

Rules and Regulations on the ICT Type Approval



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Bhutan InfoComm and Media Authority

Bhutan InfoComm and Media Authority
Royal Government of Bhutan
Thimphu, Bhutan

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Chapter 1 : Preliminary

1.1 Legal Basis

These Rules and Regulations are issued as per Section 51(2) of the Information Communications and Media Act of Bhutan 2018 (“the Act”) to ensure ICT and radio equipment or devices are in compliance with international and regional technical standards, environment and safety standards, including electromagnetic radiation and emissions.

1.2 Title and Commencement

These Rules and Regulations shall be called the Rules and Regulations on the ICT Type Approval and shall come into force from the corresponding to the

1.3 Scope of Application

These Rules and Regulations shall apply to:

- a) Parties that import for use or sale, sell or hire out any ICT apparatus including Radiocommunications equipment within the Kingdom of Bhutan; or
- b) Any foreign parties that intend to Type Approve for sale of ICT apparatus including Radiocommunications equipment in Bhutan.

1.4 Amendments

Amendment to these Rules and Regulations shall be made in accordance with the needs and changes in national priorities, Government policies and industry trends. The amendment of these Rules and Regulation, by way of addition, variation or repeal may be effected by the Authority as and when required.

1.5 Repeal

With the commencement of these Rules and Regulations, the Type Approval Rules 2019 is hereby repealed.

1.6 Interpretation

The power to interpret these Rules and Regulations shall vest with the Authority who may issue such instructions as may be necessary to give effect to and implement the provisions of these Rules and Regulations.

1.7 Rules of Construction

In these Rules and Regulations, unless the context indicates otherwise, the masculine gender shall include the feminine gender and the singular shall include the plural and vice versa.

1.8 Definition

In addition to the following terms, or unless the context requires otherwise, the words and terms used in these Rules and Regulations shall have the same meaning as assigned in the Act.

Apparatus/Equipment Type means a type of communications equipment specified in terms of its manufacturing brand name, trade name, model number, version number and function mentioned in the application for Type Approval.

Certificate Holder means a licensed entity who has obtained type approval certificate for a particular ICT apparatus.

Declaration of Conformity means a declaration, meeting the requirements identified in these Rules and Regulations that an Equipment or Apparatus Type complies with applicable Type Approval Standards.

ICT means information and communication technology, which includes the full range of electronic technologies and techniques used to manage information and knowledge.

ICT Apparatus means an equipment that is used or capable of being used principally for transmission and reception of radio frequencies or to connect with the telecommunications network including the computers.

Radiocommunication equipment means equipment capable of transmitting, emitting and receiving the radio waves for specific telecommunication purposes.

Type Approval means a certificate of conformity issued by the Authority for ICT apparatus that meets a minimum set of regulatory, technical and safety requirements;

Radio and Telecommunications Terminal Equipment (RTTE) means all telecommunications terminal equipment which connects directly to a public telecommunications network and all intentional emitters of electromagnetic radiation (Radio waves).

Type Approval Standards means the standards adopted by the Authority pursuant to Section 51(2) of the Act.

Chapter 2: General provisions

2.1 Objective

The objectives of these Rules and Regulations are to:

- a. Ensure that the ICT apparatus are interoperable and can be interconnected with any communications networks.
- b. Ensure that the ICT apparatus do not cause any interference and damage to the public telecommunications network and public health concerns.
- c. Ensure that the ICT apparatus does not generate electromagnetic disturbance exceeding the prescribed internationally accepted level.
- d. Promote and assure the quality of ICT apparatus used in Bhutan .
- e. Define processes for the Type Approval of ICT apparatus and Radiocommunications equipment, and
- f. Identify applicable technical standards, including those promulgated by International standard organization and Regional standards organization.

2.2 Requirement for Type Approval

2.2.1 Any person or entity who intends the following shall require Type Approval Certificate from the Authority:

- (i) use, sell or offer for sale the ICT apparatus within Bhutan.
- (ii) connect any ICT apparatus and Radiocommunication equipment to the telecommunications network in Bhutan for the purpose of electronic communication;
- (iii) import the ICT apparatus into Bhutan.

2.2.2 The Type Approval Certificate for the ICT apparatus and Radiocommunication equipment shall be obtained prior to the use, importation, connection or sale in Bhutan.

