

**COMMENTS ON THE 2ND DRAFT TYPE APPROVAL
REGULATIONS AND MACRA'S RESPONSES**

No	Commenter		Comments	Proposed Changes	MACRA COMMENTS
1	TNM		MACRA should publish for each type of equipment the technical and performance standards or conditions that MACRA would like the vendors to comply with as it is important for applicants to be clear on what they are required to meet.		The standards shall be published by MACRA.
2	AIRTEL	Regulation 5 (1)	A person who seeks type approval of an electronic equipment shall apply to the Authority by submitting...	We suggest that "may" be replaced with "Shall"	Proposal accepted
		Regulation 5 (4)	A person who has an interest in an application for type approval of an electronic equipment stipulated in sub regulation (3) may submit to the Authority comments on the application with copy to the applicant within seven (7) days of publication of the notice and the applicant may file a reply to the comments within seven (7) days of the filing of the comments.	We propose a removal of this whole Regulation as it will cause unnecessary delays in getting Type approvals	Regulation 5(4) should be read together with regulation 5(3). They relate to applications for and grants of type approval of special interest to the public. It is therefore important that the general public be given an opportunity to submit comments.
		Regulation 5 (5)	Where an applicant submits a sample of an electronic equipment for purposes of type approval, he shall ensure that the sample	We suggest that Submission of samples for electronic equipment to only apply to end customer equipment	The regulation has been revised to give the Authority discretion to exempt submission of a sample where necessary.
		Regulation 5 (7)	"The Authority shall retain the samples of the electronic equipment and associated documents submitted by the applicant."	We hope this only applies to small cheap devices. The expensive ones may need to be returned to the supplier if not compliant to recover the money.	The regulation has been revised where "shall" has been replaced with "may".

		Regulation 5 (8)	The Authority shall communicate its decision on an application within 7 days from the date of receipt of the application.	45 days is too long, we propose that the period should be "within 7 days"	MACRA opted for 45 days considering that there are many areas involved in the process including Banks. We have no control of these external processes. However, 45 days is maximum and we may process the application within less number of days.
		Regulation 5 (9)	...In the event that the Authority feels it will not be able to complete the type approval within the period of 7 days prescribed in sub-regulation (8) above, the applicant shall be notified before the expire date 7 days and reasons for the delay and a possible new due date not exceeding 7 days to "new due date"	...we suggest that the Regulations to include the following statement ...not exceeding 15 days to "new due date"	It may not be possible to resolve some delays within the proposed 15days. A new due date can only be determined upon consideration of the circumstances of the application.
		Regulation 6 (5)(c)	The type approval granted by the Authority shall remain valid until... ...the modification has changed the technical specifications of the equipment that has been type approved"	Article 6, point 5, C: add "only if the modification change the technical specifications of the equipment that has been type approved"	The Authority would not know whether a modification has changed the technical specifications or not. Therefore, any modification should undergo type approval process.
2		Regulation 10	The Authority shall , from time to time, issue and publish - (a) an up-to-date list of approved electronic equipment with their technical specifications;	We suggest that MACRA to replace "may" with "shall" and all "list" with "up-to-date list"	Proposal accepted, "may" will be replaced with "shall". The Authority will always publish an updated list. We do not need to specify

					this in the Regulations.
		Regulation 20 (2)	...Where the Authority may revoke any provisional or final type approval certificate, where it is satisfied that	We suggest that the first "where" be removed	Proposal accepted.
		Regulation 20 (2) C	...the holder of the provisional or final type approval certificate has committed a serious breach/breach of these Regulations.	We have replaced the word "bleach" with "breach"	Proposal accepted
		Second schedule – Type approval Fees	We noted that MACRA has categorized the fees for equipment as; Type Approval per model; Type Approval Acceptance per model and Modification per model in US\$	We are of the opinion that Type Approval equipment fees should be moderately low to encourage the level of investments required. In the immediate past, the fees have been US\$300 per equipment. We suggest that all the fees be reduced by at least 20% to make the Type Approval process more affordable or maintain the previous US\$300	We cannot have a single fee for all kinds of equipment. The current fees have been in force for over 15 years and were due for revision. The proposed fees were arrived at following a bench marking process and on cost recovery
		Regulation 23 and Penalty	A licensee who fails to comply with any provision of these Regulations commits an offence and shall upon conviction be liable to a maximum fine of MK5,000,000 and or imprisonment for five (5) years.	We propose that for any contravention , the person should be either fined a maximum of MK5,000,000 or....and not a fine and imprisoned	The standard practice is to combine both imprisonment and fine to deter would be offenders.
	APPLE	Regulation 2	we suggest full definition of Communications Act, including the version that is applied to be added.		The Regulations are being made under the Communications Act, so we do not need to define the Act itself. Additionally under the

