
**Consultation on Type Approval Policy for
Radio Equipment and Telecommunications Terminal Equipment**

**SUMMARY OF COMMENTS AND
RESPONSE OF ictQATAR**

The Supreme Council of Information & Communication Technology “ictQATAR”

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I Introduction and Background

I.1 Context and scope of this Consultation Document

On 26 April 2009, the Supreme Council of Information and Communication Technology (“**ictQATAR**”) published a consultation document on Type Approval Policy for Radio Equipment and Telecommunications Terminal Equipment (“**RTTE**”), hereafter referred to as “**Consultation Document**”.

The Telecommunications Law of 2006 provides a legal mandate and the authority to ictQATAR to establish an effective Type Approval Regime for RTTE (Article 2.11 and Article 4.5) and to determine the technical standards or specifications for the RTTE or their types and the approval requirements and procedures (Chapter 12).

ictQATAR invited public views and comments from interested parties on the various elements and aspects of the proposed Type Approval Policy for the State of Qatar.

The Type Approval Policy covers all types of Radio Equipment and Telecommunications Terminal Equipment. Such equipment is referred to collectively herein as Radio and Telecommunications Terminal Equipment (“**RTTE**”).

The Type Approval Policy will apply to all RTTE imported or manufactured in Qatar, whether for marketing/commercial purposes or for private use, and will apply to any Person that is the initial or first point of supply of RTTE in Qatar.

The objectives of the new Type Approval Policy are:

- To streamline and modernize the current Type Approval regime in accordance with the Telecommunications Law;
- To introduce a greater level of efficiency, transparency and certainty;
- To move from a regime where only a limited number of importers can apply for Type Approval to a more open regime where a wide range of persons such as manufacturers, Authorized Importers, Licensed Operators and end-user companies can apply for Type Approval;
- To allow internationally recognized standards to be used as the basis for the Type Approval process;
- To simplify the fee structure for Type Approval applications; and

- To ensure that:
 - only properly type-approved RTTE is placed, sold or used in Qatar;
 - RTTE does not cause damage to or interference with the operation of telecommunications networks or other RTTE;
 - RTTE does not cause harm to the general public or people working with telecommunications networks; and
 - the operating frequencies of all Radio Equipment are in conformity with the Frequency Allocation Plan in Qatar.

In addition, the Type Approval Policy aims to avoid placing unnecessary administrative burdens on importers and manufacturers of RTTE, in order to facilitate competition in the supply and choice of RTTE in Qatar. The Type Approval Policy aims also to assist customs officers in Qatar by having on ictQATAR's website an up-to-date list of the RTTE types that have been approved by ictQATAR and the list of the Authorized Importers.

1.2 Comments Submitted

ictQATAR requested written comments in response to the Consultation Document from all individuals, companies or organizations with an interest in the importation, sale and/or use of RTTE in Qatar.

Eighteen (18) responses to the Consultation Document were received from the following parties (listed in the alphabetical order):

- 3Com International (Dubai)
- Cisco Systems International (Dubai)
- Denso Corporation (Japan)
- Eastern Technology Systems (Qatar)
- Fujitsu (Japan)
- International Compliance Management (UK)
- Pacific Industrial (Japan)
- Panasonic Corporation (Japan)
- Pioneer Corporation (Japan)

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- Qatar Telecom (Qtel) Q.S.C.
 - QSAT Communications (Qatar)
 - RigNet Qatar
 - Schlumberger Overseas (Qatar)
 - SES (Netherlands)
 - Tokai Rika (Japan)
 - Valeo Security Systems (France)
 - Visteon (Japan)
 - Vodafone Qatar Q.S.C.

Copies of the various submissions are being made available on ictQATAR's website.

ictQATAR wishes to thank all of the above parties for submitting their comments. ictQATAR views participation and all comments to be a valuable part of the consultation process.

ictQATAR is publishing this summary of the major comments that have been raised in response to the Consultation Document along with a précis of ictQATAR's views in relation to the comments received.

