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Information and Communication Technologies Authority

Clearance to import ICT Equipment Guidelines

**Guidelines made under Section 17(3) of Information and Communication
Technologies Act 2001 (as amended) and the Information and Communication
Technologies (Clearance to Import ICT Equipment) Regulations 2019**

27 September 2019

Preamble

Under Section 17(3) of Information and Communication Technologies Act 2001 (as amended) the Information and Communication Technologies Authority shall have the power to make such determinations, issue such directives and guidelines, and do such acts and things, as are incidental or conducive to the attainment of its objects and the discharge of its functions.

Pursuant to Section 17(3) of Information and Communication Technologies Act 2001 (as amended) and the Information and Communication Technologies (Clearance to Import ICT Equipment) Regulations 2019, the ICT Authority hereby issues the relevant set of guidelines (hereafter referred to as ‘Clearance to import ICT Equipment Guidelines’), which shall govern the importation of ICT Equipment in the Republic of Mauritius.

The ‘Clearance to import ICT Equipment Guidelines’ also sets out the procedure to be followed by both licensed dealers and non-commercial importers of ICT Equipment to apply to the ICT Authority for clearance to import their ICT equipment.

1.0 Introduction

The ICT Authority is hereby issuing the present set of guidelines for the purpose of submitting applications for clearance to import to the ICT Authority for appropriate onward determination. The present set of guidelines shall be binding on all ICT equipment importers and licensed dealers.

These guidelines set out:

1. The procedures to be followed to make an application to the ICT Authority for a clearance to import an ICT equipment for both commercial and non-commercial purposes;
2. The listing of the standards to which categories of ICT equipment are required to comply with.
3. The listing of all persons to whom the Authority has issued a dealers' licence to sell, expose or offer for sale or hire telecommunication and radiocommunication apparatus or devices.
4. The listing of all ICT equipment (identified by their make and model) which have been granted type approval certificate by the Authority.
5. The listing of prohibited ICT equipment.
6. The listing of all ICT equipment intended for selling, exposing or offering for sale or hire under a valid dealers' licence for which a clearance to import is subject to a type approval certificate.
7. The listing of all ICT equipment intended for selling, exposing or offering for sale or hire under a valid dealers' licence for which a clearance to import is subject to a declaration of compliance only.
8. The listing of all ICT equipment intended for selling, exposing or offering for sale or hire under a valid dealers' licence for which a clearance to import is not subject to a type approval certificate or a declaration of compliance.
9. The listing of all ICT equipment intended for professional use (e.g. Private Mobile Radio, Maritime VHF Radio), corporate private networks (e.g. outdoor access points) and public operator networks (e.g. Radio Base Stations) for which Clearance to import is subject to a type approval certificate and licence to operate.

10. The listing of all ICT equipment for non-commercial purposes (including for personal use and for offering as gifts) for which no licence and no type approval certificate is required

11. The listing of free entry ICT equipment for non-commercial purposes (including for personal use and for offering as gifts) for which no licence and no type approval certificate is required.

IT equipment without radio part such as routers, switches and firewalls as well as toys with wireless functionalities, including radio controlled toys, falling under the scope of Toys (Safety) Regulations 1994 and the Toys (Safety) (Amendment) Regulations 2018, made under the Consumer Protection Act 1991 do not fall under the scope of these set of guidelines.

The Authority shall periodically review the present set of guidelines

2.0 Definition of Terms

“Accredited Laboratory” means a laboratory duly recognized by their national accreditation bodies as being competent to carry out specific tests.

“CE marking” means the marking affixed on the packaging of the ICT equipment as well as the ICT equipment itself, indicating, to consumers and public authorities, conformity of the ICT equipment to the essential requirements defined in the European Directive 2014/53/EU and is the visible consequence of the conformity assessment process under the said Directive;

“Clearance to import” means a clearance issued by the Authority to import an ICT equipment as per the procedures defined under the Guidelines;

“Dealer” means a company or individual holding a valid licence from the ICT Authority to sell, expose or offer for sale or hire telecommunication and radiocommunication apparatus or devices.

“Declaration of compliance” means a declaration made by a licensed dealer to certify that the ICT equipment he wishes to import meets the standards as determined by the Authority;

“free entry ICT equipment” means an equipment imported for non-commercial purposes, including for personal use and for offering as gifts;

“ICT equipment” means –

- (a) an equipment intended for telecommunication or radiocommunication;
or
- (b) a radiocommunication component intended to be incorporated into an equipment; or
- (c) an equipment whose primary function is not for radiocommunication but which incorporates radiocommunication components, and listed in the present set of guidelines;

“Manufacturer’s Declaration of Conformity” means a document issued by the manufacturer of an ICT equipment in which he declares, under his responsibility that the ICT equipment conforms to all required standards and directives. It may also contain a brief description of the ICT equipment.

