

G. KAZAKO

(FILE NO.INFO/ADM/01/04)

Minister of Information and Digitalization

GOVERNMENT NOTICE No. 2 COMMUNICATIONS ACT
(CAP. 68:01)

COMMUNICATIONS (ELECTRONIC EQUIPMENT) (TYPE APPROVAL)
REGULATIONS, 2023

IN EXERCISE of the powers conferred by section 200 of the Communications Act, I, GOSPEL KAZAKO, Minister of Information and Digitalization, on recommendation of the Malawi Communications Regulatory Authority, make the following Regulations__

PART I__PRELIMINARY

1. These Regulations may be cited as the Communications (Electronic Citation
Equipment) (Type Approval) Regulations, 2023.

2. In these Regulations, unless the context otherwise requires__ Interpretation

“accredited entity” means an institution accredited by a national or
an international accrediting body and recognized by the Authority to test
an electronic equipment for purposes of type approval;

“customer electronic equipment” means any terminal equipment or associated device located at premises of a customer, that is connected to an electronic communication service;

“declaration of conformity” means a declaration made by a manufacturer of an electronic equipment that the equipment conforms to the requirements of the technical and performance standards recognized, established and published by the Authority in accordance with section 95 of the Act;

“electronic communication network” means a transmission system used for electronic communication;

“electronic equipment” means any—

(a) equipment, appliance or device that forms part of an electronic communication network;

(b) customer electronic communication equipment; and

(c) equipment, appliance or device as the Authority may prescribe from time to time;

“type acceptance” means certification by the Authority of the acceptability of electronic equipment that has been type approved by a recognized foreign national regulatory authority; and

“type approval” means certification by the Authority of the acceptability of an electronic equipment based on conformity of the equipment to minimum regulatory technical and safety requirements.

Objectives of
the Regulations

3. The objectives of these Regulations are to—

(a) provide for an electronic equipment type approval framework;

(b) protect the integrity of public networks;

(c) protect the interests of consumers and suppliers of electronic communication services;

(d) avoid harmful interference with communication systems; and

(e) provide a fee structure for electronic equipment type approval.

PART II—APPROVAL AND CERTIFICATION

Type approval
and type
acceptance of
electronic
equipment

4.—(1) The Authority shall type approve or type accept electronic equipment before the equipment is imported into, distributed, used or connected to an electronic communication network in Malawi.

(2) The Authority shall, by notice published in the *Gazette* and any other means as the Authority may determine appropriate, prescribe a list of electronic equipment requiring type approval or type acceptance.

(3) The Authority shall type approve or type accept each model of electronic equipment once and subsequent importers, distributors or users of that model of the electronic equipment shall not be required to seek type approval or type acceptance.

(4) Notwithstanding subregulation (3), where there is a change of the model design or specifications of electronic equipment that is type approved or type accepted by the Authority, subregulation (1) shall apply.

(5) A person shall not import, distribute, use or connect to an electronic communication network any electronic equipment prescribed under subregulation (2) or any modified version thereof without prior type approval or type acceptance by the Authority.

(6) Notwithstanding subregulation (5), a person may import electronic equipment before type approval if the equipment is imported for testing or to be submitted as a sample accompanying an application for type approval.

5.—(1) The Authority may recognize electronic communication equipment that has been tested by an accredited entity.

Recognition of electronic equipment tested by accredited entities

(2) The Authority shall annually publish in the *Gazette* a list of accredited type approval testing entities.

6.—(1) An application for type approval of an electronic equipment shall be made in writing to the Authority and shall be accompanied by—

Application for type approval of electronic equipment

- (a) the fee prescribed in the *First Schedule*;
- (b) certified copies of documents specified in the *Second Schedule*;
- (c) unless exempted by the Authority, a sample of the electronic equipment; and
- (d) a test report from an accredited testing entity.

(2) A sample of an electronic equipment submitted under subregulation (1) shall be—

- (a) in a working condition acceptable to the Authority;
- (b) configured for testing and complete with the necessary test adapters; and
- (c) clearly marked with the name of the manufacturer, trade name, model and serial number.

(3) Where the electronic equipment is designed to operate in conjunction with another electronic equipment, the applicant shall ensure that the other electronic equipment is type approved or type accepted.

(4) The Authority may publish a notice of the application for type approval in a newspaper of wide circulation in Malawi where it considers the application to be of special interest to the public.

(5) A person who has interest in an application for type approval published pursuant to subregulation (4) may, within seven days of publication of the notice, submit to the Authority his comments on the application with a copy to the applicant.

