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<i>S. I. No.</i>	<i>Short Title</i>	<i>Page</i>
23	Nigerian Communications (Type Approval) Regulations, 2024 ..	B541-553

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**NIGERIAN COMMUNICATIONS ACT
(No. 19, 2003)**

**NIGERIAN COMMUNICATIONS
(TYPE APPROVAL) REGULATIONS, 2024**



ARRANGEMENT OF REGULATIONS

Regulations :

PART I — OBJECTIVES, SCOPE AND APPLICATION

1. Objectives
2. Scope
3. Application

PART II — TYPE APPROVAL OBLIGATIONS

4. Conditions for using or supplying communications equipment
5. Limitations on claims about Type Approvals
6. Retention and supply of supporting documentation
7. Labeling for approved Equipment Types

PART III — APPROVING EQUIPMENT

8. Content of applications for Type Approvals
9. Decisions on applications for Type Approvals
10. Timing of decisions about applications for Type Approval
11. Updating the list of approved Equipment Types

PART IV — PROVISIONAL TYPE APPROVAL

12. Provisional Type Approvals

**PART V — TYPE APPROVAL BUSINESS RULES AND LISTS
OF APPROVED EQUIPMENT**

13. Publication of the Type Business Rules
14. Publication of the Type Approval Standards
15. Publication of approved Equipment Types
16. Working Group on Equipment Standards

PART VI — TESTING AND TEST LABORATORIES

17. Identification of test laboratories
18. Validation of tests on communications equipment.

19. Performance of further tests on equipment.

PART VII — MODIFICATIONS TO THE BUSINESS RULES AND STANDARDS

20. Modifications to the Type Approval Business Rules and Type Approval Standards

PART VIII — REVOCATION AND EXEMPTION FROM TYPE APPROVAL

21. Conditions for revocation.
22. Revocation Notices
23. Exemption of equipment from Type Approval

PART IX — INVESTIGATION

24. Investigation of equipment use and supply practices
25. Complaints Procedure

PART X — FEES FOR TYPE APPROVALS

26. Publication of the schedule of fees for Type Approval
27. Factors in determining the schedule of fees for Type Approvals
28. Payment of fees for Type Approvals

PART XI — CONTRAVENTIONS AND ENFORCEMENT

29. Contraventions
30. Enforcement Measures
31. Factors in applying enforcement measures

PART XII — MISCELLANEOUS

32. Modification of these Regulations
33. Further Directions
34. Revocation and savings
35. Interpretation
36. Citation

S. I. No. 23 of 2024

NIGERIAN COMMUNICATIONS ACT
(No. 19, 2003)

NIGERIAN COMMUNICATIONS
(TYPE APPROVAL) REGULATIONS, 2024

[29th Day of July, 2024]

Commence-
ment

In exercise of the powers conferred on it by sections 70 and 134 of the Nigerian Communications Act, No. 19, 2003 ("the Act"), and of all other powers enabling it in that behalf, the Nigerian Communications Commission the ("Commission") makes the following Regulations —

PART I — OBJECTIVES, SCOPE AND APPLICATION

1.—(1) These Regulations are to —

Objectives

- (a) promote interoperability between communications networks ;
- (b) protect the integrity of communications networks ;
- (c) ensure the efficient use of frequency spectrum ;
- (d) ensure that communications equipment used in communications networks are safe and do not compromise national security ;
- (e) ensure that communications equipment used in communications networks are subject to limits on causing or being affected by electromagnetic radiation ;
- (f) facilitate the availability of quality equipment to consumers and Equipment Holders ;
- (g) support research and the development of communications prototype devices ;
- (h) promote the development of communications networks, including the supply of communications equipment by qualified suppliers and manufacturers ; and
- (i) prescribe processes for the Type Approval of communications equipment and identify applicable technical standards, including those promulgated by international bodies.

2. These Regulations provide a framework for the approval of communications equipment for connection to communications networks in Nigeria, pursuant to sections 130 to 134 of the Act, and in particular prescribe rules and processes for the exercise of functions of the Commission under section 4(1)(i), (m) and (n) of the Act.

