

- Unofficial translation -

Notification of the National Telecommunications Commission
Re: Conformity Assessment of Telecommunication Equipment

Whereas it is deemed expedient to prescribe certain telecommunication equipment, devices used in telecommunication network or devices used in telecommunication service, including radiocommunication equipment and parts thereof to be subject to conformity assessment, and it is also proper to prescribe criteria and procedures for the conformity assessment and post-market surveillance measures,

Pursuant to Section 51 (5) (21) and Section 78 Paragraph One of the Act on the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunication Services B.E. 2543 (2000), which contains certain provisions regarding the restriction of the rights and freedom of an individual as permitted to be done under the law by Article 29, together with Articles 35, 36, 43, 45, 46, 47, 61 and 64 of the Constitution of the Kingdom of Thailand; and Section 32 Paragraph Two of the Telecommunications Business Act B.E. 2544 (2001), which contains certain provisions regarding the restriction of the rights and freedom of an individual as permitted to be done under the law by Article 29, together with Articles 35, 36, 41, 43, and 45 of the Constitution of the Kingdom of Thailand; as well as Section 11 of the Radiocommunications Act B.E. 2498 (1955), as amended by the Radiocommunications Act (No. 3) B.E. 2535 (1992); and Section 29(5) of the Radiocommunications Act B.E. 2498 (1955), which contains certain provisions regarding the restriction of the rights and freedom of an individual as permitted to be done under the law by Article 29, together with Articles 35, 36, 41, 43, 45, 47, and 61 of the Constitution of the Kingdom of Thailand; the National Telecommunications Commission hereby issues the Notification regarding Conformity Assessment of Telecommunication Equipment, as follows:

Section 1. This Notification shall come into force one hundred and eighty days from the date of its publication in the Government Gazette.

Section 2. The followings shall be repealed:

- (1) Regulations of the Post and Telegraph Department regarding type approval test of radiocommunication equipment B.E. 2538 (1995)
- (2) Regulations of the Post and Telegraph Department regarding type approval of radiocommunication equipment (No. 2) B.E. 2544 (2001)
- (3) Notification of the Post and Telegraph Department regarding radiocommunication equipment subject to type approval dated 14 November B.E. 2540 (1997)

(4) Notification of the Post and Telegraph Department regarding radiocommunication equipment registration number dated 22 December B.E. 2540 (1997)

(5) Notification of the Post and Telegraph Department regarding the cancellation of registration for radiocommunication equipment (TVRO) dated 13 October B.E. 2547 (2004)

Section 3. All type approval results of radiocommunication equipment, which were issued by the Post and Telegraph Department or the National Telecommunications Commission prior to the date of coming into force of this Notification shall continue to be valid insofar as they are not contrary to or inconsistent with the provisions of this Notification and any other Notifications as may be prescribed thereafter by the National Telecommunications Commission.

Section 4. In this Notification,

“Telecommunication equipment” means the telecommunication equipment used in telecommunication network or device used in telecommunication service under the laws on telecommunication business, and radiocommunication equipment or parts thereof under the laws on radiocommunications;

“Conformity assessment” means any activity, including testing, registration, certification, and other related activities, to determine that telecommunication equipment meets the requirements of relevant technical standards and technical requirements as prescribed by the National Telecommunications Commission;

“Conformity assessment body” means a body that conducts conformity assessment for telecommunication equipment, which, under this Notification, shall include:

(1) Office of the National Telecommunications Commission,

(2) Testing laboratory or certification body who is a juristic person and granted a license by the National Telecommunications Commission,

(3) Foreign testing laboratory or certification body recognized by the National Telecommunications Commission as specified in Chapter 5 of this Notification,

“Testing laboratory” means a body that provides testing services for telecommunication equipment against relevant technical standards or technical requirements prescribed by the National Telecommunications Commission;

“Certification body” means a body that provides certification services which are to give written assurance that telecommunication equipment conforms to technical standards or technical requirements prescribed by the National Telecommunications Commission;

“Supplier” shall include manufacturer, dealer, or importer of telecommunication equipment, who is responsible for such equipment, be they individuals of Thai nationality or juristic persons under Thai law;

“Commission” means the National Telecommunications Commission;

“Secretary-General” means the Secretary-General of the National Telecommunications Commission;

“Office” means the Office of the National Telecommunications Commission.