(6) The applicant may, within seven days of receiving the comments under subregulation (5), submit to the Authority a reply to the comments with a copy to the person who submitted the comments.

(7) The Authority shall make its decision on the application within forty-five days from the date of receipt of the application.

(8) Where the Authority is unable to make a decision on the application within forty-five days as required under subregulation (7), the Authority shall—

(a) notify the applicant in writing before the expiry of the period and give reasons for the delay; and

(b) state the revised time frame for making the decision.

(9) The Authority may retain a sample of the electronic equipment and associated documents submitted under subregulation (1).

Decisions

of the Authority shall—

7.—(1) In determining an application for type approval, the Authority shall—

(a) examine the technical documentation of the electronic equipment; and

(b) carry out necessary tests, on its own or through an accredited entity, to verify that the equipment was manufactured in conformity with the relevant national and international standards.

(2) The Authority shall grant type approval of an electronic equipment where—

(a) information on the electronic equipment is provided in accordance with these Regulations;

(b) the test results confirm that the equipment was manufactured in conformity with the relevant national and international standards;

(c) the equipment complies with technical standards prescribed under regulation 12; and

(d) a declaration of conformity is provided.

(3) The Authority may, on grant of type approval of any electronic equipment, impose such conditions as it determines appropriate.

(4) Upon granting a type approval, the Authority shall issue—

(a) a type approval certificate; and

(b) an identification mark which the grantee shall use in accordance with regulation 10.

(5) The type approval granted by the Authority shall remain valid until—

(a) surrendered by the grantee or if revoked, withdrawn or rescinded by the Authority;

(b) the model of the electronic equipment is modified by the manufacturer; and

(c) where the type approval has a validity period, the expiry date of the validity period.

(6) A type approval granted under these Regulations shall not be construed as a guarantee by the Authority of the proper functioning, performance or quality of the electronic equipment.

(7) The Authority shall not be liable for any harmful interference caused to any other electronic equipment or for injury, loss of life or damage to property as a direct or indirect result of the use of any type approved electronic equipment.

(8) The Authority may reject an application for electronic equipment type approval and, where the application is rejected, the Authority shall furnish reasons for the rejection.

(9) Where an application is rejected, the applicant may resubmit the application after rectifying the shortfalls identified by the Authority.

(10) Where an applicant for type approval disputes the interpretation of a type approval specification by the Authority, the method of carrying out a type approval test or the validity of statements made by the manufacturers of the equipment, the position of the Authority on these matters shall prevail.

8.—(1) The Authority may grant provisional type approval for electronic equipment to be used—

Provisional
type approval

(a) for trial, research or demonstration on non-commercial basis;

(b) as test electronic equipment in Malawi; and

(c) for any purpose as the Authority may determine on case-by-case basis.

(2) An applicant for a provisional type approval of electronic equipment shall disclose details of the electronic equipment and the purpose for which the provisional type approval is required.

(3) The Authority shall, where provisional type approval is granted, issue to the grantee—

(a) a provisional type approval certificate; and

(b) an identification mark which the grantee shall use in accordance with regulation 10.

(4) A provisional type approval shall be—

(a) for a period not exceeding six (6) months, subject to two renewals at the discretion of the Authority;

(b) granted exclusively to the applicant; and

(c) subject to such terms and conditions as the Authority may determine.

(5) When granting a provisional type approval, the Authority may, where it considers it necessary, limit the number of units of the electronic equipment that the grantee is allowed to use.

(6) Where a grantee of provisional type approval intends to apply for type approval of the electronic equipment under regulation 6, the grantee shall submit the application for type approval to the Authority before the expiry of the provisional type approval period.

(7) Where the application for type approval under regulation 6 is not granted, the grantee of the provisional type approval shall, within thirty days of the expiry of the provisional type approval period, decommission the electronic equipment.

(8) A grantee of a provisional type approval shall, within thirty days of the expiry of the provisional type approval period, submit a report of the test or demonstration to the Authority.

(9) For the purpose of subregulation (1), “non-commercial basis” means use of the electronic equipment without monetary compensation.

Type acceptance

9.—(1) The Authority may type accept an electronic equipment where the Authority is satisfied that the electronic equipment is type approved by a foreign regulatory authority.

(2) The Authority may, on its own or upon application by an interested person, conduct inquiries to determine whether technical standards from a foreign regulatory authority should be recognized in Malawi for purposes of this regulation.

