



Regulatory Framework for Equipment Type Approval in the VI

Second Consultation Document

Consultation

Publication date: [26 January 2023]

Closing date for responses: [24 February 2023]

Reference Number: [1/2023]

About this document

The Telecommunications Regulatory Commission of the Virgin Islands (**Commission**) is a statutory body with responsibility for the development and regulation of the telecommunications services industry. As part of this mandate and specifically, as it relates to Equipment Type Approval and other telecommunications equipment, the Commission is obliged to ensure terminal equipment that is sold or otherwise provided in the Virgin Islands (**VI**) has been certified as safe for users and complies with regulatory and adopted technical standards in accordance with section 42 of the Telecommunications Act, 2006 (**Act**)¹. It is, therefore, necessary for radio products and peripherals that are destined for the VI to support the wider Commission objectives in the enhancement of telecommunications services. For this reason, the Commission has decided to draft a specific Type Approval Regulatory Framework for radio products and peripherals (**TARF**). The TARF will be in the form of a Telecommunications Code that governs the Commission's Type Approval regime and will satisfy the requirements of section 42 of the Act.

The specific objectives of the TARF are to ensure public safety, authorize sales, compatibility and interoperability between public networks, health and safety, and compliance with the national spectrum plan.

The TARF will be applicable to all electronic, electrical and radio equipment (transmitting and/or receiving).

With this consultation document (Consultation 2), the Commission solicits stakeholders' views on the objectives that the Commission wants to achieve with the TARF as well as on its structure.

The comments made to the first public consultation were taken into consideration when drafting the TARF for this second consultation.

The comments made to this second consultation will be taken into consideration when drafting the content of the final TARF.

This consultation document is divided into sections addressing the different aspects of the TARF, followed by specific questions to the stakeholders to express their views. The last page of this consultation is reserved for general questions and remarks not addressed in the specific sections.

¹ The Telecommunications Act, 2006 can be found on the Commission's website at <https://www.trc.vg/documents/telecommunications-act/>.

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Instructions for submitting a response

The Commission invites comments on this consultation document from all interested parties. To facilitate this, the Commission has set out twenty-six specific consultation questions on the proposed text for the TARF, which is appended to this Consultation Document. Each respondent should include a completed cover sheet (set out on the next page) as part of its consultation response to the Commission.

Comments should be submitted by 24 February 2023 in line with the guidelines for conducting consultations set out in the Telecommunications Code (Part 1) (Public Consultations and Public Hearings) Guidelines, 2010. The Commission reserves the right not to consider any responses submitted after this date.

The Commission strongly prefers responses to this document to be sent by email to consultations@trc.vg, indicating the subject: “Second consultation on Public consultation on the Regulatory Framework for Equipment Type approval in the VI”.

Alternatively, the responses may be sent to the address (or the P.O Box number) set out below:

Second Consultation on the Type Approval Regulatory Framework – Telecommunications Regulatory Commission, P.O. Box 4401 or 27 Fish Lock Road, 3rd Floor Road Town, Tortola, British Virgin Islands VG 1110.

Responses from corporate bodies (legal persons) should include:

- The name of the company/institution/association/other organisation;
- The name of a principal contact person;
- Full contact details (physical address, postal address, telephone number, fax number and email address); and
- For each response, a reference to the related consultation question. For this reason, the questions are numbered.

The Commission has produced a sheet for responses (see Annex 1) and would be very grateful to receive one with your responses. This will speed up the processing of the responses and help to maintain confidentiality where appropriate.

In the interest of transparency, the Commission will make all submissions received available to the public, subject to the confidentiality of the information received. The Commission will evaluate requests for confidentiality according to relevant legal principles.