					General Interpretation Act reference to a written law refers to any amended version thereof.
			We propose addition of the word simplify to the objective 3(e) of these regulations and amend a sentence to read as follows: "to specify and simplify fee structure with respect to equipment type approval".		The fee structure proposed by MACRA takes into account the category of equipment to be approved. Over simplification of the schedule would bring uncertainty to the manufacturer with regards to which standards to comply with.
		Regulation 5(1) (b)	Authority to change section 5(b) of these regulations and adopt a flexible approach which would permit applicant to have an option to submit either physical copies or electronic copies of the requisite type approval documents.		This is accepted the applicant can submit either soft or hard copy.
		Regulation 5 (8)	these regulations illustrate that a new type approval process would conclude within 45 days from the date of receipt of the application package. This is rather too long and will cause negative impact to launch of products destined for Malawi, especially when the current type approval process takes approximately 15 days to issue type approval certificates.		MACRA opted for 45 days considering that there are many areas involved in the process including Banks. We have no control of these external processes. However, 45 days is maximum and we may process the application within less number of days.
		Regulation 5(9)	Propose deletion of clause 5(9) of these regulations as it may appear to be very subjective rather than being objective.		The Regulation will be maintained we want to ensure accountability and

					certainty.
		Regulation 6(3)	The fees relating to equipment type approval are generally stable as per equipment category or process to be used and we therefore suggest an approach which would allow applicant to make payment based on the prescribed fees prior submission of type approval package. If the fee structure relating to type approval is simplified and made more clearer, the applicant would be in a position to make payment upfront and ensure type approval package is accompanied with proof of payment. No need to wait for granting of type approval and ask for payment thereafter.		MACRA has revised the regulation to make payment of type approval fees upfront before the grant of the type approval.
		Regulation 6(3)	we suggest that the Authority separate the fees relating to identification mark from type approval.		The administrative cost for the identification mark has been embedded in the type approval fee because the mark is issued upon grant of type approval.
		Regulation 6 (1)(d)	A mark with a declaration of conformity may not be affixed to the equipment before receiving in-country type approval certificates and as such we propose deletion of section 6(d) of these regulations as part of type approval requirements. Europe		MACRA has deleted the regulation to indicate the minimum requirements for grant of type approval. Sub regulation 6(1)d was not necessary.
		Regulation 7 (1)	We recommend to the Authority to permits use of physical identification mark to be put either on the product itself or product's packaging and/or user manual. We are saying this because labels are significant for consumer to know that equipment, they are purchasing is indeed approved by MACRA, so physical identification mark on one of the locations mentioned above would be sufficient.		The minimum requirement is that the identification mark be permanently affixed to the electronic equipment. The grantee of the type approval may at his discretion put the mark

					on the packaging or user manual.
		Regulation 7 (1)	We suggest section 7(1) of these regulations to be amended and to read as follows: "A grantee of the type approval shall cause the identification mark issued under regulation 6 to be affixed to the product or packaaing and/or in the user manual in manner that is readily visible".		MACRA has have added a new regulation allowing the mark to be affixed on the packing and user manual.
		Regulation 7 (3)	Apple strongly advice MACRA to create a generic regulatory mark and apply it to all electronic equipment requiring MACRA type approval		The mark that MACRA will develop will be one that is designed to prevent abuse and fraud.
		Regulation 9	We would propose a shorter processing time for equipment under type acceptance regime — it may generally be done within 5 days since it is based on equipment certificates already issued by internationally recognized certification bodies.		The 45 days is the maximum period that the regulations allow for processing an application. MACRA may make a decision before the expiry of that period.
		Regulation 10	We propose that the Authority consider exempting the following devices when finalizing these regulations: Bluetooth (BT) device only, Wi-Fi and/or BT Device. Inductive device only. including medical implants and passive Near Field Communications (NFC) device only.		The regulations allow MACRA to exempt certain electronic equipment from type approval on case by case as the technology evolves
		Regulation 10 (2)	In section 10 (2) of these regulations, please change the sentence by replacing the word office with the word offence.		This has been changed
		Regulation 11	Apple encourages MACRA to develop and review these guidelines, preferably every two years to align with the current market practices.		This is noted

