

## **Compliance Approval Regulations of Telecommunications Terminal Equipment (Dec. 29, 2014)**

1. 24 Articles were promulgated by the DGT, MOTC on Apr. 3, 1997, Ref. Order Den-Shen-Kun 86 No.00199
2. 26 Articles were promulgated by the DGT, MOTC on June 28, 2000, Ref. Order Den-Shen-Kun 89 No.501063-0 and the BSMI Ref. Order Bju-Gen (89) 3 No.0009761
3. The amended Articles 1、4、8、11 and attachment were amended and promulgated by the DGT, MOTC on Nov. 17, 2003, Ref. Order Den-Shen-Kun No.09205099172
4. 26 Articles were amended and promulgated by the DGT, MOTC on Nov. 29, 2004, Ref. Order Den-Shen-Kun No.09305097650
5. 26 Articles were amended and promulgated by the NCC on July 19, 2007, Ref. Order Tong-Chuan-Fa No.09605100651
6. The amended Articles 15、18 were amended and promulgated by the the NCC on Jan. 10, 2009, Ref. Order Tong-Chuan-Ji No.09743031900
7. The amended Article 10 was amended and promulgated by the the NCC on Dec. 29, 2014, Ref. Order Tong-Chuan-Zi-Ji No.10343046380

### **Chapter 1 General**

#### **Article 1**

The Regulations are stipulated pursuant to the 2 paragraph of Article 42 of the Telecommunications Act.

#### **Article 2**

The terms of these Regulations are defined as follows:

##### **1. Telecommunications Terminal Equipment :**

The Telecommunications Terminal Equipment (hereinafter as TTE) mentioned herein shall refer to any digital or analog equipment that interfaces with the end point of the Public Switched Telecommunications Network (hereinafter as PSTN) by using wireless or wired transmission m

media and conducts communications by means of optical or electromagnetic wave.

##### **2. Type Approval :**

It means a procedure which manufacturers, importers or distributors apply to the National Communications Commission (hereinafter as NCC) or recognized certification bodies by NCC for compliance approval submitted in respect of TTE's brand name and model number. (The two nouns, NCC and certification bodies, hereinafter would be

abbreviated as RCB in the Regulation.)

3. Declaration of Conformity (hereinafter as DoC) :

It means a procedure that manufacturers, importers or distributors declare the TTE in comply with Article 5 of the Regulations and prepare related documents to RCB for registration.

4. Product of Family Series :

It means the TTE sample submitted for type approval has the same technical specifications, design and characteristics with the certified TTE in respect of network interface, EMC and electrical safety, that is, the so-called product of family series has the same output power, modulation technique, operating frequency, channel numbers, printed circuit board layout without component changes, size, shape and material of enclosure as the certified TTE.

### **Article 3**

For the connection of the approved TTE, unless with proper reason, Type I telecommunications enterprises may not impose any discriminatory treatment with respect to the condition and quality of connection.

### **Article 4**

TTE connected to the telecommunications network facilities installed by Type I telecommunications enterprises shall comply with the relevant technical specifications and shall be certified and approved prior to import or sale.

The relevant TTE technical specifications shall be formulated and announced in public by the National Communications Commission (hereinafter as NCC).

The aforementioned technical specifications shall not only contain test items and standards, but also ensure the following:

1. The connection should not damage telecommunications network facilities of Type I telecommunications enterprises, or malfunction the said facilities.
2. Any nuisance shall not be caused to other users of the telecommunications network facilities of Type I telecommunications enterprises.
3. The demarcation of responsibility between the telecommunications network facilities of Type I telecommunications enterprises and the terminal equipment connected by users shall be clearly clarified.
4. The connection of TTE shall ensure it is normally interfaced with the telecommunications network facilities of Type I telecommunications enterprises.
5. Ensure Electro-Magnetic Compatibility (hereinafter as EMC) to harmonize and effective use of the radio spectrum.
6. Ensure electrical safety to prevent harm to network operator personnel or users.

The test items relating to EMC and electrical safety of TTE and date of enforcement shall be announced by NCC.

#### **Article 5**

TTE shall comply with the test items and standards as specified in the relevant technical specifications where the test items and standards are not available, testing shall be performed in accordance with the following order:

1. National standards(CNS).
2. Standards specified by the international standard organization.
3. Standards specified by the regional standard organization.

#### **Article 6**

TTE connected to the telecommunications network facilities installed by Type I telecommunications enterprises shall be tested subject to the test items and standards specified in the relevant technical specifications stipulated in Article 4 of the Regulations. In addition, if Type I telecommunications enterprises need to add other test items and standards to meet their requirements of connection, the additional test items and standards shall be submitted to NCC for approval in advance.

#### **Article 7**

To apply for compliance approval, TTE may be classified as "sale use" and "private use" on the use basis.

The application for type approval or DoC approval with regard to "sale use" TTE shall be submitted by its manufacturer, importer or distributor.

The application for private approval with regard to "private use" TTE shall be submitted by the individual, incorporate or non-incorporate organizations.

