



CITRA

الهيئة العامة للاتصالات وتقنية المعلومات
COMMUNICATION & INFORMATION TECHNOLOGY REGULATORY AUTHORITY

Regulation for Approval of Communication Devices Type

Version 1.4

Introduction

Articles 3 (D), (Y) and (O), Article 43 and Article 44 of Law No. 37 of 2014 grant the Communications and Information Technology Regulatory Authority (“Authority”) the powers to set the regulations and rules whereby Wired and Wireless Communications Devices can be connected to Public Communications Networks. As well as personal communications devices that can be used, in addition to those equipment and devices that can be imported into the State of Kuwait. Further to these Articles, The Authority has established specific standards and approval procedures to ensure device compatibility, reduce interference, protect user safety, and enhance network integrity.

The internal regulations relative to the approval of the type of devices have been issued in accordance with the powers of the Authority set out under Article 3 (C) of Law No. 37 of 2014. And they shall enter into force upon publication in the Official Gazette and are subject to review and amendment from time to time as the Authority deems appropriate.

Article (1)

Definitions

1. The terms below have the following meanings:

Used Wired and Wireless Communications Devices: means Radio Communication Devices, and Wired and Wireless Communications Devices that have been or intended to be connected to the Public Communications Network including Peripheral Devices that are used or intended to be used by End Users.

Approval Holder: means anyone that has obtained an approval certificate of devices types.

Authority: means the Communications & Information Technology Regulatory Authority in the State of Kuwait.

European Conformity (CE): means the mark or the logo lawfully used on wired and wireless communications devices to comply with relevant European legislations.

Declaration of Conformity: means the document wherein the applicant states written confirmations from the manufacturer (according to ISO/IEC 17050-1:2004 Standards) that the Used Wired and Wireless Communications Devices are in compliance with the technical requirements set forth in the current Regulations and the Regulation of Technical Standards for Communications Devices Associated with Public Communications Networks issued by the Authority.

Electromagnetic Disturbances: means electromagnetic transmissions from Wired and Wireless Communications Devices that are not intended for the transmission approved by the Authority.

End User: means a natural or legal person other than the Licensee, to whom the Licensee provides the public communications service.

Law: means Law No. 37 of 2014 concerning establishing the Communications & Information Technology Regulatory Authority, the amending laws and its executive regulations.

Licensee: means the person who is licensed to manage, establish or operate a public wireless telecommunications network. The licensee includes a person who is licensed to establish and manage a public radio telecommunications station.

Person: means any individual, legal entity or government agency.

Radio Communication Devices: means any equipment or devices designed or used to transmit, broadcast, send or receive messages, voices, visual images or signals using

electromagnetic waves that propagate in space and whose frequencies are less than 3000 GHz.

Regulatory Framework: means Law No. 37 of 2014, the Executive Regulations and any other internal regulations, or any instructions, rules, decisions or notices, including the terms and conditions of the license issued by the Authority in relation to the approval of the devices types.

Standards: means technical specifications that have been prepared by international authorities concerned with setting standards, which then are approved and published by the Authority on its official website, from time to time, whether they reflect updates or revision of international standards that have been recognized in accordance with Article (4) of the Regulations.

Wired and Wireless Communications Devices: means any equipment or devices used or to be used to conduct wired and wireless communications that are part of, connected to, or components of the Wired and Wireless Communications Network.

Wired and Wireless Communications Network: means transmission system and, if necessary, switching equipment and other resources that allow the transmission of signals between two specified end points by wire, radio, optical or other electromagnetic means.

Peripheral Devices: means Wired and Wireless Communications Devices on any of the end of wired and wireless communications connections through which the user is provided with the right to access the Wired and Wireless Communications Network. They include, but not limited to, mobile and fixed communications devices.

Approval of Device Types: means the official approval issued by the Authority, which indicates that the Used Wired and Wireless Communications Devices conform to the approved technical requirements stipulated under these Regulations or any other regulations issued by the Authority.

Type Approval Certificate: means the certificate issued by the Authority regarding the Used Wired and Wireless Communications Devices after fulfilling the requirements and conditions stipulated in theses Regulation or any other regulations issued by the Authority.

Certificate Number (Approval): means the certificate number, and it is kept at the same number.

