

GOVERNMENT NOTICE No. 919 Published On. 23/10/2020

THE ELECTRONIC AND POSTAL COMMUNICATIONS ACT,

(CAP. 306)

REGULATIONS

(Made under section 165)

THE ELECTRONIC AND POSTAL COMMUNICATIONS (ELECTRONIC
COMMUNICATIONS EQUIPMENT STANDARDS AND E-WASTE MANAGEMENT)
REGULATIONS, 2020

ARRANGEMENT OF REGULATIONS

Regulation Title

PART I
PRELIMINARY PROVISIONS

1. Citation.
2. Application.
3. Interpretation.

PART II
ELECTRONIC COMMUNICATIONS EQUIPMENT
STANDARDISATION

4. Responsibility of Authority.
5. Requirements for Equipment Standardisation.

PART III
PROCEDURES OF TYPE APPROVAL OF ELECTRONIC
COMMUNICATIONS EQUIPMENT

6. Manufacturer's Declaration of Conformity.
7. Authority's Type Approval Certification process.
8. Technical evaluation.

9. Field tested equipment.
10. Type approval certification.
11. Connection of type approved terminals to public electronic communications network.
12. Display of label for type approved terminal.
13. Withdrawal of approval of equipment.
14. Installation of approved equipment.
15. Test for compliance.
16. List of approved communications equipment.

PART IV
E-WASTE MANAGEMENT

17. Obligation of manufacturer and importer
18. Obligation of collector and transporter.
19. Obligation of dismantler and refurbisher.
20. Obligation of recycler.
21. Obligation of producer.
22. Obligation of bulk consumer.
23. Obligation of Authority.

PART V
GENERAL PROVISIONS

24. Type approval fees.
25. Action by Authority.
26. Quality of services.
27. Non-discrimination treatment.
28. Warranty.
29. Penalty.
30. Compounding of offences.
31. Revocation.

THE ELECTRONIC AND POSTAL COMMUNICATIONS ACT,
(CAP. 306)

REGULATIONS

(Made under section 165)

THE ELECTRONIC AND POSTAL COMMUNICATIONS (ELECTRONIC
COMMUNICATIONS EQUIPMENT STANDARDS AND E-WASTE MANAGEMENT)
REGULATIONS, 2020

PART I
PRELIMINARY PROVISIONS

- Citation 1. These Regulations may be cited as the Electronic and Postal Communications (Electronic Communications Equipment Standards and E-Waste Management) Regulations, 2020.
- Application 2. These Regulations shall apply to electronic communications equipment imported or manufactured for use in the United Republic for connection to any electronic communications network for the purpose of receiving or transmitting electronic communication signals.
- Interpretation 3. In these Regulations, unless the context otherwise requires-
- Cap.306 “Act” means the Electronic and Postal Communications Act ;
- Cap.172 “Authority” means the Tanzania Communications Regulatory Authority which is also known by its acronym as “TCRA” established under the Tanzania Communications Regulatory Authority Act;
- “bulk consumer” means the bulk user of electronic communication equipment including public and private or corporate bodies;

- “customer” means end user of communications services conveyed through electronic communication equipment;
- “CPE” is an acronym for the word “Customer Premises Equipment
- “disposal” means any operation which does not lead to recycling, recovery or re-use and includes physic-chemical or biological treatment, incineration and deposition in secured landfill or facility;
- “iDTV” it is an acronym for the words “integrated Digital Television”
- “eco levy” means fees charged in advance to all electronic communication equipment to take care of the disposal of associated equipment after reaching its end life;
- “electronic communications equipment or equipment” means any communications equipment, whether network or terminal intended for use with communications and broadcasting services;
- “e-waste” means waste resulted from electronic communication equipment inclusive of all components, sub-assemblies and consumables which are part of the product at the time of discarding;
- “external service provider” means an entity that is or has been engaged to carry out pre-inspection of electronic communication equipment to be imported into the United Republic and to collect the advance eco-levy from manufacturers or importers of electronic communication equipment;
- “facility” means any location wherein the process incidental to the collection, reception, storage, segregation, refurbishing, dismantling, recycling, treatment and disposal of e-waste are carried out;
- “importer” means any person who arranges for electronic communication equipment or e-waste to be imported into the United Republic or who-