Scope

3.—(1) These Regulations shall apply to every person that provides communications services, manufactures or supplies communications equipment ("Equipment Holder").

Application

(2) In addition to the provisions of these Regulations, an Equipment Holder is subject to all conditions regarding equipment standards and radio spectrum interference set out in its Licence, and any other product standards applicable in Nigeria

PART II — TYPE APPROVAL OBLIGATIONS

Conditions
for using or
supplying
communications
equipment

4.—(1) An Equipment Holder may use or supply communications equipment for a communications network in Nigeria, where the —

(a) Commission has approved the Equipment Type ; or

(b) Equipment Type is exempted from Type Approval pursuant to regulation 23 of these Regulations.

(2) An Equipment Holder need not be the applicant for the Type Approval of the Equipment Type.

Limitations
on claims
about Type
Approvals

5. An Equipment Holder shall not claim or suggest that a communications equipment is approved for use in Nigeria unless the Commission has either approved the Equipment Type or the Equipment Type is exempted from Type Approval pursuant to regulation 23 of these Regulations.

Retention
and supply
of
supporting
documentation

6. An Equipment Holder shall be prepared to supply supporting documentation, provided under these Regulations and the Type Approval Business Rules, to the Commission on request for at least five years after the Equipment Holder last used or supplied the communications equipment to which the documentation refers.

Labeling for
approved
Equipment
Types.

7.—(1) An Equipment Holder shall ensure that each item of communications equipment sold as an approved Equipment Type has the mark of the Commission in a conspicuous place.

(2) Labels shall comply with the format and other requirements identified in the Type Approval Business Rules.

PART III — APPROVING EQUIPMENT

Content of
applications
for Type
Approvals.

8.—(1) An Equipment Holder may apply to the Commission for Type Approval in accordance with the Type Approval Business Rules.

(2) An Application under sub-regulation (1) of this regulation shall state —

(a) the name and contact details of the applicant ;

(b) the Equipment Type requested for Type Approval with its manufacturing brand name, product name, model number, version number and functions ;

(c) a Declaration of Conformity for which there is a valid test and other supporting documentation that the Equipment Holder can provide to the Commission on request ;

(d) an indication of which portions of the application are confidential to the Commission ;

(e) any other information that the applicant considers necessary or appropriate to support the application ; and

(f) any other information that the Commission may, from time to time, require to assess the application.

9.—(1) The Commission may grant or refuse an application for Type Approval.

Decisions on
applications
for Type
Approvals

(2) In making a decision on an application for Type Approval, the Commission may accept a Declaration of Conformity supported by equipment tests performed by accredited laboratories pursuant to regulation 8 of these Regulations.

(3) The Commission may request the submission of test results and other supporting documentation from an Equipment Holder under these Regulations and the Type Approval Business Rules.

(4) The Commission may require verification of test results and documentations by factory visits or other identified processes for communications equipment —

(a) identified as being important to the functioning of communications networks ; or

(b) for which test and certification have been undertaken by accredited laboratories other than those designated by the Commission.

10.—(1) The Commission shall review and make decisions regarding applications for Type Approvals in the order in which the applications were received by the Commission.

Timing of
decisions
about
applications
for Type
Approval

(2) The Commission shall communicate its decision on an application to the applicant, including reasons for any refusal of an application, within 30 days of receiving the application.

11. Where the Commission grants a Type Approval, it shall place the Equipment Type on the list of approved Equipment Types maintained by the Commission.

Updating the
list of
approved
Equipment
Types

PART IV — PROVISIONAL TYPE APPROVAL

12.—(1) The Commission may grant a provisional Type Approval for communication prototype for a trial period that may be determined by the Commission to encourage research and development.

Provisional
Type
Approvals

(2) Upon conclusion of the trial or experiment network access, the service and equipment used shall be deactivated and a report of the trial communicated to the Commission.