Authorization: means a legal agreement to use the special powers to issue a Type Approval Certificate for Wired and Wireless Communications Devices from a manufacturer or importer of the Wired and Wireless Communications Devices.

Article (2)
Scope of Application of these Regulations

1. These Regulations shall apply to:

- a. Any person who imports, distributes, leases, sells, offers for sale or uses used wired and wireless communications devices in the State of Kuwait;
- b. Used Wired and Wireless Communications Devices that are imported, distributed, leased, sold, offered for sale or used in the State of Kuwait.

Article (3)
Authority Functions and Duties

1. As stipulated in the Law, the functions and duties of the Authority in relation to the approval of the type of the Used Wired and Wireless Communications Devices include the following:

- a. Determining and updating the necessary technical requirements and standards, to which the Used Wired and Wireless Communications Devices shall conform;
- b. Granting approval for the type of Used Wired and Wireless Communications Devices;
- c. Ensuring the transparency of procedures for approving the type of devices and refraining from any discrimination when granting approvals;
- d. Inspecting all Wired and Wireless Communications facilities and radio communications installations involving the network; and whether they conform to the requirements of the Regulatory Framework or otherwise.
- e. Monitoring the compliance of wired and wireless communications devices installations and radio communications installations and equipment with these Regulations and the relevant regulations when operating or using them.

Article (4)

Technical Requirements

1. Any of the wired and wireless communications devices may not be supplied, imported, distributed, leased, sold, offered for sale, or used in the State of Kuwait, unless the technical conditions stipulated in these Regulations and related regulations. As well as the international standard technical specifications approved by the Authority are met, and obtained, if necessary, the Certificate of Approval of Devices Type issued in this respect.
2. All Used wired and wireless communications devices shall meet the following technical requirements:
 - a. They shall not cause harm to the End User, the public or employees working in the Wired and Wireless Communications Network;
 - b. They shall not generate Electromagnetic Disturbances beyond the level specified above that result in the non-usage of wired and wireless communications devices or other equipment as intended;
 - c. They shall have a level of exemption from expected electromagnetic disturbances, which are permitted to operate without unacceptable deterioration or interruption in their intended uses;
 - d. They shall not cause any damages to Wired and Wireless Communications Network or misuse of network resources in a manner that results in unacceptable deterioration of services;
 - e. The software interface of the Wired and Wireless Communications Devices shall not be easily accessible to be reconfigured or modified in another way so that this equipment can be reconfigured in a manner that this equipment is not designed for its intended purpose in the State of Kuwait.
 - f) When communication devices are peripheral devices, they must meet the following additional conditions:
 - First: If it is a mobile peripheral device, the device must have the IMEI number.
 - Second: The device must support the personal data protection and privacy features of end users.

Third: The device must support the features of access to emergency services.

Article (5)

Obligations of Operators towards the Wired and Wireless Communication Devices

All the licensed operators bear the responsibility of ensuring that their radio transmitters do not pose a threat to human health and that the radiation emissions generated by radio communication stations are within the limits specified in the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP).

Article (6)

Approval of Conformity

1. The Authority accepts the relevant rules and specifications of the EU for obtaining Approval of Wired and Wireless Communication Device Types.
2. The Used Wired and Wireless Communication Devices are deemed compatible if they comply with the technical requirements stipulated in Article (4) hereof. An Approval of Device Types Certificate may be issued when the applicant submits the required legal documents that prove that the equipment bears the CE marking and conforms to the technical Standards approved for Communication Devices issued by the Authority.
3. The documents submitted in support for the Certificate of Device Type Approval Application is used to prove the legitimacy of the CE marking , including declaration of conformity among other supplementary documents.
4. The Authority reserves the right to review the declaration of conformity and other documents supporting the CE marking applied to this equipment to confirm that the CE marking has been legally affixed to the products.
5. The Authority may request samples of Wired and Wireless Communication Devices for testing and examination.
6. The Authority may apply or update approval standards, and/or specifications, as it deems necessary for approval of the wired and wireless communication devices.