		Schedule 1	We request that Schedule 1 be revised to remove Technical Specifications as one of the documents to be submitted for type approval applications. The technical standards that have been applied to conduct relevant tests in ISO/IEC 17025 accredited laboratory would be included in Declaration of Conformity as such we request deletion of (d) under schedule 1 of these regulations.		MACRA still feels that the technical specifications are an important component of the type approval assessment process and therefore should remain in the schedule.
		Schedule 1	We request (b) under schedule of these regulations to amended and read as "FCC or ETSI Documents" because Federal Communications Commission (FCC) technical standards may be applicable for Malawi in some instances due to different arrangement of frequency spectrum.		MACRA accepts the propels and amended accordingly
	Robert Bosch GmbH	Regulation 7	We would like to ask if this is compulsory in all cases? We have a very small device with not a lot of space for markings, and also no possibility of an e-id (no screen). Would it also be possible, with MACRA permission, to be able to add the marking to the device user manual in some cases? If so, would it be possible to document this information within the type approval regulation?		The regulation has been amended to include accommodate such small devices refer reg. 8 (2)
		Schedule 2	<p>Within schedule 2, under Vehicle Telematics / Road Transport and Traffic Telematics the following ETSI standards are listed:</p> <p>EN 300 674 - Dedicated Short Range Communication (DSRC) transmission equipment (500 kbit/s / 250 kbit/s) operating in the 5 795 MHz to 5 815 MHz frequency band</p> <p>EN 200 674 - Dedicated Short Range Communications (DSRC); Part 1: Technical characteristics and test methods for High Data Rate (HDR) data transmission equipment operating in the 5,8 GHz Industrial, Scientific and Medical (ISM) band</p> <p>EN 301 091 - Short Range Devices; Transport and Traffic Telematics - Radar equipment operating in the 76 GHz to 77 GHz range</p> <p>Are the EN300674 and EN200674 correct in the vehicle Telematics section?</p>		Yes

		Schedule 2	EN 301 091-1 is the standard for Short Range Devices; Transport and Traffic Telematics - Radar equipment operating in the 76GHz to 77GHz range		Noted and have been included in the schedule
		Schedule 2	EN 302 264 is the standard for Short Range Devices; Transport and Traffic Telematics - Radar equipment operating in the 77GHz to 81GHz range		MACRA will not include this standard as it does not fall under our frequency band plan
	Approval Team Nigeria	General	Is Local company (I mean company based in MALAWI) going to be mandatory for type approval instead of International applicant contact directly MACRA? And is mandatory for an international applicant to have a local agent in Malawi for type approval process?		MACRA allows both Local and International applicants for Type approval process, It is not mandatory for an international applicant to have a local agent in Malawi.
		General	Are you going to have special price for those companies?		No because the prices are uniform
		Regulation 5(5)	Do you have precision for devices that will need to provide sample for?		The regulation has been revised to give the Authority discretion to exempt submission of a sample where necessary
	MTL	Regulation 2	A telecommunications facility includes infrastructure such as towers, equipment racks and buildings used to facilitate the provision of communication services. The Authority should clarify if these are included in the type approval regulations.		The regulation has been revised where 2(b) has been removed
		Regulation 4 (4)	The process of applying for and getting approval for the equipment is not very clear. Can the Authority provide a clear process clarifying how this will work? Also include a draft of the application form, which might		Reg 5 has stipulated how the type approval application processes shall be done

