

'Type Approval' Required For Telecommunications Apparatus In The UAE

Nick O' Connell
n.oconnell@tamimi.com

It seems that manufacturers of 'brand name' mobile phones now have another weapon in their arsenal for combating counterfeit. In this article, we briefly look at the basis upon which the TRA is taking action against counterfeits.

The UAE Telecommunications Law (Federal Law No. 3 of 2003) makes it an offence for anyone to use, sell, offer for sale or connect any telecommunications apparatus that is not 'Type Approved'. The TRA has exclusive competence in matters relating to Type Approval for Radio and Telecommunications Terminal Equipment ('RTTE'; see box) in the UAE. The Type Approval regime is intended to protect health and safety, limit electro-magnetic disturbance caused or received by RTTEs, ensure efficient use of the radio spectrum, and protect the workings of public telecommunications networks.

Application

A registered dealer may submit an application for Type Approval by using a prescribed form and by paying a prescribed fee. Additionally, it is necessary to submit a technical datasheet, a Declaration of Conformity (being a signed declaration setting out the Technical Standards with which the RTTE conforms) and letters of support from the manufacturer or its authorized agent.

The Declaration of Conformity, and its supporting documentation, must be prepared in compliance with certain international standards. If the RTTE has already been approved in certain other jurisdictions, then the supporting documentation kept on file by the Registered Dealer need not be as comprehensive as would be required where no such foreign approval had already been secured.

If the application is in order, the registration process would take about two weeks, and last for three years renewable for further periods.

Compliance

The TRA undertakes surveillance to ensure compliance with the Type Approval regime. Non-compliance by falsely claiming to have secured Type Approval is punishable by Under article 73 of the Telecommunications Law, which provides that anyone who manufactures, uses, sells or offer for sale or use, any Telecommunication Apparatus to be connected to a Public Telecommunication Network, knowing that the telecommunications apparatus has not been approved in accordance with the law, is liable to be punished by either or both of imprisonment for not more than one year and a fine of no more than AED 200,000. Counterfeit phones are unlikely to have been through the Type Approval process, and this appears to be the basis upon which the TRA is proposing to take action.

Al Tamimi & Company's Technology, Media & Telecommunications team regularly advises manufacturers, importers and dealers in respect of Type Approval for RTTEs in the UAE.

BOX:

Radio and Telecommunications Terminal Equipment ('RTTE') are 'telecommunications apparatus employing wireless transmission in the frequency range 9kHz to 3.000 GHz propagated in free space

and/or telecommunications apparatus directly connected or intended to be directly connected to a Public Communications Network'.