment of a frequency band in which the Type Approved Electronic Communications Equipment operates.
- 12.2 The Authority shall publish a notification on its web site about the revocation of a Type Approval and the reasons for revocation. The Electronic Communications Equipment in question shall be removed from the Type Approval Register.
- 12.3 Upon revocation of a Type Approval Certificate, any party responsible for placing the Electronic Communications Equipment on the Ghanaian market shall have to withdraw the non-compliant Electronic Communications Equipment from the

market. Noncompliance is a violation and will result in the application of fines and penalties.

12.4 The Authority shall inform or give a thirty (30) day notice to an Equipment Manufacturer or Dealer about the revocation of a Type Approval or the nullification of an exemption from Type Approval.

### 13 CLASSIFICATIONS OF ELECTRONIC COMMUNICATIONS EQUIPMENT

13.1 Electronic Communications Equipment have been classified into the following categories

SN.	Category Number	Category Name	Examples (non-exhaustive)
1	One (1)	Terminal Equipment	PDA's, Mobile handsets, POS, Tablet s, wireless enabled Infotainment Systems, Telephone sets, IP Phones, Mobile Dongles, etc.
2	Two (2)	Short Range Radio Devices	Wi-Fi, Bluetooth, NFC Readers, RFID, Keyless entry cards etc.
3	<b>Network Equipment</b>		
	Three A (3.A)	Class 1 Network Equipment (Core Network Equipment)	BSCs, MSCs, BTS, PSTN Switches, Media gateways etc.
	Three B (3.B)	Class II Networking Equipment (IT Networking Equipment)	Servers, Switches, Routers, Routers, Switches, Modems, PBX, tracking devices, etc.
5	Four (4)	Radio Transceivers (Transmitter Receivers, Active Antennae Systems, Radios receivers)	Radio, Broadcast, Satellite Equipment, Active Antenna Systems, Receive Only Devices, Base Stations, etc.
6	Five (5)	Radio Frequency Dependent Medical Devices	Sealing generators, Bluetooth/WLAN enabled medical devices, etc.



13.2 The Authority shall reclassify equipment from time to time. Such reclassification shall be listed on its website.

#### **14 TYPE APPROVAL FEES**

- 14.1 The Authority shall charge a fee for type approval which shall be contained in the Schedule of Fees published on the Authority's website.
- 14.2 The Authority may review Type Approval fees from time to time.
- 14.3 The prescribed fee may be paid upon submission of the application for Type Approval.
- 14.4 Payment of fees shall be made by a medium approved by the Authority. The applicant shall be responsible for the transfer charges in the case of a bank transfer.
- 14.5 Proof of payment of the prescribed fee shall be included with the application for Type Approval submitted to the Authority.

#### **15 ACCREDITED TESTING LABORATORIES RECOGNIZED BY THE AUTHORITY**

- 15.1 The Authority shall maintain and publish on its website a list of accredited Testing Laboratories that are regarded by the Authority as suitable for performing tests demonstrating compliance of the Electronic Communications Equipment with the relevant standards recognized by the Authority.
- 15.2 The laboratories in the said list have been accepted as accredited to perform laboratory test according to the relevant product standards or other specified requirements adopted in Ghana, as identified in the accreditation scope for each laboratory.
- 15.3 Accredited Test Laboratories can be deemed as recognized by the Authority only if the following requirements are met:
  - a. The laboratory is compliant with ISO/IEC 17025
  - b. Compliance to ISO/IEC 17025 is certified by an Accreditation Body.
- 15.4 Where the type approval process has been followed, the relevant assessment test results from each of the laboratories recognized by the Authority must be

accompanied by the evidence of the relevant scope of accreditation of the respective laboratory involved.

## **16 TYPE APPROVAL BODIES RECOGNIZED BY THE AUTHORITY**

- 16.1 Type Approval bodies recognized by the Authority include National Regulatory Authorities and Conformity Assessment Bodies.
- 16.2 The Authority shall maintain and publish on its website a list of such National Regulatory Authorities and Conformity Assessment Bodies that are regarded by the Authority as suitable for certifying compliance of Electronic Communications Equipment with the relevant technical standards adopted in Ghana.
- 16.3 The Authority shall recognize only the Type Approval Bodies that are accredited by a national accreditation bodies or government agencies from selected countries.
- 16.4 Where radio frequencies are concerned, the Conformity Assessment Body (CABs) shall provide Certificates of Compliance for use in ITU Region One (1) unless otherwise stated by the Authority.
- 16.5 The relevant Certificates of Compliance from those CABs recognized by the Authority shall be accompanied by evidence of the relevant qualifications (e.g. accreditation certificate or other documentary evidence) of the respective body.