2.2.3 Notwithstanding the section 2.2.1, the ICT apparatus and Radiocommunication equipment that has been acquired via online shopping or brought into Bhutan also requires Type Approval from the Authority.

2.2.4 The Type Approval procedures and processes shall comply with the requirements outlined in these Rules and the National Radio Rules and Regulations 2021.

2.2.3 A type approval certificate will be issued to an applicant upon successful Type Approval of particular make and model of equipment. However, if the particular make and model of applied

apparatus had already been Type Approved to any previous applicant, the later applicant need not have to apply for another Type Approval for apparatus of same make and model.

2.2.4 The applicant shall also commit to accepting responsibility for discontinuing importation and sale, and recall all the equipment already on the market in the case of defects in the equipment resulting in unacceptable performance due to non-compliance to the Authority's technical standards and specifications.

2.2.5 The manufacturer shall either directly apply to the Authority for Type Approval on its ICT apparatus products, or the local dealer and/or representative shall apply on behalf of the manufacturer.

Chapter 3: Determining Standards and Recognised Bodies

3.1 Determining Standards

3.1.1 The Authority shall maintain the standards of ICT Apparatus which are recognized and developed by any relevant agencies in Bhutan for the Type Approval process. The standards shall be reviewed and updated periodically as per the provision of the Act.

3.1.2 The Authority shall accept relevant international standards which are developed by a recognized international standard development organisation.

3.1.3 The Authority also shall accept the international standards recognised by the Mutual Recognition Arrangement (MRA) partners.

3.2 Type Approval Bodies recognized by the Authority

3.2.1 The test reports and data obtained from laboratories that have been accredited and recognised by a body who is a member in the Mutual Recognition Agreement (MRA) of the International Laboratory Accreditation Cooperation (ILAC) shall be recognized by the Authority for the issuance of Type Approval Certificate.

3.2.2 The Authority may also accept test reports, compliance certificates and relevant declaration of conformity issued under the bilateral or multilateral mutual recognition agreements concluded by the Authority or by the Royal Government with other countries, regional organizations or international organizations.

3.3. Publishing Type Approved Standards

3.3.1 The Authority shall publish on the website on a quarterly basis in a year on the ICT apparatus which are Type Approved.

3.3.2. The ICT apparatus Type Approved information published shall contain only the make and model of the equipment and not the applicant details.

Chapter 4: Prohibition of Sale and Import of ICT Apparatus

4.1 No person or firm shall offer for sale, or have in possession with a view to sell any ICT apparatus;

- a. Which is contrary to the applicable technical standards developed by the Authority and relevant authorised agencies.
- b. Which is not Type Approved as required by these Rules and the National Radio Rules and Regulations 2021.
- c. Which has been certified or Type Approved but is subsequently altered or modified and no longer complies with the standards.

Chapter 5: Type Approval Application

5.1 Application Requirement

5.1.1 For obtaining the Type Approval Certificate, the applicant shall submit an application (**Annexure A**) along with:

- (i) Valid Citizenship Identity Card Copy (if individual applicant)
- (ii) Valid Business License (if an applicant is a company).
- (ii) The Declaration of Conformity issued by the manufacturer of the ICT apparatus and RTTE.
- (iii) Test report/certificate issued by any internationally accredited test laboratories recognized by the Authority. The test report shall specify:
 - a) Effective use of radio frequency
 - b) Health and the safety, and
 - c) Electromagnetic Compatibility.
- (iv) Interconnection with the National Telecommunications Network (in case the equipment is to be interconnected to National Telecommunications Network);

5.1.2 The applicant shall pay the Type Approval fees as prescribed in Annexure B of these Rules and Regulations.

5.2 Validity of the Type Approval

5.2.1 The Type Approval for any particular ICT apparatus and RTTE shall be granted with one time certificate provided no modifications have been made to the approved equipment.

5.2.2 A new Type Approval shall be obtained from the Authority if the existing Type Approved ICT apparatus and RTTE has been modified with respect to manufacturing brand name, product name, model number, functions or any changes that affect the earlier information submitted to the Authority.

5.3 Revocation of Type Approval

5.3.1 The Authority shall revoke the Type Approval, if significant evidence is found that the ICT apparatus and RTTE:

- (i) Interferes with the operation of any licensed communications network.

- (ii) Constitutes a public hazard, or
- (iii) Is not in compliance to the standards developed by relevant agencies
- (iii) If the information submitted to the Authority is found to be counterfeit or false.