			help to clarify the process.		
		Regulation 5(7)	The Authority should provide reasons for retaining the equipment, because some of this equipment is very expensive and it is not viable for licensees to spend extra money on equipment that will just be kept by the Authority.		This is a worldwide best practice. The equipment is retained in case there may be need for retesting the equipment
		Regulation 5(9)	What happens if the Authority does not complete the process and fails to respond to the applicant? MTL proposes that there should be a cut-off point beyond which, if the Authority has not responded, the equipment is assumed to have been approved.		The regulations have provided for this. There shall be no default approval
		Regulation 8(3)(a)	What happens after the 6 months, if, due to circumstances beyond the operator's control, the equipment testing has not been completed? MTL proposes that there should be room to negotiate an extension to the period with the Authority.		MACRA can issue another provisional approval upon application
	PCS	Regulation 4(5)	PCS welcomes and supports the notion to recognize accredited testing entities. We propose that this list includes all entities that are ISO/IEC 17025 accredited and affiliated to ILAC systems.		MACRA agrees and will include the suggested entities
		Regulation 4(7)(b)	<p>PCS proposes that MACRA clarify the criteria whereby a sample would and would not be required, and propose that a paperwork only process (Type Acceptance) may be followed where either of the below are provided:</p> <ul style="list-style-type: none"> > a duly signed CoC from a recognized NRA or CAB > full EU test reports from a test laboratory with ISO/IEC 17025 accreditation and affiliated to ILAC systems <p>In the case of Type Approval and whereby sample testing may be required, PCS note that MACRA require a sample configured for conformance testing. PCS encourages MACRA to elaborate on the exact test</p>		<p>MACRA will establish MRAs and equipment that does not go through these MRAs for type approval will require submission of a sample for type approval process.</p> <p>The manufacturers should be aware the requirements as it is a common practice.</p> <p>In our case the</p>

			parameters which must be met and clarify the availability and accreditation of local test laboratories to be able to perform the required tests.		Authority shall be the one conducting the tests.
		Regulation 5(1)(b)	PCS welcomes and encourages the notion that technical documentation and test reports be verified as legitimate documents. We suggest, however, that MACRA accept "certified" to mean electronic copies of manufacturer stamped and signed documents, and that test reports be duly signed, stamped and to show the applicable accreditation stamp.		MACRA accepts electronic certified documents.
		Regulation 5(8)	<p>PCS propose, for further clarity, that the lead time for Type Approval and Type Acceptance be differentiated and whereby a reduced lead time can be experienced for products submitted under the Type Acceptance process.</p> <p>In line with other countries within the region and current observed MACRA lead-times, we recommend a maximum review lead time under the Type Acceptance process of twenty-one (21) days from the receipt of application.</p> <p>For Type Approval and taking into account that sample inspection may be needed, we agree with the proposed lead time of forty-five (45) days from the date of receipt of the application and to account for the possibly of sample testing.</p>		The 45 days is the maximum period that the regulations allow for processing an application. MACRA may make a decision before the expiry of that period.
		Regulation 6(5)(d)	<p>Per current procedures, PCS encourages MACRA to maintain the stance of indefinite validities for products which are Approved via Type Acceptance or deemed "low risk", such as Bluetooth-only devices and other low power short range devices.</p> <p>Where a validity period is to be set, PCS encourages MACRA to publish proposals of the validity period vs product category for further review and feedback</p>		The current MACRA position is that the type approval validity is indefinite. In the event that MACRA intends to set the validity of the type approved equipment, is shall consult the stakeholders.

		Regulation 7	PCS welcomes and encourages the introduction of an Identification Mark for Approved devices, either physical or electronic. We recommend, however, that concession be granted in the case where it is not possible to affix a physical label to the product nor does the product have an electronic display to apply the label digitally. In these cases, we recommend that MACRA allow manufacturers to affix the label to the product packaging and/or user manual.		The regulation has been amended to include accommodate such devices refer reg. 8 (2)
		Regulation 9(2)(a)	We recommend that this clause be removed in full, given that Type Acceptance implies that the product has already been tested by an ISO/IEC 17025 accredited laboratory and which is affiliated to ILAC systems.		The provision has got a qualifier and a sample will only be require where MACRA deems it necessary
	MULTICHOICE	General	Proposal to change Title of Regulations to Type Approval and Type Acceptance		Type acceptance is subset of Type Approval
		Regulation 2	We propose that the regulations use the same definitions as those used in the Act unless the context otherwise requires. We therefore propose that any terms that are defined in the Act should not be repeated in these regulations		For ease of cross reference some definitions in the ACT have been replicated in the regulations.
		Definition "accredited entity"	An accredited entity would not type approve equipment. Accredited bodies provide certificates of conformity confirming that equipment complies with specified standards. Type approval is conducted by communications regulatory bodies similar to MACRA	accredited entity" means an institution accredited by a national or international accreditation body or another body and recognized by the Authority in terms of the International Organization for Standardization / International Electrotechnical Commission (ISO/IEC)	The definition has been revised to specify the role of the accredited entity to conduct tests for type approval
		General	Proposed to define the "ACT"		The Regulations are being made under the Communications Act, so we do not need to define the Act itself.