Respondents are required to mark any information included in their submission that they consider confidential and provide reasons why that information should be treated as such. Where a statement claimed to be confidential is included in a submission, respondents are required to provide both a confidential and a non-confidential version of their submission. The Commission will determine whether information claimed to be confidential is to be treated as such and, if so, will not publish that information. Regarding information that is determined to be non-confidential, the Commission may publish or refrain from publishing such information at its sole discretion (see also Annex 1)

Cover sheet for response to a Commission consultation

BASIC DETAILS

Consultation Title:
To (Commission
Contact):

Name of respondent:

Representing (self or organization)

Address if not received by email

CONFIDENTIALITY

Please tick below which part of your response you consider is confidential, giving your reasons why

Nothing

Name/contact details/job title

Whole response

Organization

Part of the response

Details of Confidential Information

If you want part of your response, your name or your organization not to be published, we can still publish a reference to the contents of your response (including, for any confidential parts, a general summary that does not disclose the specific information or enable you to be identified)?

DECLARATION

I confirm that the correspondence supplied with this cover sheet is a formal consultation response that the Commission can publish. However, in supplying this response, I understand that the Commission may need to publish all responses, including those which are marked as confidential, in order to meet legal obligations. If I have sent my response by email, the Commission can disregard any standard email text about not disclosing email contents and attachments.

The Commission seeks to publish responses on receipt. If your response is non-confidential (in whole or in part), and you would prefer us to publish your response only once the consultation has ended, please tick here.

Name

Signed (if hard copy)

Consultation questions

Please see below for a list of twenty-six questions, which are stated throughout this consultation document. These are placed here so that you can know in advance what to expect through the document as you develop your considered responses.

1. Do you agree with the mentioned definitions? If not, please explain and justify what amendments you propose to the definitions.
2. Do you agree with the purpose of the Requirements for Type Approval? If not, please explain and justify what amendments you propose to the purpose of these Requirements.
3. Do you agree with the scope of the Requirements for Type Approval? If not, please explain and justify what amendments you propose to the scope of these Requirements.
4. Do you agree with the methodology? If not, please explain and justify what amendments you propose to the methodology of the framework for type approval applications.
5. Do you agree with the requirements for Type Approval applications? If not, please explain and justify what amendments you propose to these requirements.
6. Do you agree with the powers and duties of the Commission? If not, please explain and justify what amendments you propose to these powers and duties.
7. Do you agree with the requirements for the radio interface? If not, please explain and justify what amendments you propose to these requirements.
8. Do you agree with the EMC requirements? If not, please explain and justify what amendments you propose to these requirements.
9. Do you agree with the EMF requirements? If not, please explain and justify what amendments you propose to these requirements.
10. Do you agree with the requirements for combined equipment? If not, please explain and justify what amendments you propose to these requirements.
11. Do you agree with the requirements for interoperability? If not, please explain and justify what amendments you propose to these requirements.
12. Do you agree with the requirements for cybersecurity? If not, please explain and justify what amendments you propose to these requirements.

13. Do you agree with the clauses for type approval expiration? If not, please explain and justify what amendments you propose to these clauses.
14. Do you agree with the clause for refurbished equipment? If not, please explain and justify what amendments you propose to this clause.
15. Do you agree with the requirements for the marking of equipment? If not, please explain and justify what amendments you propose to these requirements.
16. Do you agree with the requirements for type approval documentation? If not, please explain and justify what amendments you propose to these requirements.
17. Do you agree with the approach taken by the Commission on fees and costs arising from a type approval application? If not, please explain and justify what amendments you propose to this approach.
18. Do you agree with the clause on compliance? If not, please explain and justify what amendments you propose to this clause.
19. Do you agree with the powers and duties? If not, please explain and justify what amendments you propose to these powers and duties.
20. Do you agree with the requirements for market surveillance? If not, please explain and justify what amendments you propose to these requirements.
21. Do you have any comments or views on the tasks, roles and responsibilities of Customs and other government departments or bodies in implementing these Requirements? If so, please explain these comments or views.
22. Do you have any comments or views on the clause on fines? If so, please explain these comments or views.
23. Do you agree with the clauses for periodic review? If not, please explain and justify what amendments you propose to these clauses.
24. Do you agree with the transitional period? If not, explain and justify what amendment you propose to this period.
25. Are there any other parts, sections, or clauses the Commission should consider including in these Requirements? If so, please explain and justify what amendment(s) you propose and in which part, section or clause you propose to include your amendments.
26. Are there any other diversions the Commission should consider including in these schedules? If so, please explain and justify what amendments you propose.