Article (7)
Verification by the Authority

1. In case of the absence of the CE marking, the applicant for the approval of wired and wireless communication device types conducts the necessary checks and tests for the approval.
2. When conducting the test to approve the device types, the Authority carries out the following:
 - a. Reviewing the submitted technical documents and ensuring that the wired and wireless communication devices have been manufactured in accordance with the relevant approved technical Standards.
 - b. Verifying that the examinations and tests carried out by recognized and accredited laboratories in accordance with ISO/IEC 17025 and that they are a member of the International Laboratory Accreditation Cooperation (ILAC) or through the Authority's laboratory – if any – to ensure that the Device Types complies with the relevant technical specifications.
3. Quality Approval Certificates, issued by agencies, have been approved based on a mutual recognition agreement to certify the communication Device Types for Type Approval and in accordance with ISO/IEC 17065 specification in the relevant communication fields and that the agency is a member of the International Accreditation Forum Association (IAF).
4. Verification of the data of the organization that issued the declaration of conformity and the reference number of the same.

Article (8)
Requirements of Quality Approval Certificate

1. The application for a Quality Approval Certificate of wired and wireless communication devices shall be registered through the Authority's website, along with an official letter to the Authority with the application from manufacturers or suppliers of communication devices thereto.
2. The manufacturers and suppliers of communication devices must be registered in the Authority within the quality approval system.
3. The application for a Quality Approval Certificate of wired and wireless communication devices must not be related to the performance or quality of the equipment.

4. The applicant for a Quality Approval Certificate of wired and wireless communication devices must provide the Authority with a proof that such equipment complies with the technical requirements and conditions stipulated herein.
5. Filling in the application form prepared for this service.
6. Attachment of all data of wired and wireless communication devices to be approved (place of manufacture, trademark, model, type, software and hardware version, description of use, used frequency ranges, transmission power of devices, and/or interfaces of wired and wireless communication devices).
7. Attachment of all documents and technical specifications of communication devices for which a Quality Approval Certificate is required containing a general description of the device that includes:
 - a. Pictures and illustrations showing the exterior features, markings, and inner layout
 - b. List of basic technical properties
 - c. User data and installation instructions
8. The technical specifications documents shall be in Arabic or English and in accordance with Specification 1: ISO/IEC 17050 -2004.
9. Attaching an examination report for the communication devices for which it is intended to obtain a Type Approval Certificate from an international testing laboratory for communication devices approved in accordance with the Specification: ISO / IEC 17025.
10. Attaching the declaration of conformity certificate (D.O.C) and self-declaration of conformity (SDoC) certificate in accordance with Specification 1: ISO/IEC 1705 - 2004.
11. The authorization of the manufacturer to the agent in charge of obtaining a Type Approval Certificate for communication devices shall be attached as per Article (9) of these Regulations.
12. Attaching the DoC signed by the wired and wireless communication devices manufacturer and information about the organization that issued the DoC.
13. In the event that the devices bear the CE Mark, the applicant shall submit all documents and the technical and legal specifications to prove the legitimacy of legally affixing the communication devices with the conformity mark in accordance with European Standards.

14. The Authority may request samples of wired and wireless communications devices for testing and examination and any additional information and documents to enable it to decide on the application.
15. The Authority shall have the right to keep all the information contained in the application for Approval of Device Types submitted to it.
16. The Authority shall approve the application for Approval of Device Types and issue a Type Approval Certificate for wired and wireless communications devices after the Declaration of Conformity is approved or verification that the wired and wireless communications devices meet the technical requirements.
17. In the event that the application for approval of device types is rejected, the Authority shall notify the applicant and state the reasons for the rejection before the expiry of the period specified for deciding on the applications.
18. The expiry of the period specified for deciding on the application without a resolution is considered an implicit rejection of the application.
19. In the event of approval or rejection of the application for Approval of Device Types, the Authority shall return to the applicant any samples of the Wired and Wireless Communications Devices submitted to it upon its request, and the Authority may keep any relevant documents for future reference.

Article (9)

Authorization for Approval of Communications Devices

1. The Authorization for approval of communications devices shall be submitted to apply for Type Approval Certificate by those authorized to issue the Type Approval Certificate.
2. The authorized person to issue the Type Approval Certificate shall comply with the conditions, regulations, laws and requirements specified by the Authority in this regard.
3. Any communications devices manufacturer or importer who terminates the authorization for approval of communications devices to the other party, shall notify within a period of no less than 15 working days.
4. The authorization for approval of communications devices is not considered a transfer of ownership of the Type Approval Certificate.

5. The Authorization expires by revoking the same by either party or revoking the Type Approval Certificate for concerned communications devices.
6. The authorization for approval of communications devices is valid only for approved communications devices.

