

INFORMATION and COMMUNICATION TECHNOLOGIES AUTHORITY



12TH Floor, The Celicourt, Sir Celicourt Antelme Street,
Port Louis, MAURITIUS

Ref. ICTA/DEA/TD/1/2010

23 April 2010

THE TELECOMMUNICATION DIRECTIVE 1 OF 2010

The Information & Communication Technologies Authority (hereinafter referred to as the **Authority**) in exercise of its statutory functions under the Information & Communication Technologies Act 2001 (as amended), and notwithstanding the obligations already specified in the Dealer's Licence, hereby issues the following Directive, pursuant to sections 16(e) and 16(d) combined with sections 18(1)(n), 18(1)(o), 18(1)(u) and sections 24, 26(a) and 26(e) of the said Act.

1. Short title and Commencement

- (i) This Directive shall be called "The Telecommunication Directive 1 of 2010 – (TD 1 of 2010)".
- (ii) The Telecommunication Directive 1 of 2010 shall come into effect on 1 June 2010.

2. Scope and Objective

This Directive provides for additional obligations on licensees holding a valid Dealer's Licence from the **Authority, hereinafter referred to as Licensed Dealers.**

The objective of this Directive is to protect consumer interests with regard to the repair of radiocommunication/telecommunication equipment and to the importation and commercialization of spare parts.

3. Consequential Amendments

- 3.1. Provisions 3.10 and 3.11 of Telecommunication Directive 1 of 2009 are repealed.
- 3.2. Provision 3.12 of Telecommunication Directive 1 of 2009 is amended to include the following in the table. The amendments shall be applicable for all imports that have been made after the coming into effect of these Directives:-

Type of Equipment	Requirements/Documents to be produced at Customs
Secondary cells/batteries imported in bulk for sale and intended for use with telecommunication/radiocommunication equipment (e.g. mobile phones)	<ul style="list-style-type: none">▪ Valid Dealer's Licence▪ Authorisation from the Authority

<p>Battery chargers imported in bulk for sale and intended for use with telecommunication/radiocommunication equipment (e.g. mobile phones)</p>	<ul style="list-style-type: none"> ▪ Valid Dealer's Licence ▪ Authorisation from the Authority
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4. Interpretation

“accessory” means a non-essential supplementary part or object of a radiocommunication/telecommunication apparatus or device including an earphone, a pouch, a casing

“Dealer” means a person or entity engaged in such activities as importing, selling, exposing, offering for sale, hire and repair of telecommunication apparatus or device or of their spare parts;

“spare part” means an essential replacement for a faulty component in a radiocommunication/telecommunication apparatus or device including a secondary cell or battery and charger;

“unauthorized servicing” means any service rendered to alter the International Mobile Equipment Identity (IMEI) number or code of any mobile telephone;

“workshop” means a place where a Licensed Dealer is duly authorised to operate, which is adequately equipped and is staffed by such qualified personnel for the repair, service or maintenance of radiocommunication/telecommunication apparatus or device

5. No Dealer's licence is required for the importation and sale of an accessory only;

6. Additional obligations on Licensed Dealers Regarding the Importation and Sale of Spare Parts and Accessories

6.1. The provisions of clause 6 of these Directives shall not be applicable in respect of those spare parts that Licensed Dealers already have in their possession or have imported prior to the coming into effect of these Directives;

6.2. The Licensed Dealers shall ensure that the spare parts that they commercialize are of good quality and are safe for the public;

6.3. All products imported and sold by Licensed Dealers shall have their labels and instructions written in English or French;

6.4. The Licensed Dealers shall only import and sell secondary cells/batteries and battery chargers which may be clearly identified by their brand name or manufacturer and model number as being originals;

6.5. Licensed Dealers shall only import and sell secondary cells/batteries that are of good quality and safe for the public and the environment and compliant with the relevant standards or European Directives (e.g. IEC 62133, International Electrotechnical Commission for Electrical Equipment (IECEE) CB certification, EU RoHS Directive, Directive 2006/66/EC);


6.6. Licensed Dealers shall only import and sell battery chargers that comply with the IEC 60950 safety standard or other relevant European/International safety standard;