(3) Application for type acceptance of electronic equipment shall be made in writing to the Authority and shall be accompanied by—

(a) the fee prescribed in the *First Schedule*;

(b) a sample of the equipment, where necessary;

(c) a certified copy of test results from the accrediting country;

(d) a certified copy of the type approval certificate from the accrediting regulatory authority; and

(e) a technical report containing—

(i) the full name and contact details of the manufacturer of the electronic equipment; and

(ii) other technical and operational documentation as the Authority may determine.

(4) The Authority shall communicate its decision on an application under subregulation (3) within forty-five days of the date of receipt of the application.

(5) The Authority shall—

(a) where it approves the application, issue—

(i) a type approval certificate; and

(ii) an identification mark which the grantee shall use in accordance with regulation 10.

(b) where it rejects the application, give reasons for the decision.

(6) A type acceptance of electronic equipment shall have the same effect as a type approval granted under regulation 7.

10.—(1) An identification mark issued to a grantee of a type approval, provisional type approval or type acceptance shall contain— Identification marks

- (a) the logo of the Authority;
- (b) the model of the equipment;
- (c) the alphanumeric identifications of the equipment; and
- (d) any information as determined by the Authority.

(2) A grantee of a type approval, provisional type approval or type acceptance shall cause the identification mark issued by the Authority to be permanently affixed at a conspicuous place on the electronic equipment to which it relates.

(3) Where it is not possible to affix an identification mark on an electronic equipment due to the physical characteristics of the equipment, the grantee of the type approval, provisional type approval or type acceptance shall cause the identification mark to be affixed on the packaging of the electronic equipment or the user manual of the equipment.

(4) The grantee of a type approval, provisional type approval or type acceptance may, in addition to affixing the identification mark on the electronic equipment pursuant to subregulation (2), cause the identification mark to be affixed on the packaging of the electronic equipment or the user manual of the equipment.

(5) The Authority may, at the request of a grantee of a type approval, provisional type approval or type acceptance, issue an e-identification mark instead of a printed identification mark in which case, the grantee shall indicate in his request how the e-identification mark will be displayed on the electronic equipment.

(6) A grantee of an e-identification mark shall display the identification mark using at least one of the following methods—

- (a) during the power up sequence of the equipment;
- (b) under the system information page of the equipment; or
- (c) under the help menu of the equipment.

(7) A grantee of type approval, provisional type approval or type acceptance may reproduce the identification mark issued by the Authority, provided that the reproduced identification mark complies with standards and specifications set by the Authority.

(8) The identification mark shall be affixed onto any electronic equipment which is of the same model as the type approved or type accepted electronic equipment.

(9) A grantee of a type approval, provisional type approval or type acceptance shall not in any way alter the identification mark.

(10) Notwithstanding the foregoing, an electronic equipment may be operated without the identification mark for the following purposes—

(a) compliance testing;

(b) demonstration of the features of the electronic equipment;

(c) evaluation of product performance and the determination of customer acceptability at a manufacturer's facility during the developmental, design or pre-production stages; and

(d) evaluation of product performance and the determination of customer acceptability, at any other place where customer acceptability of the electronic equipment cannot be determined at a manufacturer's facility because of size or the unique capability of the electronic equipment.

(11) Electronic equipment operated under subregulation (10) shall contain a conspicuous notice stating that—

(a) the electronic equipment is not type approved by the Authority; and

(b) the equipment shall not be offered for sale or lease until type approval is granted by the Authority.

Compliance
notice

11.—(1) The Authority may, where it has reasonable grounds to suspect that an identification mark has been affixed to an electronic equipment in contravention of these Regulations, serve a compliance notice in writing on—

(a) the local manufacturer of the electronic equipment;

(b) the importer of the electronic equipment; or

(c) the person responsible for supply of the electronic equipment on the market in Malawi.

(2) A notice served under sub-regulation (1) shall—

(a) state that the Authority reasonably suspects that the identification mark was affixed to the electronic equipment in contravention of these Regulations;

(b) give particulars of the circumstances constituting the basis for the suspicion;

(c) require the person to whom the notice is given to—

(i) where the person disputes the allegation, provide evidence to the satisfaction of the Authority within the period specified in the notice that the identification mark was affixed to the electronic equipment in compliance with these Regulations; or

(ii) where the person does not dispute the allegation, remedy the contravention within the period specified in the notice; and

(d) give a warning that if the non-conformity continues, or if satisfactory evidence is not provided within the period specified in the notice, further regulatory sanctions may be imposed with respect to the electronic equipment or electronic equipment of similar type placed on the market by the person to whom the notice is given.