2 Summary of Comments and ictQATAR's Response

The summaries of the comments received in response to the Consultation Document are set forth below, followed by ictQATAR's preliminary views concerning the key issues raised. The questions and their order of appearance are the same as in the original Consultation Document.

Question 1: ictQATAR invites comments about the scope and objectives of the proposed Type Approval Policy.

Most respondents supported the scope and objectives of the Type Approval Policy while the others did not include any comments.

Question 2: ictQATAR seeks views on the proposed parties that can apply for Type Approval.

Most respondents supported the list of parties that can apply for Type Approval. One respondent requested clarity on the meaning of local and international manufacturers and in particular whether an international manufacturer would require a local presence in Qatar and/or a Qatari Commercial Registration to apply for Type Approval and if a manufacturer would be eligible to apply for Type Approval of RTTE that is not manufactured by it.

One respondent submitted that it would be better if only Authorized Importers and Licensed Operators apply for Type Approval to avoid the confusion for multiple Type Approval applications for the same products. Another respondent submitted that only authorized dealers should be allowed to complete the Type Approval procedures.

One respondent submitted that end-user companies should not be allowed to apply for Type Approval and preferred the current regime. Another respondent suggested that a Type Approval application and an Authorized Importer application could be submitted at the same time to gain time.

ictQATAR Response

A local manufacturer is a manufacturer that is based in the state of Qatar and whose business is to manufacture RTTE in Qatar. An international manufacturer is a manufacturer

based outside of Qatar (i.e., RTTE is manufactured outside of Qatar) that may have offices in Qatar to market its products. An international manufacturer is not required to have a presence in Qatar in order to apply for Type Approval. Applications for Type Approval can be sent from any place in the world. A Qatari Commercial Registration would not be required in the case of an international manufacturer applying for Type Approval. In addition, a manufacturer can apply for Type Approval only for RTTE that is manufactured by it.

One of the objectives of the Type Approval policy is to allow a broader range of parties to apply for Type Approval and thus this cannot be limited to Authorized Importers and Licensed Operators. Allowing manufacturers to apply directly for Type Approval will bring more flexibility and efficiency to the Type Approval regime and reduce the unnecessary administrative tasks by the applicants and ictQATAR. The regime will allow end-user companies to apply for Type Approval in order to be able to import RTTE for their own internal use. These companies do not require an authorization to import the equipment per the Telecommunications Law.

Given the simplicity and short time of the new procedures and to avoid any confusion, interested parties should first apply to ictQATAR to become Authorized Importer before submitting a Type Approval application. These two steps will be done in a short period of time.

Question 3: Do you have any comments about the proposal that once a type of RTTE is approved by ictQATAR, any eligible importer can import the same type of RTTE?

Most respondents supported the proposal. One respondent (a manufacturer) welcomed this proposal but warned that it would not be held responsible for actions taken by importers that are not authorized by it.

One respondent favored the current Type Approval and importation regime.

One respondent supported the proposal with reservation because only the first importer pays for Type Approval

One respondent proposed that Type Approval obtained by an Authorized Importer should only be valid for it, and if it is obtained by a manufacturer then it should be valid for all Authorized Importers.

ictQATAR Response

Only the parties who imported the RTTE into Qatar will be held responsible for any non-compliance with the Type Approval Regime. In addition, the unauthorized users of Licensed Radio Equipment will also be held responsible for owning and/or operating such equipment without the proper authorization from ictQATAR (as stipulated in Article 68 of the Telecommunications Law).

The first importer that applies for Type Approval of a particular type of RTTE will have the advantage of being the first to market the equipment in Qatar. This advantage is much greater than the minimal Type Approval fees that it has to pay. ictQATAR does not believe that a serious importer will wait for other parties to import the RTTE just to avoid paying that minimal fees.

ictQATAR's aim is to eliminate the need to type-approve the same equipment more than one time for the benefit of the market in general and also to reduce the administrative burden on all involved parties.

Question 4: Do you have any comments about the Simplified Type Approval Process. In particular, are there any other requirements that should be submitted with the Type Approval application?

