



**NAB**  
National Association of Broadcasters

**NAB WRITTEN SUBMISSION TO ICASA'S  
DISCUSSION DOCUMENT ON TYPE APPROVAL**

**2 DECEMBER 2016**

## 1. Introduction

1.1 The National Association of Broadcasters (the NAB) is the leading representative of South Africa's broadcasting industry, established in 1993. The NAB aims to further the interests of the broadcasting industry in South Africa, by contributing to its development. The current NAB members are:

1.1.1 the three television services and 18 radio services of the SABC;

1.1.2 licensed commercial radio broadcasters (including: Primedia, Kagiso Media, Tsiya Group, AME, MSG Afrika, TMG, Classic FM, Kaya FM, YFM, Smile FM and Vuma FM);

1.1.3 licensed commercial television broadcasters (e.tv, Multichoice, M-Net, StarSat);

1.1.4 a host of community radio broadcasters and community television broadcaster, Faith Terrestrial;

1.1.5 both the licensed broadcast signal distributor and the selective and preferential broadcast signal distributors, Sentech and Orbicom;

1.1.6 associate members, including training institutions.

1.2 On 28 September 2016, the Authority published in government gazette number 40309, a Discussion Document on Equipment Type Approval Exemption for public comment, the closing date for written comments is 2 December 2016. The NAB welcomes the publication of the Discussion Document as it accords with section 35(2) of the Electronic Communications (the ECA) which requires the Authority to prescribe:

*The types of equipment, electronic communications facilities and radio apparatus, the use of which does not require approval where such equipment, electronic communications facilities and radio apparatus has been approved for use by the European Telecommunications Standards body where the equipment complies with Type Approval standards prescribed by the Authority; and*

*Circumstances under which the use of equipment, electronic communications facilities, radio apparatus and subscriber equipment does not require approval, including uses for research and development, demonstrations of prototypes and testing.*

1.3 The NAB commends the Authority is pursuing this Discussion Document. The NAB had in its submission to the Authority in February 2013 expressed concern on the broad definition for equipment requiring Type Approval and the consequential administrative burden. The NAB urged the Authority at the time to expedite public consultation on equipment not requiring Type Approval. Broadcasters have in previous submissions to the Authority argued that Type Approval should only apply to devices that use spectrum, connect to public networks or have the potential to cause harmful interference for the radio frequency (RF) spectrum. This view still applies.

1.4 In the Discussion Document on Equipment Type Approval Exemption, the Authority indicates that it has conducted a study of various countries on the exemption of equipment from Type Approval. It would be useful for the Authority to publish the said study.

1.5 The Discussion Document poses three questions, and the NAB written submission will attempt to respond to all three questions:

## **2. Question 1**

2.1 *According to the Discussion Document, the objectives of exemption from Type Approval are to:*

2.1.1 *Reduce regulatory burden for equipment Manufacturers and Importers.*

2.1.2 *Encourage investment and innovation in the ICT sector.*

2.1.3 *Promote competition in the ICT sector.*

2.1.4 *Encourage research and development within the ICT Sector.*

2.2 *Do you agree with the listed objectives and would you suggest other objectives?*

## **2.3 NAB response to question 1**

2.3.1 The NAB supports the outlined objectives for the exemption of equipment from Type Approval. In considering exemptions of equipment from Type Approval, the Authority should be aware that the market and the regulatory environment has changed significantly since the system of Type Approval was introduced. Below is an outline of key issues the Authority should be aware of:

### **2.3.2 Safety**

2.3.3 The National Regulator for Compulsory Specifications (NRCS) enforces safety specifications. There is no requirement on the Authority to type approve or enforce safety regulations that are in the domain of the NRCS. Currently the NRCS specifies the electromagnetic compatibility (the EMC) conformance standards to be met. The Authority is therefore encouraged to harmonise its standards with those of the NRCS, in order to avoid a situation where manufactures, vendors and retailers need approval from two regulators for the same specifications, as this will alleviate concurrent jurisdiction and forum shopping hurdles. The Authority should be enabled to focus Type Approval on only those aspects that are not addressed by the NRCS.

2.3.4 A pragmatic approach may be to allow EMC certifications to be vetted by the NRCS while the Authority should be responsible for vetting only the RF parameters as these apply to the designated band or bands of operation and the spectral purity of the RF output in these bands.

### **2.3.5 Harmful Interference**

Type Approval plays a role in vetting the EMC performance of devices and avoiding RF interference to other equipment and services. It is anticipated that this aspect will become increasingly important in future and devices that may radiate RF would be

required to sense their environment and select the frequency of operation and power accordingly. It follows that Type Approval of any equipment that may radiate RF should continue.