12.—(1) For purposes of these Regulations, the Authority may prescribe technical standards—

Technical standards for electronic equipment

- (a) for all electronic equipment;
- (b) relating to the features of electronic equipment that are designed to cater for special interest groups; and
- (c) for interconnection of networks or network elements.

(2) The technical standards prescribed by the Authority under subregulation (1) shall take into account the need to—

- (a) protect the integrity of an electronic communication network or network elements;
- (b) protect the health or safety of persons who operate, work on, use services supplied by means of, or are likely to be affected by the operation of the electronic communication network or network elements;
- (c) ensure that customer equipment is capable of accessing emergency services;
- (d) ensure the interoperability of customer equipment with an electronic communication network; and
- (e) give effect to any matter prescribed by these Regulations or any other written law.

(3) The Authority shall, before prescribing technical standards under subregulation (1), give an opportunity to interested persons to make representations on the proposed standards.

13.—(1) A person who imports, distributes or supplies electronic equipment for re-sale in Malawi shall register with the Authority.

Registration of importers, distributors and suppliers

(2) An application for registration shall be in Form 1 prescribed in the *Third Schedule*.

(3) Upon registration, the Authority shall issue the registrant with a dealership registration certificate prescribed in Form 2 in the *Third Schedule*.

(4) Registration under subregulation (1) shall be—

- (a) free of charge; and
- (b) a once off activity.

(5) A person shall be registered as an importer, distributor or supplier under subregulation (1) only if that person is domiciled in Malawi.

(6) A registered importer, distributor or supplier shall, within thirty days of the change of any detail submitted in the initial application for registration, notify the change to the Authority in writing.

Obligations of holder of dealership registration certificate

14.—(1) A holder of a dealership registration certificate issued under regulation 13 shall—

(a) only distribute electronic equipment that has a declaration of conformity; and

(b) maintain, the technical documentation received from a manufacturer of the electronic equipment for at least five years from the date of receipt of the equipment.

(2) The technical documentation maintained under subregulation (1) (b)—

(a) shall be adequate to enable assessment of conformity of the electronic equipment with applicable technical specifications; and

(b) shall cover the manufacture and operation of the electronic equipment and shall include—

(i) a general description of the electronic equipment;

(ii) a summary of technical specifications of the electronic equipment;

(iii) a user manual of the electronic equipment;

(iv) a declaration of conformity; and

(v) test reports of the electronic equipment.

(3) The obligations in subregulation (1) and (2) shall apply to a manufacturer of electronic equipment domiciled in Malawi.

(4) The Authority may, at any time, request a manufacturer of electronic equipment or a holder of the dealership registration certificate to submit the electronic equipment to the Authority for the purpose of assessing the continuous compliance of the electronic equipment with the technical and performance standards prescribed under regulation 12.

(5) The manufacturer of electronic equipment or holder of a dealership registration certificate required to submit an electronic equipment to the Authority under subregulation (4) shall—

(a) prepare and submit information demonstrating compliance using a measurement procedure approved by the Authority; and

(b) indicate the specific standards or measurement procedure used.

Liability for damage

15.—The following persons shall be severally or jointly liable for damage caused by any electronic equipment in respect of which the Authority has granted a provisional type approval, a type approval or a type acceptance under these Regulations, as the case may require—

(a) the person granted provisional type approval, type approval or type acceptance of the electronic equipment;

(b) the person who modifies the electronic equipment without the knowledge of the person granted type approval or type acceptance;

(c) the manufacturer or the assembler, where the equipment is assembled at component level and the resulting system is subject to type approval; and

(d) the importer where the electronic equipment is imported.

16—(1) A person may advertise an electronic equipment that has not been type approved or type accepted on condition that the advertisement contains a message or, where the equipment is displayed to the public a notice is placed at a conspicuous place, stating that the electronic equipment— Marketing of electronic equipment

(a) is not type approved or type accepted; and

(b) that the electronic equipment shall not be offered for sale or lease until it is type approved or type accepted.

(2) Where a person displays a prototype of an electronic equipment that has been type approved or type accepted but bears modifications from the type approved or type accepted electronic equipment, the person shall place a notice at a conspicuous place stating that the electronic equipment represented by the prototype shall not be sold until the modified electronic equipment is type approved or type accepted.