## **17 OBLIGATIONS OF MARKET PLAYERS**

All Electronic Communications Equipment shall be type approved by the NCA before they may be placed on the Ghanaian market.

### **17.1 Obligations of Brand Owners**

- a. When placing Electronic Communications Equipment on the market, Brand Owners shall ensure that it has been designed and manufactured in accordance with the essential requirements set out in Regulation 4.

- b. Brand Owners shall draw up the Technical Documentation referred to in Regulation 9 and carry out the conformity assessment procedure referred to in these Regulations or have it carried out.
- c. Where compliance of Electronic Communications Equipment with the applicable requirements has been demonstrated by the conformity assessment procedure, Brand Owners shall draw up a Declaration of Conformity and affix the approved NCA marking.
- d. Brand Owners shall keep the technical documentation and the Declaration of Conformity for minimum period of six (6) years after the Electronic Communications Equipment has been placed on the market.
- e. Brand Owners shall ensure that Electronic Communications Equipment bears a type, batch or serial number or other element allowing their identification. Where the size or nature of the Electronic Communications Equipment does not allow it, the required information shall be provided on the packaging, or in a document accompanying the Electronic Communications Equipment.
- f. Brand Owners shall indicate their name, registered trade name or registered trade mark and the address at which they can be contacted on Electronic Communications Equipment.
- g. Where Regulation 17.1 (f) is not possible, the details mentioned shall be placed on its packaging or in a document accompanying the Electronic Communications Equipment. This includes cases where the size of Electronic Communications Equipment does not allow it.
- h. Brand Owner shall ensure that the Electronic Communications Equipment is accompanied by instructions and safety information in the **English language** and any other language. Such instructions shall include the following
  - i. Information required to use Electronic Communications Equipment in accordance with its intended use.
  - ii. A description of accessories and/or components, including software, which allow the Electronic Communications Equipment to operate as intended.

- iii. Where applicable, frequency band(s) in which the Electronic Communications Equipment operates; radio-frequency power transmitted in the frequency band(s) in which the Electronic Communications Equipment operates.
- i. A copy of the full Declaration of Conformity shall accompany each Type Approval Application of the Electronic Communications Equipment. This requirement may also be fulfilled by the provision of a simplified Declaration of Conformity. Where only a simplified Declaration of Conformity is provided, it shall -immediately be followed by the exact Internet or e-mail address where the full Declaration of Conformity can be obtained.
- j. Brand owners, authorised local representatives or dealers who place Electronic Communications Equipment which have not been type approved in conformity with these Regulations on the market shall immediately take the necessary corrective measures to type approve same or have the Electronic Communications Equipment removed from the Market.
- k. Where Electronic Communications Equipment poses a risk, Brand Owners shall immediately notify the Authority, providing details of the non-compliance and any corrective measures taken. Where such corrective measures cannot be taken, the Brand Owner shall withdraw or recall the Electronic Communications Equipment with the supervision of the Authority. Brand Owners who fail to notify the Authority regarding issues raised above shall be sanctioned
- l. Brand Owners shall, provide without delay any request from the Authority, with all the information and documentation necessary to demonstrate the conformity of Electronic Communications Equipment. They shall cooperate with the Authority, at its request, on any action taken to eliminate the risks posed by Electronic Communications Equipment which they have placed on the market.