		Regulation Definitions	2	Proposed to define "applicant"	"applicant" means a person who applies to the Authority for type approval of electronic communications equipment or customer equipment;	The proposal has been accepted with modifications to align the definition with the regulations
		Regulations Definitions	2	Proposed definition of "electronic equipment"	"electronic equipment" means- (a) any equipment, appliance or device that forms part of the electronic communications network; (b) customer equipment; any facility constructed or adapted for use as part of, or for the purpose of, an electronic communications service; (c) any equipment, appliance or device as the Authority may prescribe from time to time.	Proposal accepted
		Resolution Definitions	2	We suggest linking this to the end users to distinguish it from network equipment	"customer equipment" means any terminal equipment or associated device located at a subscriber's premises that is connected to an electronic communications service by end users ;	Proposal accepted
		Resolution Definitions	2	To the extent that the manufacturer is not involved in bringing the equipment to the market, the applicant for type approval or the supplier of the equipment ought to be allowed to provide such declaration	"declaration of conformity" means a written declaration made by a manufacturer, applicant or supplier of an electronic equipment that the equipment conforms to the requirements of the technical and performance standards recognized, established and published by the Authority in accordance with section 95 of the Act;	Not accepted, declaration of conformity is always done by the manufacturer of the equipment.
		Resolution Definitions	2	This term is already defined in s3 of the Act	Proposed to delete all "electronic communications" means transfer of signs, signals, writing, images, sounds, data or intelligence of any nature, transmitted in whole or in part by radio, electro-magnetic, photo electronic or photo optical system;	Definition maintained For ease of cross reference some definitions in the ACT have been replicated in the regulations.

	Resolution Definitions	2	This term is already defined in s3 of the Act	Proposed to delete all “electronic communications network” means transmission systems used for electronic communications;	Definition maintained for ease of reference. Some definitions in the Act have been replicated in the Regulations.
	Resolution Definitions	2	We propose that the duration of provisional type approval not be included in the definition and that it be dealt with in the relevant provision, particularly given that such approval may be renewed for additional periods	“provisional type approval” means type approval granted by the Authority for a period of not more than six (6) months in accordance with Regulation 87 of these Regulations for electronic communications equipment to be used for trial, research and demonstration on a non-commercial basis;	Proposal accepted
	Resolution Definitions	2	In other countries, type approval is issued only by national regulatory authorities similar to MACRA and would not be issued by any other entity	“type acceptance” means a procedure where ss by which the Authority certifies the acceptability of electronic communications equipment that has been recognizes and accepts electronic equipment based on type approval issued by a recognized foreign national regulatory authority with a view to ensure conformity of the equipment or product to the minimum regulatory technical and safety requirements before the equipment or product is used accredited entities in accordance with these Regulations electronic equipment electronic equipment;	Accepted with modifications
	Regulation 3		Add or change wording (see those in red)	The objectives of these Regulations are- (a) to streamline the type approval and type acceptance framework in accordance with the Act; (d) to avoid harmful interference with other communication (systems) networks; and (e) to specify the fee structure with respect to equipment type approval and type acceptance.	(a) Rejected, Type acceptance is a component of type Approval (d) Not accepted because systems is more wider than network (e) same as (a)

	Regulation Heading	4	Add or change wording	Type approval and type acceptance of electronic equipment	Rejected, Type acceptance is a component of type Approval
	Regulation 4(4)		The manner of applying for type approval and applicable fees is already dealt with in these regulations. Electronic communications equipment that requires type approval will be that which falls within the definition in these regulations. It is not clear why a list of such equipment would be required.	type approval or type acceptance. (4) The Authority shall, from time to time, publish type approval procedures which shall include the manner of making an application; list of electronic equipment to be type approved; applicable fees; and any other information deemed necessary by the Authority.	To be maintained, these are administrative procedures to compliment the regulation
	Regulation 4(6)		The procedure for type approval is prescribed in these regulations	(6) The Authority shall conduct type approval in accordance with the procedures published under subregulation (4).	Maintained as we have also maintained 4(4)
	Regulation 4(7)		Delete and Replace	(7) In applying the type approval procedure When considering whether to type approve electronic equipment , the Authority shall-	To be maintained as 4(4) has been maintained
	Regulation 4(7)(b)		Testing of equipment ought to be limited to those instances where conformance with the relevant standards has not already been tested Wording added	(b) where no declaration of conformity has been provided , carry out necessary tests, on its own or through accredited entities, in order to ensure compliance with relevant national and international standards.	Maintained as this procedure can be carried out even where there is a declaration of conformity
	Regulation 4(8)		Wording added	(8) A person shall use an electronic equipment that complies with applicable technical and performance standards recognized , established and published by the Authority in accordance with section 95 of the Act.	Modification accepted