(3) When requesting for provisional Type Approval, the applicant shall state —

- (a) the purpose and duration of the test, trial, research or demonstration ;
- (b) the geographic location of the test, trial, research or demonstration ;
- (c) the number of units to be tested ;
- (d) technical details of the units to be tested ;
- (e) details of the proposed recipients of the units ; and
- (f) proof of payment of the applicable fee.

(4) Where the Commission has determined that equipment which is the subject of an application for provisional Type Approval complies with the provisional Type Approval requirements, the Commission may grant provisional Type Approval for a period not exceeding 180 days, on such terms and conditions that it may determine.

(5) The applicant shall submit the test, trial, research, or demonstration report to the Commission within 30 days of the expiration of the provisional Type Approval period.

(6) The communications equipment that is granted provisional Type Approval in accordance with subregulation (1) of this regulation shall be used exclusively by the applicant and the persons identified as recipients in the application and solely for the purpose for which the approval was granted.

(7) When granting provisional Type Approval to equipment, the Commission may, where it considers necessary, limit the number of units of the equipment an applicant can hold and utilize.

(8) Where the applicant does not wish to apply for final Type Approval within or after the provisional Type Approval period, the applicant shall —

- (a) ensure that all units that were deployed or used are withdrawn at the applicant's own costs ; and
- (b) submit in writing, evidence of such withdrawal to the Commission, within 30 days of the expiration of the provisional Type Approval period.

PART V — TYPE APPROVAL BUSINESS RULES AND LISTS OF APPROVED EQUIPMENT

13. The Commission shall maintain and publish in the Type Approval Business Rules, up-to-date versions of the Type Approval processes.

14. The Commission shall maintain and publish in the Type Approval Standards, up-to-date versions of the technical standards and specifications applicable to identified Equipment Types.

Publication
of the Type
Approval
Standards

15. The Commission shall maintain and publish an up-to-date list of approved Equipment Types.

Publication
of approved
Equipment
Types

16. The Commission may convene a Working Group on Equipment Standards, comprising knowledgeable industry representatives and other stakeholders who may meet periodically to ensure that timely recommendations are made to the Commission regarding the list of Equipment Types.

Working
Group on
Equipment
Standards

PART VI — TESTING AND TEST LABORATORIES

17.—(1) The Commission shall maintain and publish an up-to-date list of test laboratories considered suitable for performing tests required by a Declaration of Conformity.

Identification
of test
laboratories

(2) The list of test laboratories under sub-regulation (1) of this regulation may include —

(a) foreign test laboratories accredited by international accreditation mechanisms under an International Laboratory Accreditation Co-operation Mutual Recognition Agreement ; and

(b) test laboratories accredited by the Commission in different parts of Nigeria for the facilitation of on-the-spot checks.

18. The Commission may, for the purpose of achieving the objective of these Regulations, at any time, in collaboration with other relevant standardization agencies, perform tests on communications equipment or request the supply of test and other supporting documentation provided by an Equipment Holder under these Regulations and the Type Approval Business Rules.

Validation of
tests on
communications
equipment

19. Where test results obtained under regulation 18 of these Regulations are unsatisfactory or inconclusive, the Commission may require that further tests be performed at the cost of the Equipment Holder.

Performance
of further
tests on
equipment

PART VII — MODIFICATIONS TO THE BUSINESS RULES AND STANDARDS

20.—(1) The Commission shall, from time to time review and where necessary, modify the Type Approval Business Rules and the Type Approval Standards.

Modifications
to the Type
Approval
Business
Rules and
Type
Approval
Standards

(2) When undertaking the review referred to in sub-regulation (1) of this regulation, the Commission shall consult with relevant stakeholders and may

request and receive advice from the Working Group on Equipment Standards or other advisory groups, but shall not be bound by any such advice.

(3) The Type Approval Business Rules and Standards may be amended without amending these Regulations.

(4) The provisions stipulating Device Management System procedures shall be as prescribed in the Type Approval Business Rules and Standards.