17.—(1) A person shall not import electronic equipment unless a type approval has been granted by the Authority with respect to that equipment, unless the equipment is required for testing or to be submitted as a sample for purposes of applying for type approval. Import and sale restrictions

(2) On importation of electronic equipment, an authorized representative or importer of the electronic equipment shall present to the Malawi Revenue Authority for customs clearance a type approval certificate issued by the Authority in respect to the electronic equipment.

(3) The Authority may, in enforcing these Regulations, conduct inspections at ports of entry.

(4) The Authority may, during inspections conducted under subregulation (3), confiscate any electronic equipment—

(a) found to be non-compliant with these Regulations; or

(b) imported by a person who does not have a dealership registration certificate.

(5) For purposes of this regulation, “importer of electronic equipment” means any person who imports electronic equipment for resale or commercial use.

Power to confiscate and dispose of t seized electronic equipmen

18—(1) The Authority may confiscate any electronic equipment imported, distributed, used or connected to an electronic communication network in breach of these Regulations.

(2) The Authority may, in respect of electronic equipment confiscated under subregulation (1)—

(a) charge storage fees, for any period in excess of ten days;

(b) require the person from whom the electronic equipment is confiscated to rectify the breach within ninety days of the date of the confiscation;

(c) dispose of the equipment if the person from whom the electronic equipment is confiscated fails to rectify the breach within ninety days of the date of confiscation; and

(d) destroy the electronic equipment if, after ninety days of the date of the confiscation, the person from whom the electronic equipment is confiscated fails to make the electronic equipment compliant to technical standards set by the Authority.

Connection of approved electronic equipment to network

19.—(1) A licensee of an electronic communication network shall ensure that any electronic equipment requiring type approval under these Regulations connected to the network of the licensee is type approved by the Authority.

(2) Save for the grounds stipulated in subregulation (3), a licensee shall not refuse or object to connect any type approved or type accepted electronic equipment to the network of the licensee.

(3) Notwithstanding sub-regulation (2) a licensee may refuse or restrict the connection of a type approved or type accepted electronic equipment to its network on the following grounds—

(a) security of network operation;

(b) maintenance of network integrity;

(c) interoperability of the equipment with the network of the licensee;

(d) protection of personal data or confidentiality of information transmitted or stored on its network; or

(e) prevention of threat to life, health or safety of users.

(4) Where a licensee refuses or restricts connection of a type approved or type accepted electronic equipment under subregulation (3), the licensee shall, within forty-eight hours of the time of the refusal or restriction, notify the Authority and give reasons for the refusal or restriction.

(5) Where a licensee refuses or restricts connection of a type approved or type accepted electronic equipment, any aggrieved person may refer the matter to the Authority for determination.

(6) Where the Authority determines that there is no valid ground for the refusal or restriction, the Authority shall direct the licensee in writing to connect the electronic equipment without any restriction or on such condition as the Authority may determine.

(7) Where the Authority determines that the refusal or restriction under subregulation (3) is not based on a valid reason, and that as a result of the refusal or restriction a person has suffered loss or damage, the Authority may order the licensee to pay compensation to the affected person in accordance with section 173 (2) (c) of the Act.

20.—(1) The Authority may, by written notice to a licensee, declare that the operation, supply or possession of specified electronic equipment is prohibited for reasons specified in the notice. Prohibited equipment

(2) A notice under subregulation (1) shall be issued on grounds of protection of the—

(a) integrity of an electronic communications network or electronic equipment; or

(b) health or safety of a person who—

(i) operates, works on or uses services supplied by means of the electronic communication network or electronic equipment; or

(ii) is likely to be affected by the operation of the electronic equipment.

(3) The Authority shall publish the notice issued under subregulation (1) in a newspaper of nationwide circulation in Malawi, on its website or through any other media considered appropriate by the Authority.

21.—(1) A person who suffers any harm related to the use of any type approved or type accepted electronic equipment may lodge a complaint with the Authority. Complaint by person who suffers harm

(2) A complaint lodged under subregulation (1), shall include—

(a) the name and contact details of the complainant;

(b) the name and contact details, if known, of the person against whom the complaint is lodged;

(c) the facts and supporting evidence, where available, linking the harm to the electronic equipment;

(d) where applicable, evidence showing that the electronic equipment does not conform to the requirements of these Regulations; and

(e) any other information requested by the Authority.

(3) The Authority shall forward a copy of the complaint to the person against whom the complaint is lodged.

(4) The Authority shall give the person against whom the complaint is lodged an opportunity to be heard before determining the matter.