“Notified Body” means an entity designated by the competent authorities of the Member States of the European Union to perform assessment tasks described in the Radio Equipment Directive.

“prohibited ICT equipment” means an ICT equipment which, by virtue of its operating frequency band or other technical and regulatory characteristics, no type approval certificate and no clearance to import may be granted irrespective of whether the ICT equipment bears the CE marking or not, except where such ICT equipment is intended to be used for the purpose of national security and public order;

“Technical brochure” means a document providing a general description of the ICT equipment including photographs or illustrations, the operating frequencies of the equipment as well as the output power of the equipment.

“Type Approval certificate” means a certificate issued by the Authority in respect of an ICT equipment which meets a minimum set of regulatory, technical and safety requirements authorising the sale and use of the ICT equipment on the basis of which a Clearance to import that equipment may be granted;

3.0 Technical Standards

- 3.1 Under section 18 (1) (n) of the ICT Act 2001 (as amended), the ICT Authority must “ensure the safety and quality of every information and communication services including telecommunication service and, for that purpose, determine technical standards for telecommunication network, the connection of customer equipment to telecommunication networks.”
- 3.2 Pursuant to section 18 (1) (n) of the ICT Act 2001 (as amended) and the Information and Communication Technologies (Clearance to Import ICT Equipment) Regulations 2019, the ICT Authority has determined technical standards for telecommunication network and the connection of customer equipment to telecommunication networks. The list may be consulted [here](#). All ICT equipment imported for use in Mauritius shall comply with these standards, as applicable.

4.0 The procedures to be followed to make an application to the ICT Authority for a clearance to import an ICT equipment.

Applications to the ICT Authority for a clearance to import an ICT equipment for both commercial and non-commercial purposes must be made through the [ICTA Online Portal](#) provided.

All Applicants are required to register and login in the system prior to submitting any application for clearance.

4.1 Prohibited ICT Equipment

The list of prohibited ICT equipment (**List A**) is available [here](#). **No** clearance to import such equipment may be granted irrespective of whether the ICT equipment bears the CE marking or not, except where such ICT equipment is intended to be used for the purpose of national security and public order.

4.2 ICT equipment imported for commercial purposes

- 4.2.1 Companies or individuals importing ICT equipment for commercial purposes which includes selling, exposing or offering for sale or hire, are required to ensure that they hold a valid Dealer’s licence issued by the ICT Authority.

- 4.2.2 The list of all persons holding a valid dealers' licence issued by the Authority may be consulted [here](#).
- 4.2.3 ICT equipment imported for commercial purposes are classified under three categories:
- i. Terminal equipment without radio part intended for selling, exposing or offering for sale or hire under a valid dealers' licence for which a clearance to import is not subject to a type approval certificate or a declaration of compliance. The list (**List G**) may be consulted [here](#).
 - ii. ICT equipment intended for selling, exposing or offering for sale or hire under a valid dealers' licence for which a clearance to import is subject to a declaration of compliance by importer. The list (**List C**) may be consulted [here](#).
 - iii. ICT equipment intended for selling, exposing or offering for sale or hire under a valid dealers' licence for which a clearance to import is subject to a type approval certificate. The list (**List B**) may be consulted [here](#).

4.2.4 Procedures for Dealers applying for clearance

- i. Prior to applying for clearance, dealers are required to register and/or log into the [ICTA Online Portal](#) and follow instructions.
- ii. Dealers are further required to enter their Licence number and password provided to them with their licence.
- iii. For clearance to import equipment listed in [List G](#), dealers are required to fill-in the requested information for **ALL** such equipment imported in the Section provided. If no such equipment is imported the Dealer may proceed to the next Section.
- iv. For clearance to import equipment listed in [List C](#), dealers are required to enter the requested information for **ALL** such equipment imported, upload all required documents in the Section provided and provide a Declaration of Compliance. If no such equipment is imported, the Dealer may proceed to the next Section.
 - o The clearance to import ICT equipment listed in [List C](#) is granted subject to a declaration of compliance made by the Dealer. Dealers are required to ensure from their supplier that the equipment they are importing comply with the all standards determined by the ICT Authority and applicable to such equipment. Where an ICT equipment is capable of taking different configurations, the conformity assessment shall confirm whether the equipment complies with all required standards for all possible configurations.