## 17.2 Authorized representatives

- a. A Brand Owner, a supplier of Electronic Communications Equipment or consultants may, by a written authorisation, appoint a representative.
- b. The obligations in Regulation 4 and the drawing up of the Technical Documentation shall not form part of the authorized representative's mandate.
- c. The representative shall have a valid License or Authorisation issued by the Authority.
- d. The representative shall perform the tasks specified in the mandate. The mandate shall allow the authorized representative to do at least the following:
  - i. request for Type Approval on behalf of Brand Owner, or supplier who does not have in-country presence;
  - ii. keep copy of the Type Approval Certificate
  - iii. request for Electronic Communications Equipment testing, where necessary
  - iv. keep a copy of the laboratory report
  - v. make available to the Authority a copy of the Declaration of Conformity and the Technical Documentation when requested even after withdrawal of the Electronic Communications Equipment from the market.
  - vi. on the Authority's request, provide all the information and documentation necessary to demonstrate the conformity of the Electronic Communications Equipment and may include invitation for an oral presentation on product specification and conformance;
  - vii. on the Authority's request, submit of sample of Electronic Communications Equipment for the purpose of testing;
  - viii. Cooperate with the Authority, at their request, on any action taken to eliminate the risks posed by Electronic Communications Equipment covered by the authorized representative's mandate;

- ix. Shall be a single point of contact on matters relating to such Electronic Communications Equipment which has been approved previously the Authority;

### **17.3 Obligations of Dealers**

- a. Dealers shall place only type approved Electronic Communications Equipment on the market. Before placing Electronic Communications Equipment on the market, dealers shall ensure that the appropriate conformity assessment procedure has been carried out by the manufacturer evidenced by a Type Approval Certificate.
- b. Dealers shall ensure that the Electronic Communications Equipment has the required NCA marking and is accompanied by the information for users and regulatory authorities, and that the manufacturer has complied with the requirements set out in Regulation 4.
- c. Where a dealer considers or has reason to believe that Electronic Communications Equipment is not in conformity with the essential requirements set out in Regulation 4, it shall not place the Electronic Communications Equipment on the market until it has been brought into conformity.
- d. Where the Electronic Communications Equipment poses a risk, the dealer shall notify the manufacturer and the Authority accordingly.
- e. Dealers shall indicate their name, registered trade name or trade mark and the address at which they can be contacted on the Electronic Communications Equipment.
- f. Where Regulation 17.3 (d) is not possible, the details mentioned shall be placed on its packaging or in a document accompanying the Electronic Communications Equipment. This includes cases where the size of Electronic Communications Equipment does not allow it, or where Dealers would have to open the packaging in order to indicate their name and address on the Electronic Communications Equipment

- g. Dealers shall ensure that the Electronic Communications Equipment is accompanied by instructions and safety information in English and other language which can be easily understood by consumers and other users.
- h. Dealers shall ensure that, storage or transport conditions do not jeopardize its compliance with the essential requirements in Regulation 4.
- i. Where Electronic Communications Equipment placed on the market are not in conformity with these Regulations, Dealers shall immediately take the corrective measures necessary to bring that Electronic Communications Equipment into conformity, to withdraw it or recall it, where appropriate. Where the Electronic Communications Equipment poses a risk, Dealers shall immediately notify the Authority accordingly, providing details of the non-compliance and of any corrective measures taken.
- j. Dealers shall, for a period of six (6) years after the Electronic Communications Equipment has been placed on the market, keep a copy of the Declaration of Conformity.
- k. Upon request of the Authority, Dealers shall within fifteen (15) working days, provide all information and documentation necessary to demonstrate the conformity of Electronic Communications Equipment.
- l. Dealers shall cooperate with the Authority on any action taken to eliminate the risks posed by Electronic Communications Equipment which they have placed on the market.

#### 17.4 **Licensed Operators**

- a. Licensed Operators of public telecommunications networks shall define the technical characteristics of their Interfaces.
- b. Licensed Operators of public telecommunications networks shall publish accurate and adequate technical specifications of their network interfaces before any service provided through those interfaces is made publicly available and regularly publish any updated specifications.

- c. The technical specifications shall be in sufficient detail to enable manufacturers to design Electronic Communications Equipment capable of utilizing all services provided through the corresponding interface.
- d. The technical specifications shall include all the information necessary to allow manufacturers to carry out the relevant compliance tests for the essential requirements applicable to the Electronic Communications Equipment. The licensed Network Operator shall ensure that those specifications are made readily available to the Authority.
- e. Notwithstanding Regulation 17 Sub-regulation 4 (a, b, c, and d) above, where an operator has cause to believe that publishing of such technical information might compromise the security of the network, that operator should inform the Authority in writing giving reasons why it should be exempted from publishing such information.
- f. No terminal Electronic Communications Equipment issued with a Type Approval Certificate by the Authority shall be inspected prior to connecting to public telecommunications networks.
- g. A licensed network operator shall not refuse connection of a terminal Electronic Communications Equipment type approved by the Authority to the appropriate interfaces of its network.
- h. Where the Authority considers that any Electronic Communications Equipment issued with the Type Approval Certificate by the Authority causes damage to a network or harmful radio interference or harm to the network or its functioning, the licensed operator may be authorized by the Authority to refuse connection, to disconnect such Electronic Communications Equipment or to withdraw it from service.
- i. In case of emergency, a Licensed Operator may disconnect an Electronic Communications Equipment where the protection of the network requires that the equipment should be disconnected without delay. The Licensed Operator shall immediately notify the Authority accordingly.



