

- Unofficial translation -

Notification of the National Telecommunications Commission

Re: Regulations on Conformity Assessment Procedures for Telecommunication Equipment by  
the Office of the National Telecommunications Commission

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Whereas the National Telecommunications Commission has prescribed the criteria for conformity assessment of telecommunication equipment, it is hereby expedient to issue a Regulation on the procedures and fees for conformity assessment services performed, as prescribed by the law, by the Office of the National Telecommunications Commission in accordance with the Notification referred to above.

Pursuant to Section 51 (5) (17) (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 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 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 prescribes the Notification regarding Regulations on Conformity Assessment Procedures for Telecommunication Equipment by the Office of the National Telecommunications Commission, as follows:

Section 1. In this Notification, the definitions as specified in the Notification regarding Conformity Assessment of Telecommunication Equipment shall apply.

**Chapter 1**  
**Qualifications of the Applicant**

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Section 2. The applicant who applies for conformity assessment shall have the following qualifications:

- 2.1 Being an individual of Thai nationality, or
- 2.2 Being a juristic person registered under Thai law.

In the case of a juristic person registered under foreign laws or located abroad, the application shall be made by a representative who is an individual or a juristic person of Thai nationality.

The Office shall issue a four-digit supplier code to the applicant.

Section 3. In the case where the applicant is the manufacturer, importer, or seller of radiocommunication equipment, he shall also be a relevant licensee under the laws on radiocommunications.

**Chapter 2**  
**Testing of Telecommunication Equipment**

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Section 4. The Office shall conduct testing of telecommunication equipment within the scope of testing service as indicated in the Notification(s) of the Office.

Section 5. The telecommunication equipment submitted to the Office for testing shall not be modified to be different from those technical characteristics indicated in the manufacturer's technical documents.

Section 6. The applicant shall submit at least one set of telecommunication equipment together with the following documentation:

- 6.1 A completed application form as specified by the Office;
- 6.2 Documents to prove the qualifications of the applicant referred to in Chapter 1 of this Notification;
- 6.3 Documents detailing technical characteristics of the telecommunication equipment, such as catalogue or technical specifications;
- 6.4 Operation manual, maintenance manual, service manual, or testing manual (if available); and
- 6.5 Circuit diagram.

Section 7. The documents submitted for testing referred to in paragraphs 6.3 - 6.5 above shall be in either original or copy form of at least one set with the language either in Thai or English. If any document is in copy form, authentication of the copy must be made and if any document is in other languages, the applicant shall have

them translated into Thai or English and submit the translated documents together with a letter certifying the authenticated translation.

Section 8. Procedures for testing are as follows:

8.1 The applicant shall submit the telecommunication equipment accompanied by all the documentation referred to in Section 6 and make fee payment to the Office:

8.2 The Office shall inform the applicant of the length of time required for testing, which normally should not exceed 10 working days;

8.3 During testing, the Office may request additional information or documents from the applicant as necessary;

8.4 The Office shall conduct testing by applying the procedure of Type Testing which means testing is performed on the basis of one or more of telecommunication equipment as specimens of a product representative of the production or importation;

8.5 The Office shall use the test method(s) as prescribed in technical standards for such equipment by the Commission.

In the case of an absence of the Commission's technical standards, the Office shall conduct testing by applying the test methods specified in international, regional or national technical standards or requirements as appropriate. In such case, the test method used shall be stated in a test report.

8.6 The Office shall return to the applicant the telecommunication equipment together with a copy of test report giving details of the test results on technical characteristics.

8.7 The Office shall retain the supporting documents pertaining to testing for ten years for the purpose of monitoring and surveillance by the concerned authorities without having to return them to the applicant.

Section 9. In the case where the applicant submits telecommunication equipment to the Office for testing, and the test result shows that such equipment may fail to conform to the Commission's technical standard or technical requirements, the applicant may submit the equipment for re-testing within three months as from the date of receiving test report by paying for the fee at half of the normal rate. Any submission made beyond the prescribed time limit shall be treated as a new application.

Section 10. The Office shall not be responsible for any possible damage that may occur to the telecommunication equipment being tested unless such damage is caused by intention or negligence of the Office's personnel.

Section 11. Fees for testing referred to in Section 8 shall be in accordance with the fee schedule shown in Annex and shall not be refundable.

