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GENERAL NOTICE**NOTICE 1067 OF 2012****INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA (ICASA)****DRAFT LABELLING REGULATIONS**

1. The Independent Communications Authority of South Africa (herein after referred to as "ICASA") hereby gives notice in terms of section 4(3)(j) of the ICASA Act, 2000 (Act No. 13 of 2000), as amended, read with section 4(1) and (4) of the Electronic Communications Act, 2005 (Act No. 36 of 2005) of its intention to prescribe regulations for the Labelling of Type Approved Equipment.
2. A copy of the proposed regulation is available on the Authority's website at <http://www.icasa.org.za> and in the ICASA Library at 164 Katherine Street, PinMill Farm, Sandton Block D, between 08h30 and 16h30, Monday to Friday.
3. Interested persons are invited to submit written representations on these draft Labelling Regulations by **15 February 2012** by post, hand delivery, facsimile transmission, or electronically (in Microsoft Word) for the attention of:

Albert Ntavhaedzi

Type Approval Project Leader

or Block A

ICASA

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4. All written representations submitted to ICASA pursuant to this notice will be made available for inspection by interested persons at the ICASA library and copies of such representations will be obtainable on payment of the prescribed fee.
5. At the request of any person who submits written representations pursuant to this notice, ICASA will determine whether such representations or any portion thereof is confidential in terms of section 4D of the ICASA Act. If the request for

confidentiality is refused, the licensee making the request will be allowed to withdraw such representations or portion thereof.

6. The final regulation will be published in the government gazette.



STEPHEN MNCUBE
CHAIRPERSON

LABELLING REGULATIONS

1. DEFINITIONS

In these Regulations, unless the context indicates otherwise a word or expression to which a meaning has been assigned in the Act or the ICASA Act has the meaning so assigned

“**Equipment**” means electronic communication equipment, facilities and radio equipment;

“**E-Label**” means an electronic label which may be installed in products with a built in display which is integral to the device;

“**ICASA Logo**” means the logo of the Independent Communications Authority of South Africa registered in terms of the patent laws of the Republic;

“**Label**” means a fixed identifier bearing the ICASA Logo and the ICASA issued certificate number, to mark that the equipment has been type approved;

“**Supplier**” means manufacturer, importer and distributor of equipment or Type Approval Holder;

“**Type Approval**” means a process by which equipment or a device or system is authorized by the Authority to be used in South Africa or imported into South Africa and involves verification of the equipment’s compliance with the applicable standards and other regulatory requirements.

2. PURPOSE OF REGULATIONS

The purpose of these Regulations is to clarify the labelling requirements for all type approved equipment.

3. EQUIPMENT REQUIRING LABELLING

- (1) All equipment that has been type approved and received a type approval certificate must have a legible label permanently affixed to such equipment.
- (2) The packaging and/or container of the equipment referred to in sub-regulation (1) shall bear a label.

- (3) The label must be affixed to the equipment before the equipment is made available for sale or lease or is supplied in any other manner.
- (4) In an instance where a supplier is of the view that a permanently affixed label is not desirable or is not feasible, a written request for an alternative method of displaying the label, including E-labelling, must be made to the Authority prior to supply or use of equipment.
- (5) The label must be protected against damage, such as scratching and ultraviolet (UV) exposure that may lead to the information on the labelling becoming illegible.

4. LABEL DESIGN

- (1) The minimum size of the ICASA logo shall be 3mm high and 3mm wide and the issued certificate number shall be 1mm high.
- (2) The Label shall bear the following information:
 - (a) ICASA logo and
 - (b) The ICASA issued certificate number(s).
- (3) The ICASA issued certificate number(s) referred to in regulation (2)(b) shall comply with the following format: TA-XXXX/YYYY where:
 - (a) TA stands for Type Approval
 - (b) XXXX is the year in which the Type Approval certificate was issued (e.g. 2012)
 - (c) YYYY is the sequential numbers issued by the Authority

The height to width ratio of the overall ICASA label must be 1:2, e.g. 10 x 20 mm.

Sample logo:



5. ACQUIRING LABELS

- (1) Labels may be obtained from ICASA or manufactured by the equipment supplier.
- (2) In the event of an equipment supplier wanting to produce his own label, a sample of the proposed label shall accompany the application for the type-approval of the telecommunication equipment, facility or radio equipment. This label may only be used if approved by the Authority in writing.

6. E-LABELLING

- (1) Subject to regulation 3(4), E-labelling may be used as an alternative method of displaying Label.
- (2) In instances where e-labelling is used, the documentation accompanying the device must clearly explain how the user can access the electronic label.
- (3) E-labels may be displayed in one of the following manner:
 - (i) During the device's power up sequence; and/or
 - (ii) Under the device's system information page; and/or
 - (iii) Under the help menu on the device

7. OFFENCES

- (1) No person shall affix or use a certification mark or label to any communication equipment indicating that it complies with applicable standards:
Unless the communication equipment is certified by ICASA or if the person knows or reasonably knows that such an act is false or misleading.
- (2) No person shall distribute or otherwise supply, offer for sale, lease or hire any type approved equipment without a Labelling in terms of subregulation (1), including advertisement or launching of products.

8. PENALTIES

- (1) Any person who fails to comply with the provision of regulations 7(1) and 7(2) shall be liable to a fine of R150 000.

10. REPEALED REGULATIONS

The Regulations published in terms of the Telecommunications Act, 1996 (Act No 103 of 1996), called the "Regulations in Respect of the Labelling of Telecommunications Equipment", dated 6 March 2002 in Gazette Notice R. 289 are hereby repealed.

11. SHORT TITLE AND COMMENCEMENT

These regulations are called the Labelling regulations and shall come into effect immediately after the publication thereof.

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