(5) The Authority shall render its decision with reasons, in writing, within sixty days of receiving the complaint

Power to
investigate
contraventions

22.—(1) Where the Authority has reasonable grounds to believe that a person is contravening or has contravened these Regulations, the Authority shall investigate the matter without undue delay.

(2) In carrying out an investigation under subregulation (1), the Authority may—

(a) require the person under investigation to deliver any electronic equipment to the Authority or grant the Authority access to any electronic equipment for testing;

(b) test the electronic equipment delivered or accessed under paragraph (a); and

(c) examine the electronic equipment, its labels, packaging and certificates.

Revocation

23.—(1) The Authority may revoke a provisional type approval, a type approval or a type acceptance granted under these Regulations, where it is satisfied that—

(a) the grantee of the provisional type approval, type approval or type acceptance has violated the conditions of the grant;

(b) the electronic equipment is causing or is likely to cause harmful interference to communication network;

(c) the electronic equipment is posing or likely to pose a risk to human health or the environment; and

(d) the grantee of the provisional type approval, type approval or type acceptance has contravened these Regulations.

(2) The Authority shall, before making a determination to revoke a provisional type approval, type approval or type acceptance, give the grantee of the provisional type approval, type approval or type acceptance a right to be heard.

(3) Where the Authority revokes a provisional type approval, type approval or type acceptance, the Authority shall publish notice of the revocation in the *Gazette*, at least two newspapers of wide circulation in Malawi, its website and any other media considered appropriate by the Authority.

Destruction of
electronic
equipment

24.—(1) The Authority may destroy any electronic equipment that is subject of a provisional type approval, type approval or type acceptance where—

(a) destruction of the electronic equipment is an element of the testing process;

(b) the Authority determines that the electronic equipment may not be suitable for return to the applicant or the grantee of the provisional type approval, type approval or type acceptance; or

(c) the electronic equipment is confiscated for non-compliance with these Regulations.

(2) The Authority may, except for destruction under subregulation (1) (a), destroy any electronic equipment pursuant to sub-regulation (1), after giving thirty days' notice in writing to the applicant, grantee of the provisional type approval, type approval or type acceptance or any person from whom the electronic equipment was confiscated.

PART III—GENERAL PROVISIONS

25. A person who contravenes these Regulations commits an offence and shall, upon conviction, be liable to a fine of MK5,000,000 and imprisonment for five years. Offence and penalty

26.—(1) Notwithstanding regulation 25, the Authority may impose any of the following regulatory sanctions for contravention of these Regulations— Regulatory sanctions

(a) administrative fine not exceeding MK5,000,000;

(b) issue a warning;

(c) issue a compliance order;

(d) issue a cease-and-desist order;

(e) revoke a provisional type approval, type approval or type acceptance; and

(f) make any other order as the Authority may determine appropriate.

(2) In imposing any regulatory sanction under subregulation (1), the Authority shall consider the following factors—

(a) duration of the breach;

(b) the nature, gravity and frequency of the breach;

(c) any service credits or rebates that have been provided by the licensee to consumers inconvenienced or otherwise affected by the contravention;

(d) any failure to fulfil any obligation arising partly or wholly from the action or omission of another person; and

(e) any other consideration as the Authority may determine appropriate.

FIRST SCHEDULE

(reg. 6(1))

COMMUNICATIONS ACT
(CAP. 68:01)COMMUNICATIONS (ELECTRONIC EQUIPMENT) (TYPE APPROVAL)
REGULATIONS

TYPE APPROVAL FEES

| Equipment Category | Reference Standards of Conformity | Type Approval per model (USD) | Type Approval Acceptance per model (USD) | Modification per model (USD) |
|---|--|--------------------------------------|---|-------------------------------------|
| Base Stations (BTSs, NodeBs, NodeBs), Repeaters and Ancillary Equipment | EN 301 489-8 EN 301 502 EN 301 908-3 EN 301 908-7 EN 301 908-11 EN 301 489-23 | 600 | 300 | 100 |
| Handsets, terminals & ancillary equipment | EN 301 489-7 EN 301 511 EN 301 908-5 EN 301 908-2 EN 301 908-6 EN 301 489-24 | 400 | 200 | 100 |
| Amateur radio and ancillary Equipment | EN 301 489-15 EN 301 783-2 | 100 | 50 | 50 |
| Land Mobile Radio | EN 300 113 -1 EN 300 390-1 EN 301 783 2 EN 301 908-5 | 100 | 50 | 50 |
| Radar for Radio Navigation | EN 302 248 EN 302 194 EN 301 4891 | 600 | 300 | 100 |
| Maritime Radio | EN 300 698 EN 301 025 EN 301 178 | 100 | 50 | 50 |
| RLAN, Wi-Fi (WLAN), Bluetooth | EN 301 489-17 EN 301 893 EN 300 328 | 400 | 200 | 100 |