		Regulation 5	Delete wording Wording added	(1) An applicant person who seeks type approval of an electronic equipment may apply to the Authority for type approval by submitting-	Modification accepted
		Regulation 5 (3)	Type approval is a highly technical assessment of equipment against the standards prescribed in Malawi. The general public would not have the expertise or technical knowhow to comment on an application for type approval. The general public would also not have access to the test results and other relevant documentations, some of which are confidential and proprietary, to comment on an application for type approval	The Authority may publish notices of applications for and grants of type approval or type acceptance on its website and shall issue public notices of applications for and grants of type approval that it considers to be of special interest to the public in a daily newspaper of general circulation in Malawi.	Wrong assumption as the general public consist of wide range of expertise And additionally the Authority will publish sufficient information to enable the public competent to make comments and at the same time mindful of its obligations to maintain confidentiality of the information.
		Regulation 5(4)	Delete the whole 5(4)	(4) A person who has an interest in an application for type approval of an electronic equipment stipulated in subregulation (3) may submit to the Authority comments on the application with copy to the applicant within seven (7) days of publication of the notice and the applicant may file a reply to the comments within seven (7) days of the filing of the comments.	
		Regulation 5(5)	Wording added	(5) Where no declaration of conformity has been provided and the Authority intends to carry out necessary tests, the Authority shall request that an applicant submits a sample of an electronic equipment for purposes of type approval, and the applicant he shall ensure that the sample is -	Rejected; submission of a sample can be requested even where there is a declaration of conformity. Additionally a clause has been added where submission of a sample can be exempted
		Regulation 5(6)	The list of documents required is already listed in Schedule 1, in terms of Regulation 5(1)	(6) The applicant shall submit an electronic equipment for type approval together with test reports from accredited entities.	Proposal accepted

		Regulation 5(8)	Suggested changes in RED	The Authority shall communicate its decision on an application within forty five thirty (4530) days, where testing of equipment is required, or fourteen (14) days, where no testing of equipment is required, from the date of receipt of the application.	MACRA opted for 45 days considering that there are many areas involved in the process including Banks. We have no control of these external processes. However, 45 days is maximum and we may process the application within less number of days
		Regulation 5(9)	Added in RED and removed crossed wording	In the event that the Authority feels it will not be able to complete the type approval within the period prescribed in sub-regulation (8) above, the Authority may extend this period by notifying the applicant shall be notified before the expiry date and reasons for the delay and a possible new due date, provided that the Authority shall not extend the period for more than 30 days.	It may not be possible to resolve some delays within the proposed 15days. A new due date can only be determined upon consideration of the circumstances of the application.
		Regulation 5(10)	Changed the whole wording	(10) If the Authority does not reject the application for type approval within the period prescribed in sub-regulation (8) or notify the applicant of a new due date in terms of sub-regulation (9), the Authority shall be deemed to have approved the application.	Not accepted because there will be no default type approval to avoid use of uncertified equipment in the country
		Regulation 6	Change wording in the	Grant of approval or acceptance	Type acceptance falls within Type Approval
		Regulation 6(1)	Drafting proposal	The Authority shall only grant type approval or type acceptance of an electronic equipment where the applicant and –	The provision has been revised