- (a) produces and offers to sell electronic communication equipment under his own brand;
 - (b) offers to sell under his own brand, assembled electronic communication equipment produced by other manufacturers or suppliers; or
 - (c) offers sell imported electrical and electronic equipment;
- “list” means the list of approved electronic communications equipment as updated from time to time by the Authority;
- “Manual Type Approval” means a process whereby type approval certification is done through paper work;
- “MDC” is an acronym for the words “Manufacturer’s Declaration of Conformity”;
- “network equipment” means intermediate communications equipment that facilitate connection or delivery of communications signals between networks;
- “Online Type Approval” means a process whereby type approval certification is done through web based electronic application available as worldwide web;
- “producer” means any person or entity who introduces or causes to be introduced new or used electronic communication equipment into the market by sale, donation, gifts, inheritance or by any such related methods;
- “recycling” means any operation by which waste materials are reprocessed into products, materials or substances whether for the original or other purposes;
- “refurbisher” means an individual or entity authorized to renovate or process e-waste for re-use;
- “STB” is an acronym of the words Set Top Boxes;
- “terminal equipment” means equipment at either end of a communications link or where communications signal is terminated or -CPE; and

“type approval” means a method of checking for compatibility of all electronic communications equipment with any operating electronic communication network as well as conformity to standards.

**PART II
COMMUNICATION EQUIPMENT STANDARDISATION**

Responsibility of Authority

4.-(1) The Authority shall be responsible for formulating technical standards relating to all regulated services in the United Republic.

(2) The Authority shall maintain database of all communications equipment authorised for use in the United Republic.

(3) Subject to applicable procedures and fees, the Authority shall, at the request of equipment manufacturers or equipment suppliers or users, conduct type approval tests through its laboratory or any other relevant facility or means and issue type approval certificates in respect of communications equipment intended for use in the United Republic.

(4) The Authority shall, in conducting type approval certification of electronic communications equipment, be guided by either technical standards formulated and published by the Authority under these Regulations or adopted regional or international standards.

Requirements for Equipment Standardisation

5.-(1) Electronic communications equipment intended for sale in the United Republic shall be required to undergo to certification and type approval by the Authority.

(2) For the purpose of conformity to standards, all communications equipment to be connected to electronic communications networks in the United Republic shall undergo type approval certification.

(3) Pursuant to subregulation (2), the following equipment shall require type approval before sale, distribution or installation in the United Republic-

(a) electronic communications equipment to

be used for connection or access to the public operating electronic communication networks;

- (b) wireless communications equipment; and
- (c) Set-Top- Boxes used to receive digital television signals.

(4) The Authority shall, from time to time, issue a list of type approved electronic communications equipment together with technical standards and applicable type approval fees.

PART III PROCEDURES FOR TYPE APPROVAL OF ELECTRONIC COMMUNICATIONS EQUIPMENT

Manufacturer's
declaration of
conformity
(MDC)

6.-(1) A manufacturer of equipment shall be required to declare that the communications equipment manufactured conform to International or national standards before being imported for use in the United Republic.

(2) A manufacturer who hosts any database related to any communications equipment in use within the United Republic shall be required to declare that such hosted information is retrievable for Authority's access whenever necessary.

Authority's type
approval
certification
processes

7.-(1) The Authority may use several means of certification of communications equipment, including manual or online type approval certification.

(2) An applicant shall, under manual type approval certification process,-

- (a) make sure that before applying for type approval, search for the model of the equipment to be type approved on the list of type approved equipment and confirm whether or not the same has been approved;
- (b) collect type approval application form from the Authority;
- (c) fill the form and return the same to the Authority with the following documents-
 - (i) User's manual;

- (ii) operational manual;
- (iii) technical document consisting of a general description of equipment, technical data and facilities supported;
- (iv) sales brochures;
- (v) photographs of equipment (colour photographs, capturing front, rear, and side views);
- (vi) test reports/results, certificates, if any, from accredited body;
- (vii) manufacturers declaration of conformity; and
- (viii) any other documents that the applicant considers useful to the Authority.

(3) The Authority may deploy an online type approval when handling type approval application and in that case, an applicant shall-

- (a) make sure before applying for type approval, search for the model of the equipment to be type approved in the system and confirm whether or not the same has been approved;
- (b) register an account in the online type approval;
- (c) fills in the online application form, attach necessary documents and submits the application;
- (d) be informed of the application status upon successful submission of the application, through email, including sending of invoices and certificates upon approval.