| | | | | |
|---|--|-----|-----|-----|
| Microwave Radio | EN 301 489-4 EN 302 217-2-2 EN 302 217-3 EN 302 217-4-2 | 600 | 400 | 100 |
| Point to Point Radio, Fixed Link Equipment and Antenna | | | | |
| SRD Radar Systems Radio determination application | EN 300 440 EN 302 288 EN 302 372 EN 301 4891 | 400 | 200 | 100 |
| Vehicle Telematics Road transport and traffic telematics | EN 300 674 EN 200 674 EN 301 091 | 400 | 200 | 100 |
| Car immobilizers, Alarm systems, data transfer to handheld devices etc. Inductive applications | EN 302 291 EN 300 330 FCC part 15 EN 300 220 | 400 | 200 | 100 |
| Article identification, asset tracking, alarms Radio Frequency identification applications | EN 302 291 EN 300 440 | 400 | 200 | 100 |

| | | | | |
|---|---|-----|-----|-----|
| Sound broadcasting equipment FM Radio | EN 301 489-11 EN 302 018-1 EN 302 018-2 | 600 | 400 | 100 |
| TV Broadcast | EN 301 489-14 EN 302 297 | 600 | 400 | 100 |
| Vision broadcasting equipment | EN 302755v1.3.1 | | | |
| Satellite TV and Other VSAT | EN 301 4891 EN 301 489-20 EN 301 489-12 EN 301 681 EN 301 428 EN 301 443 EN 301 360 EN 301 459 | 600 | 400 | 100 |
| Broadcasting Terminals (Decoders & Receivers) | EN 302 755 V.1.3.1 EN 300 468 V1.13.1 EN 300 472 V1.3.1 EN 300 743 V1.4.1 | 400 | 200 | 100 |

SECOND SCHEDULE
COMMUNICATIONS ACT
(CAP. 68:01)

(reg. 6(1))

COMMUNICATIONS (ELECTRONIC EQUIPMENT) (TYPE APPROVAL)
REGULATIONS

LIST OF DOCUMENTS TO ACCOMPANY AN APPLICATION FOR TYPE
APPROVAL OF ELECTRONIC EQUIPMENT

1. Formal application covering letter.
2. FCC or ETSI Documents.
3. Test Reports from accredited Labs.
4. Technical Specifications.

- 5. Authorization Letter (Power of Attorney).
- 6. Declaration of Conformity.
- 7. Any Copies of Approval from ITU Region 1.
- 8. Any other necessary Documents which will help in analyzing the Model. If the documents are too big, upload them using any convenient file sharing method.

THIRD SCHEDULE

(reg. 13(2) and (3))

COMMUNICATIONS ACT
(CAP. 68:01)

COMMUNICATIONS (ELECTRONIC EQUIPMENT) (TYPE APPROVAL)
REGULATIONS

FORM 1 APPLICATION FOR REGISTRATION AS A DEALER

(IMPORTER, DISTRIBUTOR OR SUPPLIER OF ELECTRONIC
COMMUNICATION EQUIPMENT)

| A | APPLICATION TYPE | INFORMATION PROVIDED | |
|---|---|-----------------------------|--------------------------|
| 1 | Type of Application (Tick Appropriate) | New | <input type="checkbox"/> |
| | | Renewal | <input type="checkbox"/> |
| | | Certificate Number | <input type="checkbox"/> |
| B | APPLICANT DETAILS | <i>Information Provided</i> | |
| 2 | Company | Name | <input type="text"/> |
| | | Registration Number | <input type="text"/> |