All respondents supported having the simplified process.

One respondent suggested having the full process completed online and within one day. Two respondents requested specific time by which the process will be completed.

One respondent submitted that there would be no reason for not approving RTTE, which has been type-approved by recognized bodies, based on public health and safety.

Two respondents emphasized the importance of the selection of the recognized Type Approval bodies and believed this should be the subject of further consultation with the stakeholders.

One respondent believed that only RTTE that has been type-approved in other specified countries should be subject to the simplified procedure.

One respondent recommended including the telecommunications regulators in the GCC states in the list of recognized Type Approval bodies in order to unify the standards and

regulations in the region.

Eight respondents suggested accepting some Type Approval bodies from outside USA and Europe.

One respondent raised the concern that the validity of the warranty depends on the type of the equipment and cannot always be 12 month or more. Another one believed that the warranty document should not be required with the application because it would be given to customers. One respondent submitted that the warranty period should not be specified by ictQATAR.

Eight respondents suggested eliminating the requirement for a warranty document because it is not practical in some cases (e.g., vehicle-fitted radio equipment) and not required in other countries.

ictQATAR Response

The duration and exact procedures for the Simplified Type Approval Process will be addressed in the Type Approval Guidelines and Procedures which may be the subject of public consultation.

ictQATAR may in certain occasions not approve specific RTTE when there is a legitimate concern from other authorities in Qatar about public health/safety or the safety of existing public networks and infrastructure.

ictQATAR will in due time set the criteria for selecting the recognized Type Approval bodies and propose a list of these bodies. This may be the subject of public consultation.

ictQATAR cannot accept all the RTTE that has been type-approved by the telecommunications regulators in the GCC states. This is particularly valid in the case of radio equipment since the Frequency Allocation Plans in the GCC states are not necessarily the same.

ictQATAR will address the issue of warranty in a separate regulatory instrument. Specific warranty provisions will not be part of the Type Approval Regime.

Question 5: Do you have any comments about the Standard Type Approval Process. In particular, are there any other requirements that should be submitted with the Type Approval application?

No major comments were received about this process.

One respondent suggested having the full process completed online and within three business days. Two respondents requested a specific time by which the process will be completed.

One response suggested requesting only one sample equipment instead of two. Another one suggested that applicants should be made aware at an early stage if sample equipment is required for testing.

One respondent wanted to know the type of tests proposed to allow vendors to proactively test their systems.

Two respondents emphasized the importance of the qualification criteria in selecting the recognized testing and measurement bodies and believed this should be the subject of further consultation.

Regarding the warranty document, similar comments to those in the case of the Simplified Type Approval Process were received.

ictQATAR Response

The duration and exact procedures for the Standard Type Approval Process will be addressed in the Type Approval Guidelines and Procedures which may be the subject of public consultation.

ictQATAR may request up to two (2) sample equipment as required for testing purposes.

Recognized testing and measurement bodies may be the subject of further consultation in due course.

ictQATAR will address the issue of warranty in a separate regulatory instrument. Specific warranty provisions will not be part of the Type Approval Regime.

Question 6: Do you have any comments about having two Type Approval processes?

Most respondents supported having the two separate Type Approval processes while the others did not submit any comments.

Question 7: Are there any particular criteria or issues that ictQATAR should take into consideration in determining the recognized standards?

One response suggested drawing on established standards and specifications developed by European, US, Japanese and other recognized Type Approval bodies and that stakeholders should participate in determining the technical standards that would be recognized by ictQATAR.

One respondent encouraged ictQATAR to look at the broader range of standards that may not be related to just the technical specifications (e.g., intrinsically safe, corrosion resistant, adverse weather resistant).

One response suggested adopting the ETSI standards for RTTE. Another one recommended ensuring that the list of recognized standards remains flexible to add further standards in the future as appropriate.

ictQATAR Response

The technical standards that ictQATAR will recognize may be the subject of further consultation in due course and will be based on national standards and international well established standards including ETSI standards.