Technical
evaluation and
disposal

8.-(1) The technical evaluation of equipment shall comply with the international and national standards and be carried out by examination of documents and laboratory testing of equipment sample, where applicable.

(2) The samples of equipment submitted for testing shall be-

- (a) in a good working condition;
- (b) properly configured for testing and complete with the necessary test adapters; and
- (c) clearly marked with trade name, model and serial number.

(3) The applicant shall provide technical details or clarifications promptly as may be required by the Authority.

(4) Pursuant to the provision of subregulation (3), the application shall be rejected where the applicant fails to respond within three months and the applicant shall be so informed in writing.

(5) The applicant shall, within 60 days after testing, be required to collect any sample of equipment submitted, and the Authority shall not be obliged to return to the applicant any sample of equipment and associated documentation submitted for the purpose of type approval.

(6) Where any sample of equipment submitted to the Authority for testing is not collected after twelve months from the date of submission, it shall be subject to disposal.

Field tested equipment

9.-(1) The field tests shall be conducted for the purpose of providing confidence that electronic communications equipment perform satisfactorily during normal operation.

(2) Where requested, field tests shall apply to new electronic communications equipment.

(3) A field testing of an equipment shall take a maximum of three months.

Type approval certification

10.-(1) The Authority shall issue a type approval certificate to the successful applicant for a specific

model of equipment.

(2) The approved equipment shall not be modified in any way without the approval and re-evaluation by the Authority.

(3) The type approval granted under these Regulations shall not be construed as a guarantee by the Authority of the proper functioning, performance or quality of the equipment.

(4) The supplier, importer or distributor shall be duty-bound to ensure that the approved equipment inter-works properly with the public electronic communication network.

(5) The Authority shall not be liable for any interference caused to any other equipment, injury, or loss of life, or damage to property, arising as a direct or indirect result of the use of any approved equipment.

(6) In case of any doubt relating to the interpretation of type approval specification, the method of carrying out the test or the validity of the statements made by the manufacturers of the equipment, the decision of the Authority shall be final.

(7) Any approval or refusal by the Authority shall be made within two months from the date of application of such approval being made and where no approval is made within such time, it shall be deemed to have been so made; except where the equipment is under field test.

Connection of type approved equipment to public electronic communications network

11.-(1) The supplier, importer, distributor or seller shall, before selling any electronic communication equipment, ensure that the equipment meets the standards and specifications set out or adopted by the Authority.

(2) Subject to subregulation (1), all traded single universal STB or iDTV shall meet the standards and specifications set out or adopted by the Authority.

(3) Subject to subregulations (1) and (2), the network and multiplex operators shall have no right to refuse the connections of type approved equipment.

Display of label

12. Every supplier, importer, distributor or seller

GN. NO. 919 (Contd.)

for type approved equipment shall, where applicable, ensure that an equipment offered for sale or for private use is clearly affixed with the type approval label containing the following-

- (a) the logo of the Authority;
- (b) the type of the equipment; and
- (c) the alphanumeric identifications.

Withdrawal of approval of equipment 13. The Authority shall withdraw approval of any communications equipment where it interferes with or pose any malfunction that degrades the efficiency of any electronic communication service.

Installation of approved equipment 14. The approved equipment shall be installed by a holder of electronic equipment installation and maintenance license or where the installation is done by any other person; such installation shall be certified by such holder of electronic communications equipment installation and maintenance license.

Test for compliance 15. Measurements and tests for compliance shall be performed at the Authority's laboratory or by an agent designated for that purpose by the Authority.

List of approved communications equipment 16. A list of approved electronic communications equipment shall be published in the Authority's periodical publications, website and local news papers.