| | | |
|---|------------------|--|
| 3 | Physical Address | Building name and Room No. <input data-bbox="671 133 1013 194" type="text"/> Plot No. <input data-bbox="671 232 1013 294" type="text"/> Street <input data-bbox="671 337 1013 398" type="text"/> City/Town <input data-bbox="671 441 1013 502" type="text"/> |
| 4 | Postal Address | <input data-bbox="774 531 972 593" type="text"/> P.O. Box <input data-bbox="627 607 972 669" type="text"/> City/Town <input data-bbox="627 695 972 756" type="text"/> |
| 5 | Phone | Fixed <input data-bbox="627 797 1009 842" type="text"/> Mobile <input data-bbox="627 897 972 941" type="text"/> Fax <input data-bbox="627 991 972 1035" type="text"/> |
| 6 | Email | <input data-bbox="431 1087 981 1131" type="text"/> |
| 7 | Contact Person | Mr./Mrs./Miss <input data-bbox="627 1176 1002 1220" type="text"/> Surname <input data-bbox="572 1263 1002 1308" type="text"/> Other Names <input data-bbox="627 1357 1002 1402" type="text"/> Mobile <input data-bbox="564 1445 1002 1490" type="text"/> Email <input data-bbox="564 1533 1002 1577" type="text"/> |

| | | |
|---|--|---|
| 8 | Description of Company Business | <input type="text"/> |
| C | TECHNICAL DETAILS OF THE EQUIPMENT | <i>Information Provided</i> |
| 9 | Equipment Category Dealt in (Tick Appropriate) | Base Stations, Repeaters and Ancillary Equipment BTSs NodeBs eNodeBs Others (Specify) <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| | | Handsets, Terminals, and Ancillary Equipment Handsets Terminals thers (Specify) <input type="checkbox"/> <input type="checkbox"/> <input type="text"/> Amateur radio and ancillary Equipment Amateur Radio Others (Specify) <input type="checkbox"/> <input type="text"/> Land Mobile Radio <input type="checkbox"/> Radar for Radio Navigation <input type="checkbox"/> Maritime Radio <input type="checkbox"/> RLAN Wi-Fi (WLAN) Bluetooth <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Microwave Radio <input type="checkbox"/> SRD Radar Systems <input type="checkbox"/> Vehicle Telematics <input type="checkbox"/> Inductive Applications Car Alarm Others immobilizers systems (Specify) <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Radio Frequency Identification Applications |

| | | |
|----|-------------------|--|
| | | Article identification <input type="checkbox"/> Asset Tracking <input type="checkbox"/> Others (Specify) <input type="text"/> |
| | | Sound broadcasting equipment FM Radio <input type="checkbox"/> Other (Specify) <input type="text"/> |
| | | TV Broadcasting Equipment <input type="checkbox"/> |
| | | Satellite TV and Other VSAT <input type="checkbox"/> |
| | | Broadcasting Terminals Decoders <input type="checkbox"/> Receivers <input type="checkbox"/> Others (Specify) <input type="text"/> |
| 10 | Other Information | |

I/we declare that all the particulars and information provided in this application are complete, correct and true and I/we understand that in the event that any of the particulars or information is found to be untrue or fraudulent, the registration certificate will be revoked.

Declared atthisday of20.....by:

Applicant Name:.....

Applicant Signature:.....

COMMUNICATIONS ACT
(CAP. 68:01)

COMMUNICATIONS (ELECTRONIC EQUIPMENT) (TYPE APPROVAL)
REGULATIONS

FORM 2

DEALERSHIP CERTIFICATE

(IMPORTER, DISTRIBUTOR OR SUPPLIER OF ELECTRONIC
COMMUNICATION EQUIPMENT)

Certificate No.: _____

This is to certify thatis a registered (IMPORTER/DISTRIBUTOR/SUPPLIER OF ELECTRONIC COMMUNICATION EQUIPMENT) in Malawi on conditions specified at the back of the certified.

Issued at Blantyre, Malawi this.....day of2023

.....
Director General

CERTIFICATE CONDITIONS

1. The Director General may at any time after the date of issue, cancel this certificate in the event of non-compliance with these conditions, the Communications (Electronic Equipment) (Type Approval) Regulations or the Communications Act (Cap. 68:01 of the Laws of Malawi).
2. The Director General should be notified promptly of any change in the address of the holder or any change in the particulars described on this certificate within thirty days of the occurrence of the change.
3. The issue of this certificate does NOT in any way exempt the bearer from compliance with the provisions of the Trading Act and any other relevant legislation.
4. This certificate is not transferable.
5. The holder of the certificate shall comply with these Regulations at all times.
6. The holder the certificate shall register with the Authority in such form as the Authority may determine each of the premises from which he carries out his business.
7. The holder the certificate shall display a copy of the certificate at a conspicuous place at each of the premises from which he carries out his business.

Made the 26 day of January, 2023

(FILE NO.: INFO/ADM/01/04)

G. KAZAKO
Minister of Information and Digitalization