Article (10)

Type Approval of Communications Devices

1. The wired and wireless communications devices shall be approved, and the Type Approval Certificate shall be issued for the same within thirty (30) working days from the date of receiving the completed application in accordance with Article (8) of the Regulations.
2. The Type Approval Certificate for communications devices includes the communications devices approval number (Certificate Number).

Article (11)

Validity of Device Type Approval Certificate

1. The Device Type Approval Certificate is granted for a period of three years and is subject to renewal at the discretion of the Authority, and the approval for renewal will be retained with the original approval number. (Type Approval Certificate Number)
2. The approval of devices type shall be valid for all wired and wireless communications devices that fall under the type of equipment for which the Device Type Approval Certificate has been issued.
3. The wired and wireless communications devices shall, in all cases, be identical in all materials of the type of devices for which the Device Type Approval Certificate has been issued.

Article (12)

Renewal of the Communications Devices Approval Certificate

1. The applications for renewal of the certificate shall be submitted within a maximum of 3 months before its expiry, within 20 working days after the expiry date of the Type Approval Certificate.

2. The Approval Certificate shall be finally revoked, and not renewed after the expiry of the mentioned period.
3. The Type Approval Certificate for the approved communications devices shall be renewed, along with compliance with the following:
 - a. Not to change the technical standards set out in the Declaration of Conformity and the technical examination report for communications devices.
 - b. The communications devices are not affected by any amendments that would affect the conformity of communications devices with the basic requirements and related technical standards, such as changing the size and shape of the communications device or changing the model number or trade name of the device. As the registered communications devices manufacturer or importer shall inform the Authority of that.
4. The renewal of the Device Type Approval Certificate is issued for a period of three years, while retaining the original approval number (Certificate Number).

Article (13)

Cancellation of the Device Type Approval Certificate

1. The Authority has the right to cancel the Quality Approval Certificate of the device type in the following cases:
 - a. Providing any information, in the application for obtaining the Approval Certificate of the Device Type of devices, which was found to be forged or wrong.
 - b. If the opinion of the Authority is that wired and wireless communications devices, for which the Approval Certificate of the Device type has been issued, do not comply with the technical requirements stipulated in this Regulation.
 - c. If the Authority determines that the relevant standards, for which the Approval Certificate of the Device Type has been issued according to it, do not guarantee compliance with the technical requirements and conditions stipulated in these Regulations.
 - d. In case any condition approved in the Approval Certificate the Device Types has been violated.

- e. If the modification made to used wired and wireless communications devices leads to non-compliance with the requirements stipulated in this regulation and if they violate the provisions stipulated in Article (8) hereof.
 - f. Cancellation of the Approval Certificate of the Device Type is considered a cancellation of related Approval of Device Types, and the concerned persons shall be notified of the cancellation decision of the Approval Certificate of the Device Type with statement of reasons.
2. Without prejudice to the provisions stipulated in Article 13 (3), wired and wireless communications devices, for which the Approval Certificate of the Device Type has been canceled, may continue to be used under Article 13 (1). However, such devices and equipment may not be imported, and the existing equipment may not be offered for sale in the State of Kuwait. The Equipment that has been taken out from the market for the reasons stipulated in Article 13 (3), or damaged by the approval holder and at his expense shall be re-exported.
3. The Authority may prohibit used wired and wireless communications devices, for which the Approval Certificate of the Device Type has been revoked, pursuant to the provisions of Article 13 (1) in the following conditions:
 - a. If it is found that the consent was granted on the basis of providing false or fraudulent documents.
 - b. If the Authority determines that used wired and wireless communications devices do not comply with the technical requirements stipulated in Article (4) of these Regulations.
4. The Authority may notify the concerned person of the decision and its reasons.
5. The Authority may impose additional obligations on the approval holder of the Approval Certificate of the Device Type of that has been canceled, including:
 - a. Withdrawal of all wired and wireless communications devices covered by the Approval Certificate of the Device Type, provided that these devices are replaced with equipment that is still approved by the Authority.
 - b. Not to display wired and wireless communications devices covered by the Approval Certificate of the Device Type in the market, or enter them into the service.
 - c. Abstain totally or partially from the transfer of wired and wireless communications devices covered by Approval Certificate of the Device Type that has been canceled.