		Regulation 6(1)(d)	A declaration of conformity ought to be sufficient without having to affix a mark, in addition to the identification mark, on to the equipment		We have deleted the regulation to indicate the minimum requirements for grant of type approval. Sub regulation 6(1)d was not necessary.
		Regulation 6(1)(e)		(f)(c) a declaration of conformity is drawn up in respect of the manufacturer, applicant or supplier of the electronic equipment or any other person responsible for the electronic equipment.	Maintained as this procedure can be carried out even where there is a declaration of conformity
		Regulation 6(2)		The Authority shall reject an application for a grant of type approval or type acceptance where the application fails to meet any of the requirements stipulated in subregulation (1) and shall furnish the reasons for the rejection	Rejects as Type acceptance is part of type approval
		Regulation 6(3)	The identification mark fees ought to only be payable if the applicant is not going to produce their own marks in accordance with the Authority's specifications	Upon granting a type approval or type acceptance, the grantee shall pay type approval or type acceptance fees and, where applicable, identification mark fees prescribed in the Second Schedule.	The clause has been revised , the type approval includes the fees for the identification mark
		Regulation 6(5)(c)	Where the model is modified, equipment on the market that is already type approved ought to retain their type approval as they will continue to be used by end users.	Suggested to delete the clause	Rejected, any modification to a model of an equipment ought to undergo a new type approval process and a new type approval certificate with a new reference number will be issued to certify such model
		Regulation 6(5)(d)		(d)(c) the date of termination, where the Authority has specified the such termination date.	Proposal accepted

		Regulation 6(7)	Any conditions on type approval ought to be limited to those that are absolutely necessary to ensure conformance with the applicable minimum regulatory technical and safety requirements	(7) The grant of type approval or type acceptance of any electronic equipment shall specify the conditions to be complied with which may be imposed on the person to whom the approval is granted, which conditions shall be limited to those that are necessary to ensure conformance with applicable minimum regulatory technical and safety requirements .	Rejected, the qualifier is not necessary as all conditions that the Authority may impose have to related to type approval
		Regulation 6(9)		(9) A person granted type approval or type acceptance certificate shall guarantee and give a warranty to the Authority that each unit of electronic equipment marketed under the grant and bearing the identification specified in the grant shall conform to the unit that was tested type approved or type accepted.	Proposal accepted with modifications
		Regulation 7(1)	Proposed addition wording	1) A grantee of the type approval or type acceptance of customer equipment shall cause the identification mark issued under regulation 6 or conforming to the Authority's specifications to be permanently affixed to the electronic equipment in a manner that the mark is readily visible.	Reject; The authority will be the only entity issuing the identification mark
		Regulation 7(4)	Proposed adding wording	(4) The Authority may, at the request of a grantee of a type approval or type acceptance issue or allow the grantee to use an e-identification mark instead of a printed identification mark.	The printed and e-identification mark will be issued by the Authority upon certifying the electronic equipment
		Regulation 8(1)(a)	Suggested adding "Trial	(a) for research, trial or demonstration on non commercial basis;	Proposal accepted
		Regulation 8(3)(a)	Proposed adding wording	(a) for a period not exceeding six (6) months, which period may be renewed for further periods of six (6) months on application to the Authority;	Proposal accepted

		Regulation 8(6)	Proposal to add wording	(6) The grantee of provisional type approval shall apply for final type approval before the expiry date of the provisional type approval. Where final type approval is not granted, the holder of the provisional type approval shall within thirty (30) days from the expiry of the provisional type approval ensure that all electronic equipment deployed are withdrawn at his own cost.	Proposal accepted with modifications
		Regulation 8(7)	To the extent that final type approval is required, this will follow the type approval or type acceptance process which requires submission of relevant documents	(7) A holder of a provisional type approval shall provide the Authority with a report of the test or demonstration in respect of which the provisional type approval was granted at the lapse of the provisional type approval period.	Clause to be maintained because it needs to be prominent that a report needs to be submitted at the end expiry period of the provisional license
		Regulation 9(1)	Proposed to adding wording	The Authority may type accept electronic equipment where it is satisfied that the electronic equipment has been tested and type approved by a recognized foreign national regulatory authority accredited entity.	Proposal accepted
		Regulations 9(2)(a)	Proposed to adding wording	(a) a sample of the equipment, upon request by the Authority where necessary;	Not accepted, the qualifier is not necessary
		Regulation 9(4)	Proposal to add clause (4)	(4) The Authority shall communicate its decision on an application for type acceptance within fourteen (14) days from the date of receipt of the application.	This has already been included
		Regulation 9(5)	Proposal to add clause (5)	(5) If the Authority does not reject the application for type acceptance within the period prescribed in sub-regulation (4), the Authority shall be deemed to have approved the application.	Not accepted because there will be no default Type approval