## **Chapter 3**

### **Registration of Telecommunication Equipment**

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Section 12. The Office shall accept registration of Class A telecommunication equipment in accordance with the criteria specified in Chapter 2 of the Notification regarding Conformity Assessment of Telecommunication Equipment.

Section 13. The applicant for registration of Class A telecommunication equipment shall submit the following documentation:

13.1 A completed application form as specified by the Office;

13.2 Documents to prove the qualifications of the applicant referred to in Chapter 1 of this Notification;

13.3 Documents detailing technical characteristics of the telecommunication equipment, such as catalogue or technical specifications;

13.4 Documents to verify that the telecommunication equipment has passed conformity assessment, such as test report, approval certificate, or certificate of conformity;

13.5 Documents to verify the competency of the conformity assessment body, such as conformity assessment body license issued by the Commission or accreditation certificate;

13.6 Photographs of the telecommunication equipment, displaying the front, back and side images, and the brand name, type and model of such equipment.

Section 14. The documents referred to in paragraphs 13.3 - 13.5 above shall be in either original or copy form of at least one set with the language either in Thai or English. If any document is in copy form, authentication of the copy must be made and if any document is in other languages, the applicant shall have them translated into Thai or English and submit the translated documents together with a letter certifying the authenticated translation.

Section 15. Procedures for registration are as follows:

15.1 The applicant shall submit the documentation referred to in Section 13 and make fee payment to the Office;

15.2 The Office shall inform the applicant of the length of time required for registration, which normally should not exceed three working days;

15.3 During registration, the Office may request additional information or documents from the applicant as necessary;

15.4 The Office shall proceed with the registration by verifying the correctness and completeness of the documentation and the conformity to the technical standards or technical requirements prescribed by the Commission, as follows:

(1) In the case where the telecommunication equipment fails to conform to the technical standard or technical requirements, the Office shall not proceed with the registration and shall inform the applicant in writing of the result and its justification.

(2) In the case where the telecommunication equipment conforms to the technical standard or technical requirements, the Office shall proceed with the registration and shall issue the registration number to the applicant.

15.5 The Office shall keep record of the details of the registered telecommunication equipment and publicize to the general public through the Office's website;

15.6 The Office shall retain all supporting documents of the registration for a period as specified in the relevant Regulations of the Commission.

Section 16. The supplier shall have the duty to display conformity mark on the telecommunication equipment in accordance with the criteria specified in the Notification regarding Conformity Assessment of Telecommunication Equipment. During the initial period, the Office shall issue conformity mark to the supplier per lot upon request unless the Commission specifies otherwise.

Section 17. Registration fee referred to in Section 15 and fee for the issuance of conformity mark in Section 16 shall be in accordance with the fee schedule shown in Annex and shall not be refundable.

## **Chapter 4**

### **Certification of Telecommunication Equipment**

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Section 18. The Office shall certify Class B telecommunication equipment in accordance with the criteria specified in Chapter 3 of the Notification regarding Conformity Assessment of Telecommunication Equipment.

Section 19. The applicant for the certification of Class B telecommunication equipment shall submit the following documentation:

19.1 A completed application form as specified by the Office;

19.2 Documents to prove the qualifications of the applicant referred to in Chapter 1 of this Notification;

19.3 Documents detailing technical characteristics of the telecommunication equipment, such as catalogue or technical specifications;

19.4 Test report;

19.5 Documents to verify the competency of the conformity assessment body, such as conformity assessment body license issued by the Commission, or accreditation certificate;

19.6 Approval Certificate of the telecommunication equipment issued by the Office (if available);

19.7 Photographs of the telecommunication equipment, displaying the front, back and side images and the brand name, type and model of such equipment.

Section 20. The documents referred to in paragraphs 19.3 - 19.6 above shall be in either original or copy form of at least one set with the language either in Thai or English. If any document is in copy form, authentication of the copy must be made and if any document is in other languages, the applicant shall have them translated into Thai or English and submit the translated documents together with a letter certifying the authenticated translation.