PART IV E-WASTE MANAGEMENT

Obligation of manufacturers and importers 17.-(1) A manufacturer and importer of electronic communication equipment shall-

- (a) pay an eco-levy fee in respect of handling of the end of life of the electronic communication equipment as specified in the Schedule to these Regulations;
- (b) ensure that, the collection of e-waste generated during manufacturing or from the end of life of the electronic communication equipment comply with the principle of

- extended producer responsibility;
 - (c) ensure that e-wastes are channeled to licensed dismantlers or recyclers; and
 - (d) register to the Authority the particulars of electronic communication equipment imported to or manufactured within the United Republic.
- Obligation of recycler and refurbisher
18. Any refurbisher of e-waste shall-
- (a) ensure that the facility and dismantling processes are in accordance with the national standards;
 - (b) ensure that dismantled e-waste are segregated and sent to the recycling facilities for recovery of materials;
 - (c) ensure that non-recoverable components are sent to the authorized treatment storage and disposal facilities;
 - (d) maintain and keep records of dismantled and refurbished electronic communication equipment and make such records available to the Authority when required; and
 - (e) ensure that the refurbished equipment meet the minimum standards for type approval.
- Obligation of producers
19. A producer of electronic communication equipment shall-
- (a) provide information to a recycler on how to dismantle their equipment at the end of life and the location of any hazardous substances or items within the product;
 - (b) create awareness on sound management of e-waste through publications, posters, take back campaign or any other means of communication; and
 - (c) provide contact details such as address, telephone number of licensed collection centers to consumers so as to facilitate return of used electronic communication equipment.

GN. NO. 919 (Contd.)

Obligation of
bulk consumer

20. A bulk consumer of electronic communication equipment shall ensure that-
- (a) e-wastes are segregated from other forms of wastes and are taken to licensed collection centers;
 - (b) e-wastes are not resold, auctioned or exchanged; and
 - (c) records of e-waste generated are kept and make such records are available to the Authority when required

Obligation of
Authority

21. The Authority shall-
- (a) maintain a list of electronic communication equipment to which the eco- levy fee applies and the corresponding rates;
 - (b) designate and engage an external service provider to collect the eco- levy through a competitive process; and
 - (c) have power to inspect the premises of manufacturer or importer of electronic communication equipment to ensure eco levy is paid to all imported or manufactured electronic communication equipment; and
 - (d) register the details of the manufacturer or importer of electronic communication equipment.

PART V GENERAL PROVISIONS

Type approval
fees
GN No. 57 of
2011

22. Equipment type approval application and processing fees shall be as prescribed in the Electronic and Postal Communications (Licensing) Regulations 2018.

Action by
Authority

23.-(1) Any action done or omitted to be done by the Authority relating to application and implementation of these Regulations may be appealed against in the manner prescribed by the Act.
(2) The Authority shall have the mandate to

audit communications equipment in the market to ensure compliance with the prescribed standards.

(3) Where a communications equipment for use in the United Republic has a connection to a hosted database whether within or outside the United Republic, the Authority shall have full access to the hosted information whenever the Authority deems necessary.

Quality of Services

24.-(1) A network service provider shall ensure that the prescribed quality of service is not impaired by substandard equipment, whether network or terminal.

(2) Any service impairment caused by substandard equipment shall be reported to the Authority for necessary action.

Non-discrimination treatment

25. The Authority shall carry out equipment standardization to ensure that electronic communications equipment for use in the United Republic undergo type approval certification by the Authority.

Warranty

26.-(1) Electronic communications equipment for use in the United Republic shall be sold with a minimum warranty of twelve (12) months.

(2) The warranty referred to under subregulation (1) shall be offered as a separate signed form or as part of sales receipt and shall have clear description of covered services; including but not limited to replacement or free maintenance during the warranty period.

(3) A person who purchases electronic communications equipment shall be required to demand a warranty and a receipt of such instrument from the seller, distributor or importer.

Penalty

27.-(1) A vendor, importer, distributor or reseller who allows in the market electronic communications equipment which have not been type approved by the Authority, commits an offense and shall, upon conviction be liable to a fine of not less than five million Tanzanian shillings or to imprisonment for

a term of not less than six months or to both.

(2) A vendor, importer, distributor or reseller of communications equipment that sells electronic communications equipment without warranty as described under these Regulations, commits an offence and shall, upon conviction be liable to a fine of not less than five million Tanzanian shillings or to imprisonment of or term of not less than six months or to both.

(3) A person who buys a non-type approved electronic communications equipment without demanding a warranty and a receipt from the seller, distributor, importer of such equipment, commits an offence and shall, upon conviction, be liable to a fine not exceeding five million Tanzanian shillings or to imprisonment for a term of not less than six months or to both.