## **18 MONITORING AND SURVEILLANCE**

- 18.1 The Authority shall perform market surveillance activities from time to time to ensure that only type approved Electronic Communications Equipment are sold in Ghana. Such surveillance activities may result from a complaint, a report of interference, or inappropriate advertising.
- 18.2 An authorized officer of the Authority shall at any reasonable time enter any premises where Electronic Communications Equipment is being kept or sold for inspection.
- 18.3 Importers, Suppliers or Distributors of Electronic Communications Equipment shall in compliance with Regulation 18.2 provide sample units of the equipment and its supporting documentation, on request by the officer, for testing at the Authority's laboratory or a designated laboratory.
- 18.4 Compliance with Regulation 18.3 shall be at a cost to the party responsible for placing the Electronic Communications Equipment on the Ghanaian market.
- 18.5 Where an initial inspection is unsatisfactory, additional information may be requested and one or more sample units of the Electronic Communications Equipment may be required for testing at the Authority's laboratory or at a laboratory recognised by the Authority.
- 18.6 The Authority may return such equipment to the applicant if found to be compliant with the technical requirements and standards in Ghana.
- 18.7 Where the Electronic Communications Equipment is non-compliant with any relevant requirement or standard, the Authority may withdraw the said Electronic Communications Equipment from the market or from service.
- 18.8 The Authority in ensuring compliance to Regulations 4 shall monitor and measure emissions from radiations within the radio frequency (RF) spectrum from time to time.
- 18.9 The Authority may publish on its website information from its monitoring and surveillance activities.

## **19 INSPECTION OF ELECTRONIC COMMUNICATION EQUIPMENT AT PORTS OF ENTRY**

- 19.1 The Authority shall, in enforcing these Regulations, conduct inspection at the ports of entry.
- 19.2 The Authority may clear into its custody any Electronic Communications Equipment:
- i. found to be non-compliant to these Regulations
  - ii. imported by unauthorised entities
  - iii. imported by authorised entities that are not in good standing with the Authority
- 19.3 Electronic Communications Equipment held in custody of the Authority shall after
- i. ten (10) working days attract storage charges as shall be determined by the Authority
  - ii. ninety (90) days be
    - a. destroyed if found to be substandard or harmful
    - b. auctioned and proceeds donated
    - c. donated

## **20 CONSUMER GUARANTEES**

- 20.1 The party responsible for placing Electronic Communications Equipment on the market shall
- i. provide a minimum of six months warranty to the consumer
  - ii. provide a minimum of one-year after sale services or support
  - iii. repair and reduce the price or replace or provide refund if Electronic Communications Equipment purchased turned out to be faulty or do not work as advertised.
  - iv. provide full terms and conditions of sale and use of Electronic Communications Equipment to a purchaser or potential purchaser notwithstanding terms and conditions provided by manufacturer.

- v. place a seal or adopt any other mechanism on the Electronic Communications Equipment for the purpose of warranty protection
- vi. be relieved of Sub-Regulations 20.1 (i) and 20.1(iii) if it can be materially proved that the purchaser tampered with the Electronic Communications Equipment

20.2 Sub regulation 20.1(iii) shall apply

- i. irrespective of the form in which the purchase done
- ii. if Electronic Communications Equipment differs in appearance or specifications other than advertised

20.3 This statutory warranty provided herein shall not replace any applicable commercial warranty except where the statutory warranty places the consumer at a better advantage.

## **21 CONSUMER COMPLAINT PROCEDURES**

21.1 Any complaints arising from the use of type approved Electronic Communications Equipment shall be addressed using the Consumer Complaint and Dispute Resolution Procedures as provided under the relevant acts, regulations and guidelines.