The list of recognized standards may be updated from time to time as deems necessary by ictQATAR.

Question 8: Do you have any comments about the validity period of Type Approvals?

Most respondents supported the unlimited duration of Type Approvals.

One respondent suggested considering a limitation of five years renewable in order to prevent the importation of obsolete equipment into Qatar and removing from the TA Register any equipment where technical standards have changed or defects become known.

About half of the respondents requested clarification about the criteria/cases where modifications to type-approved RTTE would require a new Type Approval.

ictQATAR Response

The Type Approvals will be for unlimited duration. However, ictQATAR reserves the right to remove any type of equipment from the TA Register when the equipment becomes obsolete or is known to cause damage to the public safety or the public network or to deteriorate the quality of service offered by public service providers.

A new Type Approval would be required when there is a significant change to technical specifications of the equipment. This includes, but is not limited to, modification to: the operating frequency band, RF power, and technical standards based on which the equipment was type-approved. A new Type Approval application would be required so that ictQATAR can make sure that the new technical specifications (e.g., operating frequency band) remain in line with the acceptable standards.

Question 9: Are there any comments about the proposed fees?

Most respondents supported the proposed fees. Some responses did not include any comments about this question.

One respondent submitted that the Annual License Fee of public fixed and mobile licenses covers ictQATAR's regulatory cost.

ictQATAR Response

The Annual License Fee of public fixed and mobile licenses covers the cost of ictQATAR in conducting its regulatory duties in relation to the proper implementation of the license terms and conditions. This does not cover the applications for Type Approval submitted by a public licensee.

Question 10: Are there any comments about the proposed importation process? In particular, do you support the proposal that an Authorized Importer can import any RTTE (from any brands) that (i) has been type-approved by ictQATAR and (ii) contains a valid warranty for customers in Qatar?

One respondent suggested making a differentiation in the RTTE that each category of importers is allowed to import and that Authorized Importers should meet specific criteria (e.g., having an established relationship with a particular manufacturer or its agent, ability to

provide full warranty services).

One respondent raised the issue of the grey market of GSM handsets that have faulty configuration setting and suggested that these should be prohibited and sales of GSM handsets should be allowed only by authorized dealers.

One respondent requested the specification of the criteria for becoming an Authorized Importer and the detailed lists of License-Free and Licensed Radio Equipment.

One respondent disagreed with including mobile handsets in the License-Free Radio Equipment Category which would introduce low standards handsets in the market and increase black market activities. It also suggested defining the list of RTTE that individuals may type-approve and import.

One respondent submitted that the importation of radio, microwave and VSAT equipment should be restricted to authorized parties.

One respondent did not support the new process and preferred the current one.

Some respondents suggested making all vehicle-fitted radio equipment license-free.

ictQATAR Response

In order to keep the new Type Approval regime flexible, simple and efficient, eligible importers can import any types of equipment as long as they respect the rules and regulations. In the case of Licensed Radio Equipment, the end-user must obtain the proper authorization from ictQATAR to own and operate the equipment. There is no reason for not allowing end-user companies to import such equipment for their own internal use provided that the required authorization is obtained from ictQATAR.

The exact requirements for becoming an “Authorized Importer” will be set out in the Type Approval Guidelines and Procedures that will be published by ictQATAR in due course and which will be part of the new Type Approval Regime.

The eligible importers, including Authorized Importers and Licensed Operators, will be allowed under the new Type Approval regime to import GSM handsets. GSM handsets fall under the so-called License-Free Radio Equipment as it would not be practical to require people to obtain a license from ictQATAR before purchasing a GSM handset.

As mentioned in the consultation document, the detailed lists of License-Free Radio Equipment and Licensed Radio Equipment will be included in a separate consultation on Spectrum Policy that will be published by ictQATAR in due course.

It is unrealistic to define the list of RTTE that individuals can apply for Type Approval and import. Individuals should have the right and freedom to import any end-user RTTE that has been type approved by ictQATAR and included in the TA Register.

