



Decision 01 of 2020 on the Type Approval Certification and import Permit Application processing Fees, for the Republic of Vanuatu

Introduction

The Telecommunications, Radiocommunications and Broadcasting Regulator (TRBR), has witnessed the rapid increase in the uptake of mobile, internet, Pay-tv and radio services in Vanuatu. It is now evident that the market is seeing an increase in the number of radiocommunications, telecommunications and Broadcasting devices and equipment from different vendors and suppliers. Some of which may be of low quality and may not be compliant with applicable international standards and requirements.

In 2018, the TRBR implemented the Telecommunications, Radiocommunications and Broadcasting Type Approval and Conformity to Technical Standards Regulation Order No.191 of 2018 (the Regulation) to overcome any present or potential problems as the result of importing low quality non-compliant Radiocommunications and Telecommunications Terminal Equipment (RTTE). Type approval is a process by which Information, and Communications Technology (ICT) equipment and devices, such as RTTE, is authorized for sale and use in a country ("approved"). It involves verification of the equipment against the applicable international standards and requirements to ensure that the ICT equipment or RTTE does not cause any interference, or long or short term damage to the radio and telco networks, the environment and also the consumers.

To date, the TRBR has received over 200 applications for Type Approval Certifications and it has come to TRBR's attention that the certification process for this activity is time consuming and that it requires a lot of TRBR resources. Therefore, the TRBR wishes to inform all valuable customers about the introduction of the type approval certification and import permit processing fees for both the Manufactures and the Local Importers.

Legal Basis

Section 7 of the Telecommunications, Radiocommunications and Broadcasting Regulation Act 30 of 2009 as amended by Amendment 22 of 2018, (the Act) prescribes the general functions and powers of the Telecommunications, Radiocommunications and Broadcasting Regulator (TRBR). Sub-section 7(3) of the Act states:

“The Regulator may, with the approval of the Minister, make such regulations as may be necessary or convenient to give effect to the provisions of this Act”, and Paragraph 7(4) (f) of the Act states that “imposing restrictions or limitations upon the importation, sale or use of any equipment used or likely to be used in connection with radiocommunications or telecommunications”.

Clause 9 sub-clause 4 of the Regulation states that:

(4) The Regulator may define and charge a permit application processing fee in respect of each application received. The fee must be paid with the applications and applies irrespective of whether the application is granted or refused.

Reason for the Decision

The TRBR have made this Decision for the following reasons:

1. In order that TRBR fulfil its function in accordance with the Act and the Regulation.
2. To recover the administrative costs for the management of the Type Approval certification and import permit processing and data analyses having regard to the costs typically incurred in Vanuatu and the experience of other regulators in the Pacific region as shown in table 1 in Schedule 1.
3. To ensure that ICT/RTTE equipment's (devices) imported for sale and used are in compliance with the applicable technical standards in Vanuatu.
4. To prohibit the sale and use of non-standard devices in Vanuatu.
5. To Issue permits for standards devices that are imported for use, sale and manufacture in Vanuatu.
6. To ensure that there is fair use of different technologies in Vanuatu but in accordance with the standards set out in the Type Approval and Conformity to Technical Standards Regulation Order No.191 of 2018 (the Regulation).

Decision

Considering the factors set out above and in exercise of the powers vested in me under the Act and the Regulation, I, Brian Winji, the Telecommunications, Radiocommunications and Broadcasting Regulator, make the following Decisions:

1. The TRBR will, when it processes an application for a Type Approval Certificate to a manufacture or exported for the approval of a particular model to be imported into Vanuatu, charge the fee set out in schedule 2;
2. The TRBR will require the Local Importers to obtain Type Approval Import Permit from TRBR for the approval for importation, use and for sale of a particular model each time a consignment of relevant equipment is imported to Vanuatu. TRBR will charge the fee set out in schedule 2 each time an application is received for a Type Approval Import Permit. The fee must be paid with the application and applies irrespective of whether the application is granted or refused;
3. The Certificate/Permit granted by the Regulator to the Manufacture or Local Importer shall come into effect on the day on which it is issued, and the duration of the Permit is specified in clause 11 of the Type Approval and Conformity to Technical Standards Regulation Order No.191 of 2018 (the Regulation);
4. In the future TRBR will include fees for storage and demolition of non-standardized devices into this fee schedule after consultation with local importers;
5. The TRBR will review applications on a first come first served basis;
6. TRBR will review this decision in 2022, following a suitable period of operation; and
7. Payments in relation to applications for Type Approval Certification and for Type Approval Import Permits may be made via TRBR bank account:

Account name: **Telecommunications, Radiocommunications and Broadcasting Regulator**
Account number: **2000493656**
Bank Name: **Bank South Pacific (BSP)**
SWIFT Code: **BOSPVUVX**
BSB Code: **039033**
Fees: **refer to Table 2 of Schedule 2 of this document.**

Or Via Online Portal: <https://www.trbr.vu/en/type-approval>

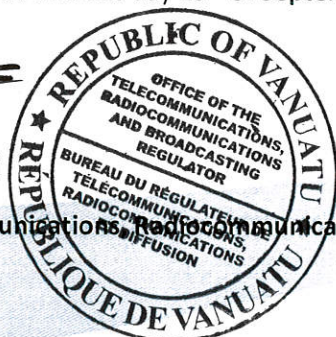
This Decision 01 of 2020 is effective on the day it is signed.

Made at Port Vila this day 29th of September 2020



Brian Winji

Telecommunications, Radiocommunications and Broadcasting Regulator (TRBR)



Schedule 1

In the process for determining a standard and fair fee structure for the type approval certification process, the TRBR have considered the fees set out in some of the well-established Regulator's in the Pacific region and have determine a fee schedule that is suitable for TRBR and the Republic of Vanuatu as indicated in Table 1 below.

Table 1: Pacific Island Countries that have implemented Type Approval administrative fees

Country	Organization Name	Fees	Comment
Fiji	TAF	109 FJ\$	Please refer to this link for more information: http://www.taf.org.fj/
PNG	NICTA	150.00 per hour per application	Please refer to this link for more information: https://www.nicta.gov.pg/
New Zealand	RSM	Not Specified	Self-Type Approval process and not by the Regulator so no fees collected by the Regulator, applicant only pay the person who does the test to certify that the equipment complies with international standards. These fees cannot be adopted, as we do not do have testing facilities here in Vanuatu.
Australia	ACMA	Not Specified	Certain companies do the testing and provide the Type Approval certification and not the Regulator, so no fees collected by the Regulator, applicant only pay the person who does the test to certify that the equipment complies with international standards. These fees cannot be adopted, as we do not do have testing facilities here in Vanuatu.

Schedule 2

The TRBR also, towards determining a fair fee structure, considers its internal processes towards issuing a Type Approval Certificate or Permit as cited below;

1. Number of hours spent in: -
 - reviewing document submitted by the Manufacture, and local importers,
 - drafting and finalizing the draft Manufactures certificates and local importer permit

2. TRBR internal resources.
 - Printing, scanning and photocopying,
 - Papers and inks
 - Data base management

After considering the fees mention in table 1 in Schedule 1 above, and the TRBR internal type approval certification process, the TRBR have determined that the fee schedule will be as summarize in table 2 below excluding VAT:

Table 2: TRBR Fee Schedule for applications for Manufactures and Local Importer Type Approval Certifications and Type Approval Import Permits

Name of Applicant*	Type of Certification	Type Approval administrative fees
Manufactures or Supplier	Type Approval Certificate for Manufacture per model	6,000 VT
Local Importer	Type Approval Import Permit for Local Importer per application.	1,000 VT

* Note that the applicant shall include authorised local agents for manufacturers, suppliers or importers