(4) A manufacturer or importer who allows in the market electronic communication equipment without paying eco-levy fee, commits an offence, and shall, upon conviction be liable to a fine of five times the eco fee of such equipment.

Compounding of offences

28. Notwithstanding the provisions of these Regulations relating to penalties, where a person admits in writing that he has committed an offence under these Regulations, the Director General or a person authorized by him in writing may, at any time prior to the commencement of the proceedings before a court of competent jurisdiction, compound such offence and order such person to pay a sum of money not exceeding the amount of the fine to which such person would otherwise have been liable to pay if he had been convicted of such offence.

(2) Where the person fails to comply with the compounding order issued under this regulation within the prescribed period, the Director General or person authorised by him may, in addition to the sum ordered, require the person to pay an interest as may be determined by the Authority.

(3) Where the person fails to comply with

subregulation (2), the Director General may enforce the compounding order and interest accruing thereof in the same manner as a decree of a court.

(4) The Director General shall submit to the Director of Public Prosecutions quarterly reports of all compounded offences under this regulation.

Revocation of
G.N No.421
of 2011

32. The Electronic and Postal Communications (Electronic Communications Equipment Standards) Regulations, 2018 are hereby revoked.

Electronic and Postal Communications (Electronic Communications Equipment Standards and E-Waste Management)

G.N. No. 919 (Contd.)

SCHEDULE

(Made under regulation 18(1)(a))

List of items which eco levy is applicable

HS Code	Product label	Eco Levy per Unit(USD)
846900	Typewriters and word-processing machines (excl. automatic data-process	0.65
847021	Electronic calculating machines, incorporating a printing device	1.50
847130	Portable digital computers <10kg	1.50
847141	Non-portable digital edp machines w processor & i/o	1.50
847149	Digital data processing systems	1.50
847150	Digital processing units not sold as complete systems	1.50
847160	Computer input/outputs, with/without storage	1.50
847180	Units of automatic data processing equipment	1.50
847190	Automatic data processing equipment	1.50
847290	Office machines	1.50
847330	Parts & accessories of automatic data processing machines & units thereof	0.65
851711	Line telephone sets with cordless handsets	1.50
851712	Telephones for cellular networks mobile telephones or for other wireless	1.50
851718	Telephone sets (excl. line telephone sets with cordless handsets	1.50
851761	Base stations of apparatus for the transmission or reception of voice	1.50
851762	Machines for the reception, conversion and transmission or regeneration	1.50
851769	Apparatus for the transmission or reception of voice, images or other	1.50
851810	Microphones and stands therefor	0.65
851950	Telephone answering machines	0.65
852550	Transmission apparatus for radio-broadcasting or television	0.65
852560	Transmission apparatus for radio-broadcasting or television	0.65
852580	Television cameras, digital cameras and video camera recorders	0.65
852691	Radio navigational aid apparatus	0.65
852712	Pocket-size radio-cassette-players	1.50
852713	Radio apparatus with sound recording/reproducing	1.50
852719	Radio broad capable of op w/o an external source of power	1.50
852721	Radio receivers capable of op w/o ext source of power f motor vehicle	1.50
852729	Radio receivers capable of op w/o ext source of power for motor vehicle	1.50

Electronic and Postal Communications (Electronic Communications Equipment Standards and E-Waste Management)

Gn. No. 919 (Contd.)

HS Code	Product label	Eco Levy per Unit(USD)
852791	Radio-broadcast receivers, for mains operation only, combined with source	1.50
852792	Radio-broadcast receivers, for mains operation only, not combined with	1.50
852799	Radio-broadcast receivers, for mains operation only, not combined with	1.50
852871	Reception apparatus for television, whether or not incorporating radio	8.50
852872	Reception apparatus for television, colour, whether or not incorporating	8.50
852873	Reception apparatus for television, black and white or other monochrome	8.50
854011	Cathode-ray television picture tubes, Including video monitor tubes, colour	12.00
854012	Cathode-ray TV picture tube including video monitor tube, B&W/oth monochrome	12.00
854020	Television camera tubes, image converter and other photocathode tubes	12.00
903040	Instruments & apparatus, specially designed for telecommunications	0.65

Dodoma,
8th October, 2020

ISACK A. KAMWELWE
*Minister of Works, Transport
and Communication*