### **Chapter 2 Administrative Procedure of Compliance Approval**

#### **Article 8**

Those who apply for private approval with regard to " private use" TTE should complete application form , the equipment samples and submit the following documents by one original or copy to NCC. If necessary, the NCC remains the right to request a test report according to Article 11.

1. The equipment samples.
2. Products technical specification or catalogues in Chinese or English.(For a wireless TTE, the technical specification including frequency and emission power are requisite).
3. The certification of origin.

4. Qualification document: personal ID, incorporate or non-incorporate organization establish registration.

An approval certificate together with private use label will be issued when the equipment has been granted. Upon completion of the conformity assessment procedure, the equipment samples should be returned to the applicant, while the copies of related identification and technical documents shall be retained by RCB for reference.

For those equipment submitted for "private use" application with the same brand name and model number as those certified ones, they are not required to submit the information specified in subparagraph 2 of 1 paragraph.

#### **Article 9**

The application for type approval with regard to "sale use" TTE shall be submitted to RCB, a approval certificate printed with the format of type approval label will be issued to the applicant when the equipment has been type-approved.

#### **Article 10**

Those who apply for type approval with regard to "sale use" TTE shall complete application form and submit the following documents by one original or copy to RCB. If necessary, RCB may require the applicant to submit an equipment sample.

1. User manual or instructions in Chinese or English.
2. Technical specification in Chinese or English.
3. Circuit diagram or block diagram.
4. Test report of equipment sample.
5. Company certificate or establish registrations. Foreign manufacturers shall submit related certificate of establishment for their legal entity.
6. The operation certificate of controlled telecommunications radio-frequency devices ( hereinafter as CTRFD ) . Distributor shall submit the certificate of manufacturer or importer; whereas a foreign manufacturer or an applicant for type approval of a wire line TTE is exempted.
7. Other documents specified by NCC.
8. A CD recorded with the documents itemized from 1 to 7.

The equipment with different brand name or model number shall be submitted separately for type approval application. For type approval with regard to "product of family series", the applicant should submit a written statement which specify the difference between the equipment sample and certified TTE, the test report and the documentation mentioned in the preceding paragraph to the original RCB.

When the type approval certificate is issued to the applicant, all documents, except for

the CD retained by RCB, should be returned meanwhile.

### **Article 11**

The test report mentioned in the Article 10 shall be issued from the test laboratories recognized by NCC or accredited by the NCC recognized accreditation bodies (the "Labs").

Referring to the test report mentioned in the first paragraph, if the Labs could not render testing service to such equipment, the applicants can submit the test report in compliance with the Article 5 issued by manufacturer or legal testing laboratories accredited by foreign accreditation bodies for type approval.

Test report shall include the following items:

1. Minimum 4"x6" color photos of the equipment sample, clearly showing the brand name, model number and components of circuit board.
2. Equipment name, brand name and model number.
3. Applicant's name and address.
4. Lab's name and address.
5. Mark test report with unique identity and pages.
6. The test configuration diagram and description (the applicant should clearly specify the name of specific testing instrument, test point or test software if the test could be merely performed and completed by the said test point or test software.)
7. Test instrument's name, brand name, model number, calibration date and date of expiry.
8. Test items and standards as specified in the relevant technical specifications.
9. Test data and verdict of test results.
10. Date of acceptance and completion of testing.

The testing Labs related personnel shall sign the test report. The test report mentioned in the second paragraph could be signed by the related personnel of testing laboratories.

### **Article 12**

For those manufacturers, importers or distributors, who apply for DoC registration with regard to TTE, should complete application form and submit the following documents by copy to RCB. After completing registration, the RCB will issue a DoC certificate printed with the format of DoC Label to the applicant.

1. User manual or instructions in Chinese or English.
2. Technical specifications in Chinese or English.
3. Circuit diagram or block diagram.
4. Test report of equipment sample.

5. Company certificate or establish registrations. Foreign manufacturers shall submit related certificate of establishment for their legal entity.

6. The operation certificate of CTRFD. Distributors shall submit the certificate of manufacturer or importer; whereas a foreign manufacturer or an applicant for type approval of a wire line TTE is exempted.

7. Other documents specified by NCC.

8. A CD recorded with the documents itemized from 1 to 7.

The test report mentioned in the previous paragraph should be submitted according to Article 11.

When the DoC approval certificate is issued to the applicant, all documents, except for the CD retained by RCB, should be returned meanwhile.

The items related to DoC and date of implementation shall be announced by NCC.

### **Article 13**

After itemizing review, if one of application package is incomplete or missed, RCB shall notify applicant to make it up within one month. Should the application package is still incomplete or not responded by the applicant at the expiration of time frame, the application will be turned down.

If application fails, the disqualified items shall be listed and notified by RCB. Applicant shall correct the application package and reapplication within two months. Reapplication can be turned down again as long as the reapplication is expired or disqualified as well.

### **Article 14**

For the purpose of application request for type approval or DoC, the RCBs may set up the electronic filing system. The relevant matters and date of implementation applicable to the electronic filing system shall be announced by NCC.