		Regulation 12(1)	Proposal to add wording	(1) Any person, other than a licensee, who imports, distributes or supplies electronic equipment shall register with the Authority.	Not accepted because the Authority is going to constitute a register of all imports, distributes or supplies of electronic equipment in the country
		Regulation 12(4)	Importers would not always be Malawian registered entities. In some instances, foreign entities may be responsible for importing equipment in the country, which is then distributed to local entities	Registration shall only be available to Malawian registered entities.	The provision has been revised. Only persons domiciled in Malawi shall be required register.
		Regulation 13(1)	Proposal to delete wording	_____ An authorized representative or distributor/applicant or supplier shall ensure that any _____ electronic equipment distributed by them in	The proposal has been rejected as the provision focusses on the person distributing the electronic equipment.
		Regulation 13(1)	A declaration of conformity ought to be sufficient	(a) _____ has a declaration of conformity drawn up by the manufacturer, applicant or supplier 's certification of conformity with technical standards in accordance with these Regulations; and _____ has a mark with a declaration of conformity affixed to the electronic equipment.	The proposal has been accepted with modification.
		Regulation 13(2)	Proposal to delete clause	(2) _____ An authorized representative or distributor of any electronic equipment shall maintain technical documentation from the manufacturer relating to an electronic equipment for at least five years for the purpose of periodic inspections by the Authority to ensure conformity with a type approval.	Proposal rejected because as a representative of the manufacturer the distributor should retain technical copies of the equipment for reference in case of any queries from any person

		Regulation 13(3)		An authorized representative or distributor/grantee of type approval or type acceptance, or supplier of any electronic equipment shall ensure that the technical documentation relating to the electronic equipment-	The clause has been dealt with
		Regulation 13(3)(a)	Design information is not relevant to conformity of equipment with applicable technical standards, particularly where test results have been submitted to the authority	(a) enables the assessment of the conformity of the product with the essential requirements and covers the design, manufacture and operation of the electronic equipment; and	Accepted. The provision has been modified
			Design information, drawings and schemes of components, sub-assemblies and circuit diagrams are not relevant to the conformity of equipment with the applicable technical standards where test reports and photographs are available for consideration		The provisions have been deleted.
				A person shall not import electronic equipment unless a type approval or type acceptance has been granted by the Authority in respect to such equipment, unless the equipment is required for testing or for purposes of applying for type approval or type acceptance	Proposal accepted with modification of the provision.
			Some aspects of compliance with these regulations may be implemented within the country. For example, affixing identification marks. Furthermore, there may be many administrative considerations at the point of entry. Confiscation, particularly without the opportunity to address any deficiencies would not be appropriate.		The proposal has been rejected. No equipment can be imported and distributed without being type approved. So the issues raised cannot apply.
		Regulation 17(1) and 17(2)	This is a repetition of regulation 4(1)		The proposal not accepted because the obligations are specific to a licensee to allow the connection to its network of type approved equipment.

		Regulation 17(8)	Any action for compensation for damages ought to be directed to the relevant courts		The proposal has not been accepted because Section 173(2)(c) Communications Act gives MACRA the power to order compensation in certain cases. Any person who is not satisfied with the order made by MACRA may appeal to the High Court.
		Regulation 18(1)	We propose that complaints be initially filed with licensees (to the extent that the licensee is the supplier of the equipment) and then escalated to the Authority if the customer is not satisfied with the outcome of the licensee's complaints handling procedures		The proposal has been rejected because the provision is of general application and not specific to licensees.
		Regulation 18(3)	Before resolving the complaint, the Authority shall forward a copy of the complaint to the applicant or holder of a type approval or type acceptance against whom the complaint was made for its representation.		The proposal has been accepted with modification.
		Regulation 19(1) and 19(2)	The Authority's power to investigate non compliance with the requirements of the law is already prescribed in the Act		For the sake of completeness, the regulation will be maintained.
		Regulation 19(2) & (3)	The Authority's power to enter and search premises is prescribed in s86 of the Act. It is not permissible for the Authority to seek to expand on these powers in regulations. s86 also clearly stipulates that a warrant is required prior to entry into premises, which has been omitted from this requirement		Sub-regulation 2 has been deleted. We have maintained Sub-regulation 3 to enable the Authority carry out its investigation function under Sub-regulation 1.