All radio equipment fitted inside the cars will be considered under the License-Free Radio Equipment category, unless the equipment is classified as Licensed Radio Equipment.

Question 11: Is there any specific information that should also be included in these registers?

One respondent suggested including in the TA Register specific information such as operating frequency and RF power. Another one suggested including in the TA Register the brand name, country of origin and Authorized Importers.

One respondent suggested having one register combining the TA Register and the Importer Register.

ictQATAR Response

ictQATAR welcomes the suggestions for the type of information that should be included in the TA Register. The information about the equipment's operating frequency, RF power, brand name, country of origin will be included in the TA Register.

ictQATAR believes that it is more efficient and less confusing to have two separate registers, one for the type approvals and another one for the Authorized Importers.

Question 12: ictQATAR invites comments about the proposed policy for customs clearance.

Most respondents supported the proposed customs clearance policy. One respondent favored the current regime for radio equipment.

One respondent was concerned that radio equipment that requires a license would need to be licensed before it enters Qatar.

ictQATAR Response

Obtaining a license for operating a Licensed Radio Equipment before importing the equipment into Qatar aims to ensure that such equipment will not be offered for sale to people who do not have the required license that is stipulated in the Telecommunications

Law.

Question 13: ictQATAR invites comments about the proposed policy for selling RTTE in Qatar.

Most respondents supported the proposed sale policy. Only one respondent disagreed with the proposed policy and favored the current regime.

One respondent warned that the new policy would only work if ictQATAR is vigilant and has the capability to deploy the required resources and take the necessary enforcement actions.

One respondent suggested including the following condition: “The wholesaler or retailer must have a valid Commercial Registration (CR) in Qatar. The activities in the CR must include the selling of RTTE for wholesale or retail purposes”.

One respondent did not see a real value in requesting the importers to keep record of their wholesalers and retailers because this would not cover sale over the Internet.

ictQATAR Response

ictQATAR will use its capability and resources in a wise and effective way to perform the necessary market surveillance and enforcement activities.

ictQATAR welcomes the suggestion made about the requirement for a commercial registration and will address this in the Type Approval Guidelines and Procedures that may be subject to further consultation.

Sale over the Internet is somehow similar to the direct importation by individuals carrying the equipment with them while traveling to Qatar or receiving a shipment bought abroad by any means including Internet. Not being able to fully survey such equipment doesn't mean that there is no value in keeping the records of wholesalers and retailers by Authorized Importers and Licensed Operators. These represent the great majority of the sale of RTTE equipment in the country and those records will make it much easier for ictQATAR to perform market surveillance activities.

Question 14: Are there any specific comments or issues regarding the proposed marking and labeling policy?

Most respondents supported the proposed marking and labeling policy.

One respondent suggested that either all RTTE should have ictQATAR's label or they should not (in order to avoid confusion in the market in future). Another one raised concern about the potential delay in the Type Approval process since the equipment missing labels could be rejected or held during importation.

Some respondents requested more details about the label and the procedures.

ictQATAR Response

For RTTE that has not been previously type-approved by a recognized Type Approval body (i.e., Standard Type Approval Process) and consequently does not have any recognized international marking, a label from ictQATAR would be required to indicate to the Qatari market that this equipment is type-approved by ictQATAR.

More details about the marking and labeling requirements will be described in the Type Approval Guidelines and Procedures.

Question 15: Do you support this market surveillance and enforcement policy for RTTE? Are there any specific suggestions in this regard?

Most respondents supported the proposed market surveillance and enforcement policy.

One response suggested that ictQATAR initiate spot checks and surprise inspections of Authorized Importers and other sellers and that the general public should be made aware of the outcome of ictQATAR's enforcement actions. It also emphasized the importance for ictQATAR to maintain a proper oversight that only compliant equipment is imported and used in Qatar because the use of unauthorized RTTE can cause a significant negative impact on the services provided by Licensed Operators (e.g., non-compliant radio equipment, GSM handsets and fixed terminal).