- When making a declaration of compliance, dealers are required to upload scanned copies of the technical brochure and the Manufacturer's Declaration of Conformity of the equipment. Dealers are strongly advised to obtain all required documents prior to making an application for clearance.
- When requesting clearance to import mobile phones, licensed dealers will have to submit the Type Allocation Codes (TAC) (first eight digits of International Mobile Equipment Identity (IMEI) number) of the mobile phone allocated to the manufacturer by the GSM Association. This information may be obtained from the manufacturer / supplier.
- Where a Dealer has applied for and been granted a clearance to import a particular equipment (as identified by its make and model), the clearance shall remain valid:
 - as long as the dealer's licence is valid
 - unless revoked by the ICT Authority, in accordance with the Information and Communication Technologies (Clearance to Import ICT Equipment) Regulations 2019.
- For the purpose of business facilitation, declaration of compliance submitted by a dealer, including documents thereof, may be verified by the Authority after the grant of a clearance to import.
- Where it has come to the notice of the Authority that a false declaration of compliance has been submitted, the ICT Authority may take such measures as per Section 7 of the Information and Communication Technologies (Clearance to Import ICT Equipment) Regulations 2019 and reproduced at section 5.0 of these set of guidelines.

- v. Clearance to import equipment listed in [List B](#) for commercial purposes, is subject to a type approval by the ICT Authority.

The list of all ICT equipment which have been granted type approval certificate by the Authority may be consulted [here](#).

When applying for type approval, the dealer must specify the following information:

- Type of equipment
- Make and model of equipment
- Operating frequency

and must upload the:

- Technical brochure of the equipment

- Relevant documents certifying that the equipment complies with such standards determined by the Authority including:
 - Manufacturer's Declaration of Conformity
 - EU-type examination certificate and its annexes as delivered by the Notified Body involved.
 - Test reports issued by accredited laboratories

The type approval application may then be submitted to the ICT Authority for appropriate onward determination.

Dealers are strongly advised to obtain all required documents prior to making an application for type approval.

One application form per model of equipment is required.

4.3 ICT equipment imported for non-commercial purposes

4.3.1 Importation of ICT equipment for non-commercial purposes includes:

- Importation by individuals for personal use
- Importation by companies for internal use
- Importation for offering as gift

4.3.2 A Dealers' Licence is required for activities including the selling, exposing or offering for sale or hire of an ICT Equipment. Operating without a valid licence is an offence under section 46 of the ICT Act 2001(as amended). Any person who commits an offence under the said Act shall, on conviction, be liable to a fine not exceeding 1,000,000 rupees and to penal servitude for a term not exceeding 10 years.

4.3.3 ICT equipment imported for non-commercial purposes are classified under three categories:

- ICT equipment intended for professional use such as Private Mobile Radio and Maritime VHF Radio, for corporate private networks such as outdoor access points and for public operator networks such as Radio Base Stations, for which clearance to import is subject to a type approval certificate and licence to operate. The list (**List D**) may be consulted [here](#).
- **ICT equipment** for non-commercial purposes (including for personal use and for offering as gift) for which no licence and no type approval certificate is required. The list (**List E**) may be consulted [here](#).

- **Free entry** ICT equipment for non-commercial purposes (including for personal use and for offering as gift) for which no licence and no type approval certificate is required. The list (**List F**) may be consulted [here](#).

4.3.4 Procedures for individuals and companies applying for clearance to import for non-commercial purposes:

- i. Applicants are required to register and/or log into the [ICTA Online Portal](#) prior to submitting an application for clearance to import ICT equipment.
- ii. For clearance to import **free entry** ICT equipment listed in [List F](#), applicants are required to enter the requested information for **ALL** such equipment imported and declare that the equipment is not intended for sale. If no such equipment is imported the applicant may proceed to the next Section.
- iii. Information submitted in the context of application for clearance to import free entry ICT equipment may be verified by the Authority after the grant of the clearance to import.
- iv. For clearance to import ICT equipment listed in [List E](#), applicants are required to verify whether the equipment they intend to import has previously been cleared for non-commercial purpose by the ICT Authority. A search box is provided on the online platform to that effect. Applicants are required to specify the quantity imported and declare that the equipment is not intended for sale.
- v. To apply for clearance to import other ICT equipment for non-commercial purposes, applicants are required to enter the requested information for **ALL** such equipment imported, upload all relevant documents available, declare that the equipment is not intended for sale and proceed accordingly.

When applying for clearance to import a regulated equipment for non-commercial use, applicant must specify the following information:

- Type of equipment
- Make and model of equipment
- The quantity imported

Upload documents available to them, including:

- Technical brochure of the equipment
- Relevant documents certifying that the equipment complies with such standards determined by the Authority:
 - Manufacturer's Declaration of Conformity
 - EU-type examination certificate and its annexes as delivered by the Notified Body involved.
 - Test reports issued by accredited laboratories

The application for clearance may then be submitted to the ICT Authority for appropriate onward determination.