Chapter 6: Exemption from Type Approval

6.1 The lists of RTTE that are exempted from the need to apply for Type Approval are given in **Annexure C** of these Rules and Regulations. The Authority may review and modify the list, whenever such revision is felt necessary and required.

Chapter 7: Obligation of the Certificate Holders

7.1 Obligation of the National Type Approval Certificate Holders

7.1.1 The Certificate Holder shall ensure:

- a. To maintain the list of equipment sold or installed (location) or configured including the list of frequency as assigned by the Authority. The Authority may seek such information as and when required;
- b. That any ICT apparatus and RTTE in his/her possession is not used for any unlawful purpose;
- c. Not to conduct any test of radio transmission without the prior approval of the Authority;
- d. To permit authorized officials of the Authority, upon production of proof of identity, to enter any land, building or premises owned or occupied by the Certificate Holders, to inspect and examine any ICT equipment and RTTE.
- e. To re-export damaged and defunct equipment to the manufacturers or its authorized agent for recycling as per the Waste Prevention and Management Regulations 2012.

7.1.2 The Certificate Holder shall not have in his/her possession any ICT apparatus and RTTE which:

- a. Is capable of monitoring, scanning or intercepting the transmission of information or communication signal; or
- b. Can be used to alter, delete or remove the ESN (Electronic Serial Number), MIN (Mobile Identification Number), IMSI (International Mobile Subscriber Identity) or PIN (Personal Identification Number) of any registered ICT equipment or to insert or duplicate the ESN, MIN, IMSI or PIN of any registered ICT equipment in any unregistered ICT equipment.

7.2 Labeling

All ICT apparatus and RTTE approved by the Authority shall carry a label “Type Approved by BICMA” as prescribed below:



Chapter 8: Market Surveillance

8.1 The Authority may conduct market surveillance on ICT Apparatus and RTTE that requires Type Approval under the following conditions:

- a. In the event that a complaint is made by a consumer,
- b. In the event when the Authority receives a report of interference,
- c. During a visual inspection of equipment in a retail outlet and/or,
- d. While conducting a random surveillance by the Authority to ensure compliance.

8.2 In carrying out the Market Surveillance, the officials of the Authority may conduct a visual examination of the equipment specifications, label and certificate,

8.3 If the ICT apparatus is found to be non-compliant with applicable technical standards determined, published or recommended by the relevant agencies, the suppliers shall be notified to cease using or selling the ICT equipment and dispose of it at its own expense or the Authority's inspectors may seize the equipment and dispose of it.

Chapter 9: Breach of Rules and Regulations

9.1 Contravention and Enforcement

9.1.1 Any Certificate Holder who fails to abide by the obligations prescribed in these Rules and Regulations or the Type Approval Standards shall be liable for an offence of petty misdemeanor.

9.1.2 For repeated violation by the Certificate Holder, the Authority shall:

- a. Seize the equipment, and
- b. Revoke the Certificate.

9.1.3 Any person found operating RTTE without certification by the Authority shall be liable:

- a. For a penalty of petty misdemeanor
- b. Seizure of the RTTE
- c. Blacklist for obtaining certification.

Annexure A: Application form for Type Approval

Instructions for completion

1. Fill up all relevant parts in BLOCK letters. If a part is not applicable, write “N/A”.
2. Tick where appropriate.
3. The completed form, together with the required supporting documents and application fee should be sent to Bhutan InfoComm and Media Authority.
4. Application form without complete information and documents shall be considered non responsive.

Part A: Particulars of the Applicant		
Name of Company:		
Name of Applicant:		
Company Address:	Fixed Line #:	Fax #:
	PO Box:	Email:
	Mobile #:	Website:
	Authorised Person Name:	
	Designation:	
Part B: Details of the Equipment		
Intended Use:	Individual	Business
Name of the Equipment:		
Brand/Trade Name:		
Model Name/Number:		
Serial Number/Code:		
Manufacturer's Name:		
Manufacturer's Address:	Postal Address:	
	Phone No:	
	Contact Person:	
	Email ID:	

Country of Import:		
Acceptance Test Information:	Factory Acceptance Test Performed?	Factory Acceptance test Performed?
	Yes	No
	Date of FAT and Time:	Place of Test:
	Site Acceptance Test Performed?	Site Acceptance Test Performed?
	Yes	No
	Date of SAT and Time:	Place of Test:

Part C: Documentation

1. Type Approval Certificate copy from other international recognised Regulatory Bodies
2. Copy of Operation and Technical document
3. EMR Test Report (Only for Radiocommunication Equipment)
4. Signed Declaration of Conformity
5. Copy of Business License
6. Copy of Citizenship Identity Card

Part D: Declaration

All the information and documents submitted along with this application form are to the best of my /our knowledge true and correct.