## **22 SANCTIONS**

22.1 Importation, distribution and sale of Electronic communications equipment which are not type approved by the Authority shall attract a penalty in accordance with the Authority's Schedule of Penalties.

## **23 ELECTRONIC COMMUNICATIONS EQUIPMENT TESTING AT THE AUTHORITY'S LABORATORIES**

23.1 The Authority in pursuant to section 3(n) of the NCA Act 769 of 2008 and with due regard to these Regulations shall establish mandatory electronic

- communications equipment testing laboratories to test and verify Electronic Communications Equipment imported into or manufactured in Ghana.
- 23.2 The establishment of the electronic communications equipment testing laboratories is to ensure compliance with international and national standards, health and safety standards, facilitate the delivery of quality of service, and to support market surveillance activities.
- 23.3 Brand Owners, Service Providers, Dealers and their authorised representatives who want to place their Electronic Communications Equipment on the market shall submit sample(s) to the Authority for testing.
- 23.4 Where the Authority does not have the capability to conduct testing of the Electronic Communications Equipment, it shall request test to be done in a recognised laboratory. The procedures set out in Regulations 7 and 9 of these Regulations shall be followed.
- 23.5 The Authority may also use the electronic communications equipment testing laboratories as a hub for Training, Research and Development (R&D) activities.
- 23.6 Electronic communications equipment testing laboratories may include facilities for testing Specific Absorption Rate (SAR), Radio Frequency (RF) and Signalling, Electromagnetic Fields (EMF) and any other testing areas that the Authority may consider as needful for ensuring compliance to national and international standards.
- 23.7 The fees to be charged for testing shall be found in the Authority's Schedule of Fees.

## **24 ADVERTISING AN ELECTRONIC COMMUNICATIONS EQUIPMENT**

- 24.1 Any advertisement and marketing information shall indicate whether the Electronic Communications Equipment being advertised is type approved by the Authority or not..

## 25 NATIONAL EQUIPMENT IDENTITY REGISTER

25.1 The Government shall establish a National Equipment Identity Register as part of its effort in enforcing these Regulations.

25.2 All existing and subsequent Equipment Identity Registers of all service providers shall connect to the National Equipment Identity Register.

Service Providers shall ensure that only registered terminal equipment with unique identifiers are connected to their networks.

## 26 DEFINITION OF TERMS

“Act”	The National Communications Authority Act, 2008, Act 769 together with all amendments thereto.
“Authority”	The National Communications Authority.
“Brand Owner”	An organization or company that is the registrant of a trademark. A brand owner is either the manufacturer of the Electronic Communications Equipment or manufacturing is done on their behalf.
“Category of Equipment”	A broad range of Electronic Communications Equipment such as mobile handsets, wireless routers, WiFi/ WLAN laptop, fixed telephone, fax machine, etc.
“Certificate of Compliance”	A document issued by a Conformity Assessment Body stating the compliance of a specific Electronic Communications Equipment with one or more technical standards
“National Equipment Identity Register”	A National Equipment Identity Register is a database of the International Mobile Equipment Identity (IMEI) numbers or Electronic Serial Numbers (ESN), Mobile Equipment Identifier (MEID) or whichever technology or means that may be used to identify electronic communication terminal equipment.
“Conformity Assessment Body”	Organizations, Public or Private, that have received official recognition in their own country as bodies with specific technical expertise and reputation, able to provide trusted opinions and assessment regarding Electronic Communications Equipment’s compliance with technical standards.

"Dealership License"	It is the license issued by the Authority to dealers of Electronic Communications Equipment for importation and/or sales/distribution, installation, repairs and maintenance
"Dealership Licensee"	Means a duly registered entity in Ghana that is authorized by the Authority to import Electronic Communications Equipment to Ghana for marketing/commercial purposes.
"Declaration of Conformity"	Means a sworn statement issued by a manufacturer of a Electronic Communications Equipment, stating, under their responsibility, that the device complies with one or more technical standards. By issuing such document, the manufacturer also declares that they have executed all the tests and measurements that relate to said standards, and that such tests and measures have shown full compliance with the standards' reference parameters.
"EC Act"	The Electronic Communications Act, 2008, Act 775 and any amendments thereto.
"Electronic Communications Equipment"	Means both modular, sectional or host Telecommunications Terminal Equipment, Broadcasting Equipment, Short Range Radio Devices, frequency dependent Medical Equipment and Devices, Network Equipment and Information Technology Equipment
"EC Regulations"	Electronic Communications Regulations, 2011. LI 1991 and any amendments thereto.
"Electronic Marking (E-Marking)"	Means placing a digital copy of the Type Approval Mark on an approved Electronic Communications Equipment
"Entity"	Individual or company registered in Ghana
"Gazetted Standards"	Gazetted standards adopted or developed by the National Communications Authority in collaboration with the Ghana Standards Authority and other relevant bodies and institutions.
"ESN" "National Equipment Identity Register"	Electronic Serial Number is a unique 32-bits identification number embedded by manufacturers in wireless phones.  The National Equipment Identity Register (NEIR) is a database that contains a list of all valid electronic communication terminal equipment on the network, where its identifiers maps to each electronic communication terminal equipment.