If no such equipment is imported, the Applicant may proceed to the next Section.

- vi. Clearance to import for equipment listed in [List D](#), is subject to a type approval by the ICT Authority and a **licence** issued by the ICT Authority to operate the equipment.

The list of all ICT equipment which have been granted type approval certificate by the Authority may be consulted [here](#).

When applying for clearance of an ICT equipment requiring type approval, applicant must specify the following information:

- Type of equipment
- Make and model of equipment
- The quantity imported

and upload the:

- Technical brochure of the equipment
- Relevant documents certifying that the equipment complies with such standards determined by the Authority including:
 - Manufacturer's Declaration of Conformity
 - EU-type examination certificate and its annexes as delivered by the Notified Body involved.
 - Test reports issued by accredited laboratories

The type approval application may then be submitted to the ICT Authority for appropriate onward determination.

Applicants are strongly advised to obtain all required documents prior to making an application for type approval.

One application form per model of equipment is required.

Where a clearance to import an ICT equipment is subject to the issue of a licence, the clearance shall be granted upon successful determination of the licence.

5.0 False Declaration

Where it has come to the notice of the Authority that a false declaration of compliance has been submitted, the Authority may, as per the provisions of the Information and Communication Technologies (Clearance to Import ICT Equipment) Regulations 2019:-

- (a) request the licensed dealer to forthwith remove the ICT equipment from the market;
- (b) request the licensed dealer to recall the ICT equipment at its own cost where the equipment represents a safety risk to the users or where harmful interference to legitimate radiocommunication systems may result from the operation of the equipment;
- (c) suspend or revoke the licence of the dealer in accordance with the relevant provisions of the Act;
- (d) take such other measures as it may, in the circumstances, determine.

6.0 Manufacturers

Effective as from 01 October 2019, the Information and Communication Technologies (Clearance to Import ICT Equipment) Regulations 2019 requires that a licensed dealer be in possession of all relevant compliance documents (such as the technical brochure and the Declaration of Conformity or test reports) for the purpose of applying for and obtaining a clearance to import radio communication equipment into the Republic of Mauritius.

Manufacturers or their representatives, who would wish their ICT equipment to be commercialised in the Mauritian market, are therefore only expected to provide the local licensed dealers, importing and selling their ICT equipment, with all the necessary compliance documents.

Application for type approval may be considered from Manufacturers, or their representative, wishing to commercialise, through licensed dealers, radio equipment, as categorised in [List B](#), on the territory of Mauritius.

No Type approval certificate will be issued to the Manufacturer. The make and model of the type approved equipment will be published under the list of type approved equipment on the ICTA website.

Lists published under and the Information and Communication Technologies (Clearance to Import ICT Equipment) Regulations 2019

- i. The listing of all persons to whom the Authority has issued a dealers' licence to sell, expose or offer for sale or hire telecommunication and radiocommunication apparatus or devices [[Dealers list](#)].

- ii. The listing of all ICT equipment (identified by their make and model) which have been granted type approval certificate by the Authority [[List of Type approved equipment](#)]
- iii. The listing of standards to which categories of ICT equipment are required to comply, which may be consulted [here](#).
- iv. The listing of prohibited ICT equipment. [[List A](#)].

No clearance to import such prohibited ICT equipment may be granted irrespective of whether the ICT equipment bears the CE marking or not, except where such ICT equipment is intended to be used for the purpose of national security and public order.

- v. The listing of ICT equipment intended for selling, exposing or offering for sale or hire under a valid dealers' licence for which a clearance to import is subject to a type approval certificate. [[List B](#)]
- vi. The listing of ICT equipment intended for selling, exposing or offering for sale or hire under a valid dealers' licence for which a clearance to import is subject to a Declaration of compliance only. [[List C](#)]
- vii. The listing of ICT equipment intended for selling, exposing or offering for sale or hire under a valid dealers' licence for which a clearance to import is not subject to a type approval certificate or a declaration of compliance. [[List G](#)].
- viii. The listing of ICT equipment intended for professional use such as Private Mobile Radio and Maritime VHF Radio, for corporate private networks such as outdoor access points and for public operator networks such as Radio Base Stations, for which clearance to import is subject to a type approval certificate and licence to operate. [[List D](#)]
- ix. The listing of ICT equipment for non-commercial purposes (including for personal use and for offering as gifts) for which no licence and no type approval certificate is required. [[List E](#)]
- x. The listing of free entry ICT equipment for non-commercial purposes (including for personal use and for offering as gifts) for which no licence and no type approval certificate is required. [[List F](#)]