## **Chapter 3 Marking and Market Surveillance**

### **Article 15**

The type approval label and DoC label are the proprietary of original applicant.

When the certificate holder agrees others to use the type approval label or the Doc label of TTE with the same brand and model number, the certificate holder is request to submit a list of the authorized type approval label or DoC label to NCC for reference within thirty day after the completion of authorization of the type approval and Doc label.

The certificate holder, who failed to submit the list of authorized TTE type approval

label or Doc label to NCC according to the 2 paragraph stipulation, NCC may notice it to explain the reason, and order it to comply with a prescribed time frame and suspend display or sale.

The above-mentioned authorize others to use the type approval label or Doc label may be applied through the electronic filing system; the relevant matters and date of implement applicable to the electronic filing system shall be announced by NCC.

#### **Article 16**

The certificate holder shall refer to the label format printed on the certificate to produce type approval labels or DoC labels, and affix or emboss the labels on the certified equipment before it is offered for sale. The authorized company, which is stipulated in the proceeding article, is also requested to meet the requirements.

For those applicants apply for private approval with regard to " private use " TTE, they are requested to affix the label on the certified equipment before use.

The suppliers, who fail to comply with the requirements stipulated in the first paragraph, will be requested by RCB to state reason, make improvements in a given time and suspend stop to display or sale.

#### **Article 17**

Once the approved or registered TTE is modified in respect of brand name, model number, design or function, it should be re-submitted for compliance approval. Nevertheless, after modification in respect of design or function, if it remains in compliance with the relevant technical specifications, the applicant only needs to notify the RCB the part of modification for reference.

When the aforementioned TTE extends its telecommunications interfaces and does not affect the function of the approved or registered telecommunications interfaces, it is permitted to conduct the compliance approval only upon the part of extension.

Once the relevant TTE technical specifications are amended, the approved TTE shall be re-submitted for compliance approval according to the effective date and the way of implementation as promulgated in the amended technical specifications.

#### **Article 18**

Those who have lost or damaged or changed the content of certificates may apply for re-issuance or replacement to the original RCB.

The application for change of contents as mentioned above under one of the following condition:

1. Addition of applicable platform in TTE modules or adjustment with unchanging the original radio frequency performance, approved by the original RCB.

2. Manufacturers change or join ;
3. The applicant of type approval or Doc change the company name; or
4. The applicant of type approval or DoC reports to the authority due to the merge or spin-off, and the authority approves that the company formed from the merge or spin-off or the new company as the result of such an action may use the original type approval or DoC certificate.

Those apply for reissue or replacement of type approval or Doc certificate according to the previous two paragraphs, the following documents are required:

1. The type approval or DoC certificate is lost or damaged : replacement (reissue) application form.
2. For subparagraph 1 of the previous paragraph: replacement (reissue) application form, approval document of the original RCB.
3. For subparagraph 2 of the previous paragraph: replacement (reissue) application form, photocopy of equipment production contract and statement that the equipment complies with technical specification.
4. For subparagraphs 3 and 4 of the previous paragraph: replacement (reissue) application form, company or business registration document.

## **Article 19**

RCB should perform market surveillance activities on the TTE from time to time.

## **Article 20**

After granting approval certificates or DoC certificates, the RCB may revoke the said certificates if any data/information attached to the application package is found to be counterfeited or false.

After granting approval certificates or DoC certificates to the applicant, the RCB may rescind the said certificates under one of the following conditions:

1. Violate the first paragraph or the third paragraph of Article 17.
2. Fail to comply with relevant TTE technical specifications after market surveillance.
3. Loss on a agency or patent lawsuit or violating the related regulations leads to the sale of certified TTEs are forbidden.

## **Article 21**

For revoked or rescinded approval certificates or DoC certificates, NCC will announce to the public for the reason of abolishment and termination. Certificate holder will not be allowed to resubmit application with respect to the equipment with same brand name and model number within three months from the date of revocation or abolishment.



The original certificate holder shall be responsible for the retrieval of all sold TTE if his certificate is revoked or abolished by RCB. Certificate holder shall also make amends to the party for the loss caused.

## **Chapter 4 Additional Provisions**

### **Article 22**

When the applicants apply for compliance approval pursuant to the Regulations, the approval fees should be charged by the RCB according to the fee schedule stipulated by the Ministry of Transportation and Communications.

### **Article 23**

The applicant shall pay the compliance approval fees at the time of submitting the application.

When RCB turn down the application pursuant to the Regulations, the approval fees are non-refundable.

### **Article 24**

Under bilateral or multilateral mutual recognition agreements or arrangements signed between our country and other countries, regional organizations or international organizations, NCC may accept the test report, compliance certificate or DoC issued under the said agreements or arrangements.

### **Article 25**

The application form, conformity assessment procedure and format of approval certificate and DoC certificate pursuant to the Regulations is stipulated and announced by NCC.

### **Article 26**

The Regulations shall become effective as of the date of promulgation.