Signature of the applicant:

Name:

Date: (Company Seal)

Annexure B: Type Approval Fees

1. National Applicant

- a. If the certificate is to be issued to the National Applicant, the Type Approval fees are as shown in the table below:

Sl. No	Purpose	Application Fee	Fee in Nu.	Remarks
1.	For distribution and sale	Nu. 500	1500 per model	A single brand will have many models
2.	For personal use/their own organisation use	Nu. 500	1000 per model	

2. International Applicant

- a. If the certificate is to be issued to International Applicant, the Type Approval fees are as shown in the table below:

Sl. No	Fee in USD.	Equivalent Fee in Nu.	Remarks
1.	USD 20 per model	20 x @USD/Nu current exchange rate	A single brand will have many models

- b. Once the application is reviewed by the Authority and is applicable for issuing Type Approval Certificate, the Proof of payment of the prescribed fee must be submitted to the Authority. This proof of payment can be, either a scanned image or screenshot of a bank or credit card statement.
- c. For international applications, the application process fee should be made by bank transfer to the following account:

Beneficiary Bank:

Bank of Bhutan Ltd. Thimphu, Bhutan

Receiver's Correspondent Bank: Standard Chartered Bank

One Madison Avenue

New York, N.Y.10010-3603

Account No: 3582036853001 Swift Code: SCBLUS33

CHIPS ABA0256

FEDABA026002561

Ultimate Beneficiary:

1. Account No: CD/100902335
2. Beneficiary Name: **Bhutan InfoComm and Media Authority.**
3. BOBL Branch Name: **Thimphu**

Annexure C: List of ICT apparatus exempted from Type Approval

Apparatus Type	Description	Specification of the Technology
Mobile Handsets	Equipment that receives and transmits voice and data signals under the control	GSM and UMTS

	of a public network for personal communications.	
Telephone handsets including cordless, PABX and fax	Equipment that can receive and transmit voice and data signals under the control of the public network.	All types of telephone handsets
Data Modem	Equipment that can receive and transmit voice and data signals under the control of the public network.	ASDL/DSL and any type of wireless modem
RTTE embedded in personal computer (PC)	Equipment which is embedded in either PC or laptop that could either receive or transmit with output power below 100mW.	Laptop or personal computers equipped with short-range radio technology such as WiFi, Bluetooth
Fixed short-range wireless terminal equipments	Equipment that offers low risk of interference with other radio services, and has lower range and power.	Bluetooth, Wi-Fi, CCTV, Cordless audio devices (including wireless microphones),
Amateur Radio Equipment	Equipment that is used by the licensed radio amateur user	Amateur radio in line with ITU region 3 requirements

Broadcast Receivers	Equipment that can only receive sound, data and television broadcasting services	Global Positioning System (GPS), Radio sets (FM/AM/SW), Satellite dish, Set-top-box
Infrared remote control equipment	Equipment with short range infrared remote control device	Remote control, Access control (door and gate opener), Alarms and movement detector,

Military equipment	Equipment used by armed forces for communications and security purposes	All types
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Annexure D: List of recognized International Standardization Bodies

The following International Standardization Bodies are recognized by the Authority:

SI International Standardization Bodies

1. International Telecommunications Union (ITU)
2. Inter Organization for Standardization (ISO)
3. American National Standards Institute (ANSI)
4. European Telecommunications Standards Institute (ETSI)
5. Telecommunications Industry Associations (TIA)
6. International Electrotechnical Commission (IEC)
7. Institute of Electrical and Electronics Engineering (IEEE)
8. Internet Engineering Task Force (IETF)

9. Organization for the Advancement of Structured Information Standards (OASIS)
10. The 3rd Generation Partnership Project (3GPP)
11. The 3rd Generation Partnership Project 2 (3GPP2)
12. Regional Asia Information Security Standards Exchange (RAISS) Forum
13. Japanese Accreditation Board for Conformity Assessment (JAB)