### **2.3.6 Consumer protection**

2.3.7 Type Approval was previously considered important in contributing to consumer protection. However, the Consumer Protection Act (the CPA) offers far greater protection of consumers' interests well beyond the limited role the Authority Type Approval process had played in the past. Manufactures and retailers now insist on devices being fully interoperable and functional regardless of Type Approval merely so that they minimise any risk of consumer complaints and the associated cost of addressing these.

2.3.8 Furthermore, the NAB is aware that the Authority has entered into a Memorandum of Understanding (MoU) with the National Consumer Commission (the NCC). The Authority is therefore encouraged to coordinate with the NCC on issues of Type Approval of consumer devices, as it is our understanding that Type Approval of consumer devices is no longer required.

### **2.3.9 Other considerations**

2.3.10 Broadcasters have in previous submissions to the Authority argued that Type Approval should only apply to devices that use the RF, connect to public networks or have the potential to cause harmful interference for the radio RF spectrum. It is our view that the requirement of generic Type Approval is overly burdensome where the equipment or devices do not radiate RF or pose any risk to the network. Persisting with Type Approval in this case adds unnecessary delays and costs with no benefit to the consumer or improved performance.

2.3.11 Other considerations for Type Approval exemptions entail excluding any equipment used in the controlled environment of content production, including amongst others cameras, microphones, routers, switches, fibre links, multiplexers etc.

2.3.12 To this end, the NAB urges the Authority to stream-line Type Approval and reduce the regulatory burden associated therewith.

### 3. Question 2

*In the South African context, do you think that there is a need for the Authority to prescribe the types of equipment, electronic communications facilities and radio apparatus, the use of which does not require Type Approval? If so, please specify such types of equipment, electronic communications facilities and radio apparatus?*

#### 3.1 NAB response to question 2

3.1.1 The NAB is of the view that there is a need to prescribe equipment categories that do not require Type Approval. As already indicated, Type Approval should only apply to devices that use spectrum, connect to public networks or have the potential to cause harmful interference for the RF spectrum. Devices that do not radiate RF and do not interface to the public communications network should not require Type Approval.

3.1.2 Due to rapid technological developments, instead of focusing on developing a list of specific equipment to be exempted from Type Approval, the NAB believes the Authority should rather adopt a principle approach on broad equipment categories.

3.1.3 Equipment that carries the CE stamp of approval should not require Type Approval by the Authority. The CE approval covers compliance with safety and EMC specifications. Any ICASA Type Approval would be an inefficient duplication of effort. The table below exemplifies the general equipment to be exempted:

Equipment category	Description	Type of Use	Exemption restriction
Broadcast receivers	Equipment is intended for receiving broadcasting content which includes radio and television sets,	Personal and professional use	None

	satellite dish, Aerials, DTT and DTH set top boxes, etc		
Test and measurement equipment	Any test and measurement equipment used by professional and engineers of a licensed entity in the provision of telecommunications or broadcast services	Professional use only	None
Systems and equipment used for the production and distribution of broadcast- and content services	All equipment in studios and production facilities that interface with the production environment and are under the control and operated by engineering professionals. Examples include Cameras, microphones, cables, converters, vision mixers, audio mixers, playout systems, media storage systems, routers, switches, fibre links, multiplexers should not require type approval	Professional	None

3.1.4 In the above table the listed equipment is used mostly by experts in the broadcast environment, or the equipment does not interface to the public, but is used to compile and distribute services, or the use of the equipment has little or no impact on the public. These types of equipment do not require regulatory intervention and no need for type approval.

#### 4. Question 3

*In the South African context, do you think that there are any circumstances under which the use of equipment, electronic communications facilities and radio apparatus does not require approval? If so, please specify such circumstances and provide reasons?*

#### **4.1 NAB response to question 3**

- 4.1.1 Yes, any equipment that is used for research and development in a laboratory environment and for demonstrations of prototypes and testing does not require Type Approval. Such equipment may not fit into a specific type approved set of specifications, as the parameters of the equipment are constantly changing and should not require any Type Approval.
- 4.1.2 It remains critically important that harmful interference needs to be avoided. Although there is agreement on not requiring Type Approval on research and development equipment, the Authority should ensure that any research and development equipment, especially where this entails RF emissions is carried out in a responsible and scientific manner and that any harmful interference is avoided.

#### **5. Conclusion**

- 5.1 The NAB welcomes the opportunity to make its written submission to the Discussion Document.
- 5.2 The NAB would like to encourage the Authority to publish the preliminary comprehensive study the Authority conducted in order to allow for a robust engagement on the issues at hand.
- 5.3 In the advent of technological development, and in order to encourage innovation within the ICT sector, it is important for the Authority to prescribe a qualifying criterion for equipment to be exempted from Type Approval.
- 5.4 The NAB would like to encourage the Authority to explore reciprocal arrangements with other regulatory bodies for Type Approvals and exemptions.



