



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Vol. 574

Pretoria, 16 April 2013

No. 36380

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GENERAL NOTICE

NOTICE 393 OF 2013

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA (ICASA) 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 16h00, Monday to Friday.
3. Interested persons are invited to submit written representations on these draft Labelling Regulations by **10 May 2013** by post, hand delivery, facsimile transmission, or electronically (in Microsoft Word) for the attention of:

Albert Ntavhaedzi

Type Approval Project Leader

ICASA

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or Block A

Pinmill Farm

164 Katherine Street

Sandton

2146

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 all equipment type approved by the Authority;

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

“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 any person registered with the Authority for the purpose of Type Approval;

“Type Approval Certificate” means a certificate issued by the Authority confirming compliance of the equipment to the prescribed standards determined by the Authority.

2. PURPOSE OF REGULATIONS

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

3. EQUIPMENT REQUIRING LABELLING

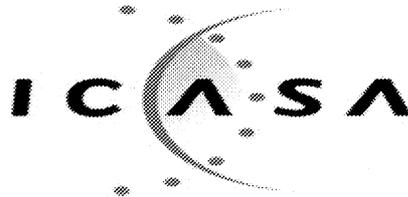
- (1) All equipment that has been type approved and received a type approval certificate must have a legible label permanently affixed to such equipment.
- (2) The packaging and/or container of the equipment referred to in sub-regulation (1) shall bear a label.
- (3) The label must be affixed to the 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 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.
- (6) Valid Labels that have been approved by the Authority prior to the promulgation of these Regulations shall remain in force.

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. 2011)
 - (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:



TA XXXX-YYYY

5. ACQUIRING LABELS

- (1) Printed labels may be obtained from ICASA after payment of the prescribed fee as stipulated in schedule 1 of the Type Approval Regulations.
- (2) In the event that a Supplier prefers not to obtain printed labels as outlined in sub-regulation (1), the Supplier must request in writing permission to print the ICASA label in terms of the specifications outlined in Regulation 4. The request must include a sample of the proposed label.

6. E-LABELLING

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

7. OFFENCES

- (1) No Supplier shall affix a label to any equipment that is not Type Approved.
- (2) No Supplier shall distribute, supply, offer for sale or lease any type approved equipment without displaying and/or affixing a Label in terms of Regulations 3 and 6.

8. PENALTIES

- (1) A Supplier that fails to comply with the provision of regulations 7(1) is guilty of an offence and is subject to imprisonment of six (6) months and/or is liable to a fine not exceeding one million Rands (R 1 000 000.00).
- (2) A Supplier that fails to comply with the provision of regulations 7(2) is guilty of an offence and is liable to a fine not exceeding One Hundred Thousand Rands (R 100 000.00) per model.

9. REPEALED REGULATIONS

The Regulations in Respect of the Labelling of Telecommunications Equipment Regulations, Notice No. R. 289 of 2002 (Gazette No. 23212) are hereby repealed.

10. SHORT TITLE AND COMMENCEMENT

These regulations are called the Labelling Regulations, 2013 and shall come into effect upon publication in the Government Gazette.

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Advertisements: Tel: (012) 334-4673, 334-4674, 334-4504
Subscriptions: Tel: (012) 334-4735, 334-4736, 334-4737
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Gedruk deur en verkrygbaar by die Staatsdrukker, Bosmanstraat, Privaatsak X85, Pretoria, 0001
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