Chapter 1

Scope, Applicability and Exemption

Section 5. The telecommunication equipment subject to conformity assessment shall be categorized into two classes, as follows:

(1) Class A equipment, which is the telecommunication equipment that a supplier is required to show its conformity with the technical standards or technical requirements by means of testing by a conformity assessment body, and registration with the Office in accordance with the provisions in Chapter 2 of this Notification.

(2) Class B equipment, which is telecommunication equipment that a supplier is required to show its conformity with the technical standards or technical requirements by means of testing by a conformity assessment body and certification by the Office in accordance with the provisions in Chapter 3 of this Notification.

Section 6. The Commission shall have the power to specify category of telecommunication equipment subject to conformity assessment, and procedures thereof, the details of which may be given in the Commission's Notifications regarding technical standards or technical specifications; conditions for telecommunication business licensing, conditions for spectrum licensing, or conditions of license to use telecommunication equipment.

The list of telecommunication equipment categorized by class of conformity assessment during the initial period after this Notification has come into force is given in Annex A.

Section 7. The following telecommunication equipment is exempted from conformity assessment under this Notification:

(1) Telecommunication equipment which is used for teaching and learning, education and installed in laboratories of academic institutions or education related agencies,

(2) Telecommunication equipment which is used for the purpose of espionage in the interest of the national security by national security agencies,

(3) Telecommunication equipment which is used in scientific and ecological studies and researches, as well as in animal tracking and search, by agencies related to education, environment, or ecology,

(4) Telecommunication equipment which is used for the operations of specialized agencies of the United Nations,

(5) Telecommunication equipment which is used for foreign ship station or aircraft station and installed on-board such ship or aircraft station, and

(6) Telecommunication equipment which is temporarily imported as personal effects, with no commercial purpose, and re-exported when they are no longer required for use.

The Commission may, in addition to the above, exempt certain telecommunication equipment from conformity assessment or may require any of the above exempted equipment to be inspected in order to verify their technical characteristics prior to granting a license, as the case may be.

Section 8. In the case where the Commission has prescribed that a particular telecommunication equipment be subject to conformity assessment, but has yet to prescribe relevant technical standards or set technical requirements, the Office shall conduct conformity assessment for such equipment by applying international, regional or national technical standards or technical requirements as appropriate.

Section 9. In the case where the Commission has prescribed technical standards or has set technical specifications for telecommunication equipment or set out technical requirements, but has not prescribed that such equipment be subject to conformity assessment, the supplier shall have the duty to give a written assurance that the equipment conforms to the specified technical standards or technical requirements by applying the procedures of Supplier's Declaration of Conformity (SDoC) as stipulated in Chapter 4 of this Notification.

Section 10. The conformity assessment in accordance with this Notification shall apply the procedures of Type Testing which means testing is performed on the basis of one or more telecommunication equipment as specimens of a product representative of the production or importation.

Section 11. This Notification shall be applicable to conformity assessment conducted by both the Office in accordance with the Regulations prescribed by the Commission, and other conformity assessment body which is a juristic person licensed by the Commission.

Chapter 2

Conformity Assessment for Class A Telecommunication Equipment

Section 12. The following conformity assessment body is authorized to provide testing services for Class A telecommunication equipment:

- (1) The Office,
- (2) A conformity assessment body which has been granted a license from the Commission as Type I or Type II telecommunication equipment testing laboratory, and
- (3) A foreign conformity assessment body which has been recognized by the Commission in accordance with the criteria specified in Chapter 5 of this Notification.

Section 13. The Office shall have the power to accept registration of Class A telecommunication equipment which passed testing by the conformity assessment body referred to in Section 12 above. The criteria, procedures and conditions of such registration shall be in accordance with the Regulations prescribed by the Commission.