- d. Performing or abstaining from conducting any act to ensure compliance with the provisions stipulated in these Regulations.
6. The Authority may take other appropriate measures including controlling and removing used wired and wireless communications devices from the market to ensure compliance with the provisions stipulated in these Regulations and to avoid harmful interference.
7. Any person whom a decision is issued against to cancel the Approval Certificate of the Device Type issued under Article 13 (1) or under the measures stipulated in Article 13 (3) may file a grievance for the Authority against such decision or measures within five working days from the notification date the Authority.

Article (14)

Modification to Wired and Wireless Communications Devices

1. In the event that the used wired and wireless communications devices, which have previously been granted the Approval Certificate from the Authority with regard to the model type, design, tasks and functions, are subject to modification, in that case, it shall be approved again to ensure its conformity to the technical requirements stipulated in these regulations as well as the regulation of technical standards and any relevant regulations approved by the Authority.
2. If the modification of any of the wired and wireless communications devices requires a change in any documents submitted by the Authority, in this case the approval holder shall submit the amended documents to the Authority.
3. If it is found that the used wired and wireless communications devices do not meet the technical requirements stipulated in this Regulation as a result of any modification or revision of the applicable standards, in this case the approval holder shall notify the Authority.
4. If the approval holder fails to notify the Authority of these modifications that have been made to the wired and wireless communications devices, which leads to non-fulfillment of the technical requirements stipulated in these regulation, the approval holder shall be considered in violation of the provisions stipulated in this regulation. While the Authority shall have the right to take all appropriate measures under the law against the approval holder.
5. The manufacturer or importer of wired and wireless communications devices registered with the Authority may continue to sell the modified telecommunication

devices with minor modifications without the need to notify the Authority of the changes.

6. Minor changes include parts that do not affect the basic requirements, technical standards, or the appearance of the device.
7. The registered communications devices manufacturer or importer is obligated to submit a new application for accreditation of the communications device in the event that any modification is made to the registered communications device that affects the compliance of the communications device with the specific basic requirements of the quality approval system, or the approved technical standards and submits samples of communications device for examination, consisting of two copies;
 - a. The prepared version for technical examination purposes.
 - b. A copy of the communications device that will be offered in the market (commercial version).
8. Self-Declaration of Conformity: The registered manufacturer or the importer of communication devices shall submit a Declaration of Conformity (SDoC) in accordance with Specification 1: ISO/IEC 17050 ISO/IEC – 2004.
9. Attaching an examination report for the communication devices wherefore it is intended to obtain a Quality Approval Certificate from an international inspection laboratory for communication devices approved in accordance with the Specification: ISO/IEC17025:2005.
10. The registered manufacturer or importer of communication devices shall bear the responsibility of conformity of the communication devices with all requirements specified in Quality Certification System and Technical Standards of the Authority.

Article (15)

Import of Used Wired and Wireless Communication Devices

1. Accreditation Certificate of devices shall be obtained prior to importing any type of wired and wireless communication devices.
2. Any person that imports wired and wireless communication devices shall keep the following information and it shall be submitted to the Authority upon request:
 - a. Name, number, type and model number of the imported equipment.
 - b. Advantages and technical characteristics of imported equipment.

- c. Shipping details (such as air waybill, sea waybill, land waybill and shipping invoice number).
- d. Serial numbers for all imported wired and wireless communication devices.

Article (16)

Monitoring of Wired and Wireless Communication Devices

1. The Authority shall carry out monitoring and follow-up activities to ensure that wired and wireless communication devices comply with the technical requirements stipulated in these Regulations.
2. Any person who uses communication devices shall cooperate with the Authority regarding the provision of the required wired and wireless communication devices (or samples thereof). As well as any documents requested by the Authority without any charges to the Authority, and the Authority shall return such equipment (or any samples thereof) to the person using or operating the equipment when ensuring that it meets the technical requirements stipulated in these Regulations.
3. In the event that the used wired and wireless communication devices, which are subject to the monitoring and follow-up activities, do not meet the technical requirements stipulated in these Regulation, the person who uses or operates this equipment shall take the necessary corrective actions for this equipment. Furthermore, it shall not sell it or ensure that it is not used in the market and dispose of it at its own expense in accordance with Authority directives.
4. Failure to comply with these procedures by those persons who use or operate this equipment shall be deemed a violation of the provisions set forth in the Law and in these Regulations as well.