PART VIII — REVOCATION AND EXEMPTION FROM TYPE APPROVAL

Conditions
for
revocation

21.—(1) The Commission may revoke a Type Approval or annul an exemption from Type Approval where there is reasonable evidence that —

(a) the Type Approval or exemption from Type Approval was obtained by fraud or misrepresentation ; and

(b) Equipment Type —

(i) does not comply with the applicable Type Approval Standards,

(ii) interferes with the operation of a communications network or other communications equipment,

(iii) has a defect that became known, or reported to the Commission or any other competent authority, and

(iv) constitutes a threat to national security or public safety.

(2) The Commission may revoke a Type Approval or annul an exemption from Type Approval in the event of a change in any relevant Regulations issued by the Commission, including a change in the assignment of a frequency band in which the Equipment Type operates.

(3) On revocation of a Type Approval or annulment of an exemption from Type Approval, all communications equipment in the supply chain shall be disposed of or modified by the Equipment Holder in accordance with any directives given by the Commission.

Revocation
Notices

22. The Commission shall publish a notice to inform Equipment Holders about the revocation of a Type Approval or annulment of an exemption from Type Approval within 30 days from the date of the revocation or annulment.

Exemption
of
equipment
from Type
Approval

23. Communications equipment shall not require any other Type Approval where an Equipment Type has already been approved by the Commission, and the equipment —

(a) complies with the Type Approval Standards applicable to the approved Equipment Type, according to valid test documentation that the Equipment Holder can supply to the Commission on request ;

(b) has the same manufacturing brand name, product name, model number and function as the approved Equipment Type ;

(c) uses no radio frequencies besides those used by the approved Equipment Type ; and

(d) requires no kinds of physical network interface besides those required by the approved Equipment Type.

PART IX — INVESTIGATION

24. The Commission may investigate the use or supply of communications equipment by an Equipment Holder pursuant to section 61 of the Act and may exercise its powers of information gathering pursuant to section 64 of the Act.

Investigation
of
equipment
use and
supply
practices

25.—(1) Any person may make a complaint in respect of the working of any equipment that has been Type Approved or object to the Type Approval of any equipment by submitting a complaint or objection to the Commission in a prescribed form stating the —

Complaints
procedure

(a) name and address of the complainant ;

(b) name and address, if known, of the person against whom the complaint is made ; and

(c) facts, including supporting data, where available, showing that the apparatus —

(i) does not conform to these Regulations,

(ii) may cause harmful interference to communications network,

(iii) is a risk to human health or the environment, or

(iv) is deficient for any other reason adduced for such objection or complaint.

(2) The Commission shall forward a copy of the complaint or objection to the applicant or Equipment Holder of a Type Approval certificate and give the applicant or Equipment Holder an opportunity to give evidence to rebut the complaint or objection.

(3) The Commission shall consider any complaint or objection received when considering the application for Type Approval or in evaluating the operation of equipment that has been granted Type Approval.

PART X — FEES FOR TYPE APPROVALS

26. The Commission shall, from time to time, determine and publish the schedule of fees for Type Approvals and shall on request, supply the schedule of fees for Type Approvals in response.

Publication
of the
schedule of
fees for
Type
Approval

Factors in
determining
the schedule
of fees for
Type
Approvals

27. In determining the schedule of fees for Type Approvals, the Commission shall consider—

(a) the administrative and operational expenses incurred in processing requests for Type Approval ;

(b) the number and nature of any laboratory tests, performed by or under the direction of the Commission, on the communications equipment for which Type Approval is requested ; and

(c) any other function of the Commission pursuant to section 4(1) of the Act that the Commission may, from time to time, require to be funded partly or wholly from fees for Type Approvals.

Payment of
fees for
Type
Approvals

28.—(1) Type Approval schedule of fees may distinguish between fees payable on application and fees payable on approval.

(2) An applicant shall pay the fees for Type Approval or its modification at the time specified by the Commission.

PART XII — CONTRAVENTIONS AND ENFORCEMENT

Contraventions

29. An Equipment Holder that fails to fulfill an obligation set out under these Regulations, the Type Approval Business Rules or the Type Approval Standards shall be deemed to have contravened the provisions of these Regulations.