Section 14. The Office shall issue registration number for the registered telecommunication equipment in accordance with the format specified in Section 27 (1).

Chapter 3

Conformity Assessment for Class B Telecommunication Equipment

Section 15. The following conformity assessment body is authorized to provide testing services for Class B telecommunication equipment:

- (1) The Office,
- (2) A conformity assessment body which has been granted a license from the Commission as Type II telecommunication equipment testing laboratory, and
- (3) A foreign conformity assessment body which has been recognized by the Commission in accordance with the criteria specified in Chapter 5 of this Notification.

Section 16. The Office shall have the power to certify Class B telecommunication equipment which passed testing by the conformity assessment body referred to in Section 15 above. The criteria, procedures and conditions of the registration shall be in accordance with the Regulations prescribed by the Commission.

Section 17. The Office shall issue an Approval Certificate to the certified telecommunication equipment, specifying an Approval Number in accordance with the format specified in Section 27 (2).

Chapter 4

Supplier's Declaration of Conformity

Section 18. The supplier who has the duty to give a written assurance that the telecommunication equipment conforms to the technical standards or technical requirements, using the procedures of Supplier's Declaration of Conformity (SDoC) as stipulated in Section 9 shall complete the SDoC Form to provide details of the telecommunication equipment according to the format specified as per Annex B and submit the completed form to the Office.

The supplier shall retain a copy of the completed SDoC Form and supporting documentation for monitoring and inspection in accordance with post-market surveillance measures.

The documentation referred to above shall, at a minimum, consist of information pertaining to the product, details of technical characteristics and test or inspection results to prove conformity with the technical standards or technical requirements.

Section 19. The supplier who has the duty under this Chapter shall not modify the telecommunication equipment to be different from that given in the technical specifications document.

The supplier shall be responsible in the case where the Office discovers any modification made to the telecommunication equipment without prior notice to the Office, or any significant deviation of the technical characteristics of the manufactured, sold or imported telecommunication equipment from the prescribed technical standards or technical requirements.

The supplier may be held liable to any damage resulting from the use of unsafe products as provided for under other relevant laws.

Section 20. The supplier who has the duty under this Chapter may give a written assurance of conformity with technical standards or technical requirements in order to demonstrate to the concerned stakeholders that such telecommunication equipment conforms to the prescribed standards or requirements by publishing the wording in the user's manual, package, or providing supplementary documents contained in the product package. Such wording should at least state the followings:

“This telecommunication equipment conforms to the technical standards no...”

or “This telecommunication equipment conforms to the requirements of the National Telecommunications Commission.”

Chapter 5

Recognition of Conformity Assessment Results

Section 21. The recognition criterion for standard testing and certification by foreign standard testing and certification body shall adhere to either one of the following criteria:

(1) The criteria for recognition of conformity assessment body as prescribed by the Commission's Notification;

(2) The criteria provided for in the Mutual Recognition Arrangement/Agreement for Conformity Assessment of Telecommunication Equipment under the cooperation frameworks to which Thailand is a party and having been endorsed by the Commission;

(3) Specific criteria as prescribed by the Commission.

Section 22. The Office shall have the power to recognize conformity assessment results which consist of test report or certification results either in whole or in part from foreign conformity assessment body for certain types or nature of telecommunication equipment for the purpose of registration or certification of such equipment on an interim basis while there is no criteria under Section 21.

For conformity assessment of Class B telecommunication equipment, the Office shall recognize conformity assessment results only from foreign conformity assessment body which is accredited against ISO/IEC 17025: 2005 or equivalent.

Chapter 6

Rights and Responsibility of Supplier

Section 23. The supplier shall have the right to manufacture, sell, or import telecommunication equipment of which the technical characteristics are the same as those being registered or certified as indicated in the registration or approval certificate.

Each supplier shall be responsible for the telecommunication equipment manufactured, sold or imported for domestic use by that supplier.