“Ghana”	Republic of Ghana
“Interface”	Means <ul style="list-style-type: none"> <li>i. A network termination point, which is a physical connection point at which a user is provided with access to a public telecommunications network, and/or</li> <li>ii. An air interface specifying the radio path between radio equipment and their technical specifications.</li> </ul>
ITU Region One (1)	The regionally harmonised frequency bands/ranges of which Ghana belongs, as described by the International Telecommunication Union
“Licensed Operator/ Service Provider”	Means a Ghanaian company or establishment located in Ghana that is licensed by the Authority to own, establish or operate a telecommunications network
“LI 1991”	National Communications Authority Legislative Instrument, L.I. 1991 Of 2011 together with all amendments thereto
“Local Contact/Agent, Authorised Representative”	Entity registered in Ghana and authorized to seek type approval on behalf of an international manufacturer
“Market Players”	Entities who place Electronic Communication Equipment on the Ghanaian market
“National Frequency Allocation Plan”	The frequency plan defined by the Authority that sets out the allocation of radio frequency bands, in Ghana, to their various uses.
“Network Equipment”	Network equipment such as switches, Mobile Switching Centres (MSC), Base Stations (BSCs), and transmission equipment
“Public Telecommunications Network”	Telecommunications networks used wholly or partly for the provision of publicly available telecommunications services.
“Radio Equipment”	A product, or relevant component thereof, capable of communication by means of the emission and/or reception of radio waves utilizing the spectrum allocated to terrestrial/space radio communication.
“Regulations”	Type Approval Regulations
“Technical Manufacturing File”	A dossier comprising all the necessary technical documentation required for the standard Type Approval application.
“Telecommunications Network”	Any wire, radio, optical or electromagnetic systems for routing, switching and transmitting telecommunications

	services between network termination points including fixed and mobile terrestrial networks, satellite networks, electricity transmission systems or other utilities (to the extent used for telecommunications), circuit or packet switched networks (including those used for Internet Protocol services), and networks used for delivery of broadcasting services (including cable television networks).
“Telecommunications Terminal Equipment”	A product, or a relevant component thereof, enabling communication which is intended to be connected directly or indirectly by any means to Interfaces of public telecommunications networks. Examples of Telecommunications Terminal Equipment include, but are not limited to: ADSL modems, PBX, phones connected to PSTN, Fax machines, answering machines, mobile handsets, set top boxes, etc.
“Testing Laboratory”	Laboratories where the appropriate equipment, supplies, and certified expertise are available to conduct tests with regards to technical standards, including telecommunications, EMC and health and safety
“Type Approval”	A process through which an Electronic Communications Equipment is certified by the Authority to be used in Ghana. It involves testing and verification of an Electronic Communications Equipment to ensure compliance with the essential requirements and general conditions, applicable national and international standards leading to conformance with the essential requirements.
“Type Approval Certificate”	A document issued by a National Regulatory Authority stating that the Electronic Communications Equipment complies with the applicable standards specified by the National Regulatory Authority.
“Type Approval Mark”	A label and approved Type Approval number affixed on an approved Electronic Communication Equipment for purposes of identification
“Type Approval Regime”	The combination of Type Approval Regulations, rules, procedures, guidelines, forms and fees that may be issued by the Authority as required.



## **27 ABBREVIATION OF TERMS**

ECE	Electronic Communications Equipment
NCA	National Communications Authority.
ISO	International Organization for Standardization
IEC	International Electrotechnical Commission
ILAC	International Laboratory Accreditation Cooperation