One respondent raised the issue of how ictQATAR was going to check many unauthorized and non-type-approved radio equipment currently in Qatar and noted that it was very difficult to control the entry of RTTE at the airport. It suggested that a fully-fledged frequency monitoring system should be placed in many areas in Qatar to monitor unauthorized frequencies.

ictQATAR Response

ictQATAR will choose the most efficient and effective ways to perform the market surveillance activities. These will include spot checks and surprise inspections of Authorized Importers and other sellers of RTTE. The general public will be made aware of any enforcement actions taken by ictQATAR.

ictQATAR is in the process of expanding its frequency monitoring systems.

Question 16: Are there any specific issues that should be addressed at this stage to ensure a proper transition from the current Type Approval Regime to the new one?

One respondent suggested that ictQATAR limit the export of RTTE from Qatar to other countries since unauthorized trading in RTTE has the potential to harm existing legitimate dealer relationships and further fuel grey market activity.

Some respondents suggested informing the stakeholders well in advance about the implementation of the new regime.

One respondent suggested the ability to pick up approval stickers for previously type-approved equipment for ease of return to manufacturer and return from repair.

ictQATAR Response

The exportation of RTTE from Qatar is not relevant to the scope of Type Approval Regime and it is not within the jurisdiction of ictQATAR.

Prior to the implementation of the new Type Approval Regime, ictQATAR will conduct a major public campaign to inform the general public and all stakeholders (telecoms dealers, sellers, telecoms service providers, manufacturers, local and regional distributors, Customs, Ministry of Business and Trade, etc) about the new regime and how it differs from the current one.

All equipment that is already type-approved will be included in the TA Register published on ictQATAR's website. This will provide a sufficient proof that the equipment is type-approved in Qatar.

Question 17: Are there any other subjects or issues that should be addressed in the Type Approval Policy?

One respondent submitted that importers, sellers and providers of Licensed Radio Equipment must have a license/authorization from ictQATAR

One respondent believed that the issue about responsibility should be further clarified (e.g., manufacturers cannot be held responsible for actions taken by importers which are against the ictQATAR regulations).

Many respondents wished that the new regime would be implemented soon and requested clarity about that.

One respondent requested more clarity about the process to be followed in developing new regulations, policies and procedures that will impact the industry and claimed that the current Type Approval process described in the document differs from the one being followed.

ictQATAR Response

The Telecommunications Law only requires an authorization from ictQATAR for importing telecommunications equipment for marketing purposes. As such, end-user individuals and companies are free to import type-approved RTTE for their own use without an authorization from ictQATAR provided that they have the proper license or authorization from ictQATAR to own and operate the Licensed Radio Equipment.

Only the parties who imported the RTTE into Qatar would be held responsible for any non-compliance with the Type Approval Regime.

ictQATAR believes that the description of the current Type Approval regime in the consultation document was accurate. In all cases, the new regime will replace the current one when implemented.

The consultation document clarified that other documents related to the Type Approval Regime would be published in due course. These include: Type Approval guidelines, procedures, forms, recognized technical standards, recognized Type Approval bodies and recognized testing laboratories.

3 Next Steps

The Type Approval Regime consists of the following elements:

1. Type Approval Policy.
2. Type Approval Guidelines.
3. Type Approval Procedures.
4. Type Approval Forms.
5. List of Type Approval bodies that are recognized by ictQATAR.
6. List of accredited laboratories / testing and measurement bodies recognized by ictQATAR.
7. List of technical standards recognized by ictQATAR.
8. Type Approval Register.
9. Importers Register.

The final Type Approval Policy has been published on ictQATAR's website.

The development and implementation of the Type Approval Regime has to be carried out with care, as it changes the way business is conducted, for private parties and Authorities at the same time.

As a next step, ictQATAR will develop elements 2 (Type Approval Guidelines) to 9 (Importers Register) and will have discussions as necessary with relevant concerned parties.

Thereafter, ictQATAR will publish the timeline for the implementation of the Type Approval Regime which is expected to take place in the first half of 2010.