Section 24. The supplier shall inform the Office of any modification of the telecommunication equipment to be different from technical characteristics of those being registered or certified. Such modification can be classified into the following two categories:

(1) The modification which has no effects on conformity with the technical standards or technical requirements prescribed by the Commission and thereby is not necessary to conduct conformity assessment again;

(2) The modification which has effects on conformity with the technical standards or technical requirements prescribed by the Commission, thereby the modified telecommunication equipment shall be subject to conformity assessment again before manufacturing, selling or importing for domestic use. Such modification includes:

- (2.1) Modification of antenna of a transmitter
- (2.2) Modification of transmitting power or propagation characteristics
- (2.3) Modification of existing interface card(s)
- (2.4) Addition of new interface card(s)

Section 25. The supplier shall be responsible in the case where the Office discovers unauthorized modification of telecommunication equipment, or the telecommunication equipment manufactured, sold or imported have significant technical characteristics inconsistent with those being registered or certified.

The supplier may be held liable to any damage resulting from the use of unsafe products as provided for under other relevant laws.

Section 26. The supplier shall have the duty to provide written assurance of conformity with technical standards or technical requirements in order to demonstrate to the concerned stakeholders that such

telecommunication equipment conforms to the prescribed standards or requirements by publishing the wording in the user’s manual, package or providing supplementary documents contained in the product package. Such wording shall at least state the followings:

“This telecommunication equipment conforms to the technical standards no...”

or “This telecommunication equipment conforms to the requirements of the National Telecommunications Commission.”

Section 27. The supplier shall have the duty to display the conformity mark on the telecommunication equipment as follows:

(1) Class A telecommunication equipment shall have the symbol depicted below.



CLASS A
NTC ID. YYYYYY-ZZ-XXXX

Where YYYYYY means the registration number (6 digits)

ZZ means the AC year of registration (the last 2 digits)

XXXX means the supplier code (4 digits)

(2) Class B telecommunication equipment shall have the symbol depicted below.



CLASS B
NTC ID. AAAAAA-BB-XXXX

Where AAAAAA means the certification number (6 digits)

BB means the AC year of certification (the last 2 digits)

XXXX means the supplier code (4 digits)

The supplier shall display the mark legibly, visibly, and permanently on the telecommunication equipment. If the size of any telecommunication equipment is unsuitable for the display of such mark, the supplier shall have it displayed on materials used together with the equipment, such as package or user’s manual.

Section 28. The supplier shall have the duty to act upon the Commission's stipulation in the case where certain category or type of telecommunication equipment are subject to specific written assurance of conformity with the technical standards or technical requirements.

Section 29. During the initial period after this Notification came into force, the Office shall issue the conformity mark to supplier *ad interim* until the Commission grants an authorization for the supplier to issue the conformity mark of his own. Fees for the issuance of conformity mark by the Office shall be in accordance with the Regulations prescribed by the Commission.

Chapter 7

Post-market Surveillance Measures

Section 30. The Office shall set post-market surveillance measures using one or a combination of the following schemes, which may differ depending on category of the telecommunication equipment:

- (1) Inspection of supplier's relevant documents as proof of conformity of the telecommunication equipment with the technical standards or technical requirements;
- (2) Monitoring of display of conformity marks and wording of telecommunication equipment at point of sale;
- (3) Sampling of the telecommunication equipment manufactured, sold or used, for verification of conformity with the technical standards or technical requirements;
- (4) Handling complaints from consumers, users, or other suppliers of the failure to conform to the technical standards or technical requirements.

Section 31. Where it appears that the supplier violates or fails to comply with the criteria prescribed in this Notification, the Secretary-General shall take the following actions as appropriate and suitable for the nature of the offense:

- (1) Issuing a written warning;
- (2) Making an order to correct, improve or suspend the manufacture, sale or use of the telecommunication equipment that fails to conform with the technical standards or technical requirements;
- (3) Making recommendation to the Commission to revoke the conformity assessment result;
- (4) Imposing a fine or taking legal action against the offender.

Section 32. In the case where it deems necessary and appropriate, the Commission may prescribe certain types of the telecommunication equipment to comply with the criteria prescribed in this Notification at once.