Enforcement
measures

30. In addition to the provisions of sections 131 and 133 of the Act, where an Equipment Holder contravenes the provisions of these Regulations, the Type Approval Business Rules or the Type Approval Standards, the Commission may—

(a) impose administrative fines pursuant to regulations 12 and 14 of the Enforcement Process Regulations ;

(b) exercise any of its powers pursuant to regulation 5 of the Enforcement Process Regulations ; and

(b) issue one or more directions pursuant to section 53 of the Act.

Factors in
applying
enforcement
measures

31. In considering the application of enforcement measures under regulation 30 of these Regulations, the Commission may take into account—

(a) factors and considerations set out in regulation 14 of the Enforcement Process Regulations ; and

(b) any failure to fulfill obligations that arose partly or wholly from the failure of another Equipment Holder.

PART XII — MISCELLANEOUS

32.—(1) The Commission may, from time to time, review and modify these Regulations pursuant to section 72 of the Act.

Modification
of these
Regulations

(2) The Commission may, during the process of review and modification of these Regulations, request and receive advice from external advisory groups but shall not be bound by any such advice.

33. The Commission may, from time to time, issue additional rules or directions on any aspect of these Regulations, either of general application, or specific to an Equipment Type or Equipment Holder.

Further
Directions

34.—(1) The Type Approval Regulations, No. 23, 2008 and Type Approval Guidelines, are hereby revoked.

Revocation
and savings

(2) The revocation of the Regulations and Guidelines specified in sub-Regulation (1) of these Regulations shall not affect anything done or purported to be done under the revoked Regulations and Guidelines.

35. In these Regulations —

Interpretation

“*Act*” means the Nigerian Communications Act, No.19, 2003 ;

“*Commission*” means the Nigerian Communications Commission ;

“*Contravention*” means any failure to comply with the provisions of these Regulations, Type Approval Business Rules or the Type Approval Standards ;

“*Declaration of Conformity*” means a declaration, meeting the requirements in these Regulations and the Type Approval Business Rules, that an Equipment Type complies with applicable Type Approval Standards ;

“*Enforcement Process Regulations*” means the Nigerian Communications (Enforcement Process, etc.) Regulations, No. 13, 2019, as may be amended, from time to time ;

“*Equipment*” means any equipment or apparatus used or intended to be used for communications and that is part of or connected to or comprises of a communications system ;

“*Equipment Holder*” means a provider of communications services, a supplier or manufacturer of communications equipment ;

“*Equipment Type*” means a type of communications equipment specified in terms of its manufacturing brand name, trade name, model number, version number and function ;

“*Prototype Device*” means any device that is locally manufactured and is undergoing laboratory testing to remove any defects in its functionality before it can be ready for full commercialization ;

“*Type Approval*” means an authorization by the Commission to use or supply an Equipment Type ;

“Type Approval Business Rules” means the Rules, as may be amended, from time to time, which are issued by the Commission to manage the Type Approval process ;

“Type Approval Standards” (“Standards”) means any Standards published by the Commission pursuant to section 70(2) of the Act and these Regulations, which shall be the applicable technical standards and specifications for identified Equipment Types, including the initial standards set out in the Type Approval Business Rules.

Citation

36. These Regulations may be cited as the Nigerian Communications (Type Approval) Regulations, 2024.

MADE at Abuja this 29th day of July, 2024.

DR. AMINU MAIDA,
Executive Vice Chairman/CEO
Nigeria Communications Commission

EXPLANATORY NOTE

*(This note does not form part of these Regulations
but is intended to explain its purport)*

These Regulations promote interoperability between communications networks, protect the integrity of communications networks, ensure efficient use of the frequency spectrum; ensure that communications equipment used in communications networks is safe and do not compromise national security, ensure that communications equipment used in communications networks is subject to limits on causing or being affected by electromagnetic radiation, facilitate the availability of quality equipment to consumers and Equipment Holders, support research and the development of communications prototype devices, promote the development of communications networks, including the supply of communications equipment by qualified suppliers and manufacturers, and prescribe processes for the Type Approval of communications equipment and identify applicable technical standards, including those promulgated by international bodies.