Section 21. Procedures for certification are as follows:

21.1 The applicant shall submit the documentation referred to in Section 19 and make fee payment to the Office;

21.2 The Office shall inform the applicant of the length of time required for certification which normally should not exceed five working days;

21.3 During certification, the Office may request additional information or documents from the applicant as necessary;

21.4 The Office shall proceed with the certification by verifying the correctness and completeness of the documentation and comparing the test results with the technical standard or technical requirements prescribed by the Commission, as follows:

(1) In the case where the test result shows inconformity with the technical standards or requirements, the Office shall not proceed with the certification and shall inform the applicant in writing of the result and its justification;

(2) In case where the test result shows conformity with the technical standards or requirements, the Office shall issue an Approval Certificate with the approval number indicated thereon;

21.5 The Office shall keep record of the details of the certified telecommunication equipment and publicize to the general public through the Office's website;

21.6 The Office shall retain all supporting documents of the certification for a period as specified in the relevant Regulations of the Commission.

Section 22. The supplier shall have the duty to display conformity mark on the telecommunication equipment in accordance with the criteria specified in the Notification regarding Conformity Assessment of Telecommunication Equipment. During the initial period, the Office shall issue conformity mark to the supplier per lot upon request unless the Commission specifies otherwise.

Section 23. Fees for the submission for certification referred to in Section 21 and fee for the issuance of conformity mark in Section 22 shall be in accordance with the fee schedule shown in Annex and shall not be refundable.

## **Chapter 5**

### **Other Provisions**

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Section 24. The Office shall have the power to recognize conformity assessment results which consist of a test report or certification result by foreign conformity assessment body in accordance with the criteria specified in the Notification regarding Conformity Assessment of Telecommunication Equipment.

Section 25. The Commission may stipulate additional and specific criteria for the registration or the certification of certain types of telecommunication equipment.

Section 26. The supplier who has the duty to give a written assurance that the telecommunication equipment conforms to technical standard or technical requirement using the procedures of Supplier's Declaration of Conformity (SDoC) in accordance with the provisions in Chapter 4 of the Notification regarding Conformity Assessment of Telecommunication Equipment may apply to the Office for conformity assessment in accordance with this Notification. The Office shall conduct conformity assessment as if it were Class A telecommunication equipment.

Section 27. In the case where there is a request for a conformity assessment of the telecommunication equipment to which the Commission's Notification regarding Conformity Assessment of Telecommunication Equipment does not apply, the Office shall use the procedures provided for in this Notification *mutatis mutandis* to the testing, registration or certification thereof, as the case may be.

Section 28. This Notification shall not apply to the inspection of confiscated telecommunication equipment performed by the Office under the provisions of relevant laws, or to the verification of conformity with standards or requirements in accordance with post-market surveillance measures.

Section 29. For any other matters not stipulated in or not applicable under this Notification or in the case there is any dispute concerning the interpretation of the technical standards or technical requirements, test methods, or credibility and recognition of conformity assessment results by the Office, the Secretary-General shall submit the matter to the Commission for decision. The decision of the Commission is considered final.

## **Chapter 6**

### **Transitional Provisions**

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Section 30. For all requests for type approval of radiocommunication equipment submitted to the Office before the date on which this Notification comes into force, the Office shall proceed with conformity assessment in accordance with the criteria stipulated in the Regulations of the Post and Telegraph Department regarding type approval test of radiocommunication equipment B.E. 2538 (1995) and the Regulations of the Post and Telegraph

Department regarding type approval test of radiocommunication equipment (No. 2) B.E. 2544 (2001) until they are completed.

Section 31. This Notification shall come into force as from the day following the date of its publication in the Government Gazette, except for the provisions in Chapter 3, Sections 22 and 26 of this Notification, which shall come into force one hundred and eighty days after the date of its publication in the Government Gazette.

Announced on the 27<sup>th</sup> day of December B.E. 2550 (2007)

General Choochart Promphrasid

Chairman of the National Telecommunications Commission

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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**

### **Schedule of fees for conformity assessment of telecommunication equipment by the Office of the National Telecommunications Commission**

(1) Testing fee referred to in Section 8	20,000 baht
(2) Registration fee referred to in Section 15	1,000 baht
(3) Certification fee referred to in Section 21	5,000 baht
(4) Fee of issuance of conformity mark referred to in Sections 16 and 22	1 baht/piece

#### Remark

Fees are exclusive of value added tax.