Section 33. In the case where there is any dispute with regard to the implementation of this Notification, the Secretary-General shall propose the matter to the Commission for decision. The decision of the Commission is considered final.

Announced on the 27th day of December B.E. 2550 (2007)

General Choochart Promphrasid

Chairman of the National Telecommunications Commission

This English version is prepared by International Organizations Bureau with the sole purpose of facilitating the comprehension of foreign participants in the telecommunication rules and regulations and shall not in any event be construed or interpreted as having effect in substitution for or supplementary to the Thai version thereof.

Please note that the translation has not been subjected to an official review by the Office of the National Telecommunications Commission. The Office of NTC, accordingly, cannot undertake any responsibility for its accuracy, nor be held liable for any loss or damages arising out of or in connection with its use.

Annex A

List of Telecommunication Equipment
Categorized by Class of Conformity Assessment

List of telecommunication equipment	Technical standard or technical specifications	Class of standard testing and certification
Amateur radiocommunication equipment	NTC TS 1018-2550	Class B
Land mobile equipment	NTC TS 001-2548 (VHF/UHF)	Class B
	NTC TS 002-2548 (CB78/245)	Class B
	NTC TS 1009-2549 (Trunked)	Class B
	NTC TS 006-2548 (Microphone)	Class A
	NTC TS 007-2548 (Radio Control)	Class A
	Other technical specifications	As the case may be
Cellular mobile equipment	NTC TS 004-2548	Class B
	NTC TS 1008-2549	
	NTC TS 1014-2549	
	NTC TS 1015-2549	
	NTC TS 1016-2549	
	NTC TS 1017-2549	
Maritime radiocommunication equipment	NTC TS 1020-2550 (CB27)	Class B
	NTC TS 1021-2550 (VHF)	Class B
	Other technical specifications	As the case may be
Aeronautical mobile equipment	NTC TS 003-2548 (VHF VOR)	Class B
	Other technical specifications	As the case may be
Microwave Fixed Link equipment	Technical specifications for radio frequency plan	SDoC
Satellite communications equipment	NTC TS 005-2548 (GMPCS)	Class A
	Other technical specifications	As the case may be
Other radiocommunication equipment permitted by NTC	NTC TS 1010-2550 (RFID)	Class A (where permits are required) SDoC (where permits are exempted)
	NTC TS 1011-2549 (Vehicle Radar)	Class A
	NTC TS 1012-2549 (RLAN)	SDoC
	NTC TS 1013-2549 (MAN)	Class B
	Other technical specifications	As the case may be
List of telecommunication equipment	Technical standards or technical specifications	Class of standard testing and certification
Optical Communications System	NTC TS 2001-2550 (Optical	SDoC

	Communications System)	
Telecommunication Terminal Equipment	NTC TS 3001-2550 (EMC)	SDoC
	NTC TS 4001-2550 (Electrical Safety)	SDoC
Low power radiocommunication device and short range device	Section 2 of the NTC's Notification regarding the permit exemption for the wireless communication devices and stations, dated 18 July B.E. 2550 (2007)	SDoC
Equipment used in the telecommunication network	NTC TS 6201-2550 (technical standards for the connection with the NGN telecommunication network)	This Notification is not applicable.

Annex B

Supplier's Declaration of Conformity (SDoC) Format

The Office of the National Telecommunications Commission

Supplier's Declaration of Conformity

1. Supplier Information

1.1 Company name
1.2 Address

2. Telecommunication equipment information

2.1 Equipment type	
2.2 Brand	2.3 Model
2.4 Conforming standards declared	

I hereby certify that this telecommunication equipment conforms with the technical standards or requirements enforced by the National Telecommunications Commission.

3. Supporting documents

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Signed	() Authorized signature
Position	
Date	

The supplier shall submit a completely filled Supplier's Declaration of Conformity to the Office of the National Telecommunications Commission, and keep a copy along with the support documents, to be inspected upon request by the Office of the NTC.