- 6.7. Licensed Dealers shall request and obtain from their suppliers declaration of conformities certifying that the secondary cells/batteries and chargers comply with the abovementioned standards;
- 6.8. Licensed Dealers **shall prior to importing** secondary cells/batteries request the authorisation of the Authority and submit:-
- 6.8.1. The details of secondary cells/batteries which they intend to import, including brandname/manufacturer and model number;
- 6.8.2. Declaration of conformities to relevant standards or European Directives (e.g. IEC 62133, International Electrotechnical Commission for Electrical Equipment (IECEE) CB certification, EU RoHS Directive, Directive 2006/66/EC), issued in relation to the secondary cells/batteries which they intend to import;
- 6.9. Licensed Dealers **shall prior to importing** battery chargers request the authorisation of the Authority and submit:-
- 6.9.1. The details of the battery chargers which they intend to import, including brandname/manufacturer and model number;
- 6.9.2. Declaration of conformities to the IEC 60950 safety standard issued in relation to the battery chargers which they intend to import;
- 6.10. Licensed Dealers shall submit a copy of the authorisation granted by the Authority together with a copy of their Dealer's Licence to Customs in order to clear their consignments of batteries and battery chargers;
- 6.11. Where a Licensed Dealer has chosen to request authorisation after having imported its products or where its products have already reached Customs, the Authority shall take reasonable time to process the request and shall not be liable in any manner whatsoever in respect of the detainment of the goods at Customs;
- 6.12. Licensed Dealers shall provide a warranty of at least six months on all spare parts sold;

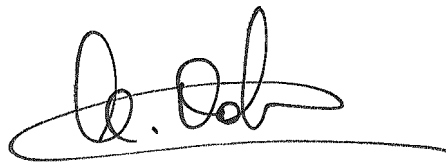
7. Additional obligations on Licensed Dealers Regarding Service, Repair and Maintenance

- 7.1. Licensed Dealers who have been issued with their licence prior to the coming into effect of these Directives and who are involved into service, repair and maintenance of telecommunication/radiocommunication apparatus and devices shall make themselves known to the Authority and shall implement the provisions of clause 7 of these Directives not later than six (6) months as from the date of coming into effect of same;
- 7.2. The service, repair and maintenance of telecommunication/radiocommunication devices shall be done in such reasonable and competent manner as to avoid either degradation or deviation from the normal operation of the devices after service repair and maintenance;
- 7.3. The minimum qualification for personnel who are directly in charge of service, repair and maintenance of telecommunication/radiocommunication apparatus and devices, including mobile telephones, shall be a valid National Certificate Level 4 Consumer Electronics Servicing or National Certificate Level 4 Industrial Electronics or equivalent as certified by the Mauritius Qualification Authority (MQA);
- 7.4. The workshop shall ensure that it is adequately equipped, has antistatic protection and that it has the appropriate instrument to effect service, repair and maintenance of telecommunication/radiocommunication apparatus and devices;

- 7.5. The workshop shall not have in its possession or inventory any equipment and/or software program used for altering the IMEI code or number of any mobile telephone;
- 7.6. The service, repair and maintenance of radiocommunication equipment shall only be done in accordance with the manufacturer's policy pertaining to service, repair and maintenance;
- 7.7. The workshop shall not effect a repair, especially at the electronic circuit level, where it does not have the competence and/or authorization to do so;
- 7.8. The workshop shall at all times make use of good quality and genuine spare parts and shall undertake service, repair and maintenance using good engineering practices and in such a manner that will guarantee the safety of the customer;
- 7.9. The workshop shall strictly honour any guarantee or warranty declared or issued to the customer in relation to the nature of service rendered;
- 7.10. The workshop shall not undertake unauthorized servicing;
- 7.11. The workshop shall not accept for repair, servicing or maintenance telecommunication/radiocommunication equipment, including mobile telephones, that come from any unauthorized or illegal source, including lost or stolen equipment or equipment that has not been type-approved by the Authority;
- 7.12. The workshop shall endeavour to demonstrate quality through ISO certification;


T. Dwarka
Chairman


Level 12
The Colicourt
6, Sir Colicourt Antelme St
Port Louis
Information & Communication
Technologies Authority


Dr M. K. Oolun
Executive Director

To: All Licensed Dealers

EXPLANATORY MEMORANDUM

1. *The ICT Authority has noted that spare parts, including secondary cells/batteries and chargers, intended to be used with radiocommunication/telecommunication devices, especially mobile telephones, come from different countries of origin, are often unbranded or of unknown manufacturer and are of doubtful quality;*
2. *The Authority has also noted press/Internet reports of casualties that have resulted from the use of secondary cells/batteries and chargers that do not comply with electric safety norms;*
3. *The Authority has further noted that service, repairs and maintenance of radiocommunication/telecommunication devices, especially mobile telephones, are often carried out by unqualified personnel in an amateurish manner and that the tools used are often inappropriate;*
4. *The Authority is of the view that all of the above practices endanger the safety of consumers and that same have to stop.*
5. *It is under these premises that the Authority has come up with the present directive.*
6. *The Authority is aware that different equipment manufacturers have different policies with regard to spare parts, repairs, servicing and maintenance. The Authority has therefore chosen a manufacturer's independent approach in coming up with these Directives. The responsibility is on the Licensed Dealer to ensure that he is aware of the equipment manufacturer's policy and that any intervention on the equipment is done in accordance with the said policy.*