Part A: Context and objectives of this consultation process

This section details the Commission’s decision to prepare a specific Type Approval Regulatory Framework for radio products and peripherals. The TARF will be a Code that governs the Commission’s Type Approval regime and will satisfy the requirements of section 42 of the Telecommunications Act.

1. Background and objectives

The Commission is a statutory body responsible for regulating the telecommunications sector of the British Virgin Islands.

The Commission has adopted six essential regulation principles consistent with international standards and best practices: accountability, focus, predictability, adaptability, efficiency, and balance. The introduction of the TARF complements these principles.

Additionally, the Commission is guided by its statutory remit in developing the TARF. Section 42 of the Act states:

(1) Any terminal equipment sold or otherwise provided in the Virgin Islands may be connected to a public telecommunications network where the Commission has certified such terminal equipment as

(a) being safe for the user;

(b) being in compliance with international standards, and environmental, health and safety standards, including standards for electromagnetic radiation and emissions;

(c) meeting requirements of electromagnetic compatibility, if specified;

(d) not posing a risk of physical harm to such network;

(e) effectively utilising the electromagnetic spectrum and preventing interference between satellite and terrestrial-based systems and between terrestrial systems; and

(f) being compatible with such network.

(2) The Commission, in certifying terminal equipment pursuant to subsection (1), may recognise the type approvals from such jurisdictions as it may specify.

(3) Terminal equipment certified pursuant to this section shall bear such labels or other markings as the Commission may determine.

With the TARF, the Commission pursues the following objectives²:

1. Guaranteeing compatibility and interoperability between public networks; Addressing needs for interconnection and interoperability is particularly important for open markets, where mobile users can ‘mix and match’ equipment and services and

² Source: <https://www.etsi.org/standards/why-standards>.

where suppliers can benefit from economies of scale. This means that a product bought in country X also works in the same manner in the VI.

2. Ensuring safety, reliability, and environmental care;

This usually means that the product is manufactured using safe materials and in such a way that the safety of the user is guaranteed at a certain level. This includes Electromagnetic Compatibility (EMC) and Electromagnetic Fields (EMF) aspects;

3. Protecting the interests of users and businesses;

Providing a reference to protecting user and business interests and supporting government policies. A stable guide on implementing the rules is essential for manufacturers to put their products on the market and gives the regulator a basis for testing and assessing equipment against the requirements of the national spectrum plan and other regulations. At a certain level, this guarantees that, for example, no interference is caused to other radio communication systems when the product is in use.

The Commission is empowered to implement the TARF as a part of the Telecommunications Codes, pursuant to section 91(3) of the Act, which states, “*the Commission may from time to time issue, supplement or update such guidelines, standards and other requirements relating to telecommunications as the Commission thinks fit, which together shall constitute the Telecommunications Code.*”

Part B: Draft Regulatory Framework for Equipment Type Approval in the VI

Please refer to the next page in this consultation document for the draft Telecommunications Code (Part TBD) (Type Approval of Electronic, Electrical and Radio Equipment) Requirements, 2023

VIRGIN ISLANDS

TELECOMMUNICATIONS CODE (PART **TBD) (TYPE APPROVAL OF ELECTRONIC, ELECTRICAL AND RADIO EQUIPMENT) REQUIREMENTS, 2023**

ARRANGEMENT OF SECTIONS

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VIRGIN ISLANDS
STATUTORY INSTRUMENT 2023 No.
TELECOMMUNICATIONS ACT, 2006
(No. 10 of 2006)

Telecommunications Code (Part TBD) (Type Approval of Electronic, Electrical and Radio Equipment) Requirements, 2023

[Gazetted _____, 2023]

The Telecommunications Regulatory Commission, in the exercise of the powers conferred by sections 42, 43(2) and 91(3) of the Telecommunications Act, 2006 (No. 10 of 2006), issues these requirements (the **Requirements**).

PART I
GENERAL PROVISIONS

1. Citation

These Requirements may be cited as the Telecommunications Code (Part **TBD**) (Type Approval of Electronic, Electrical and Radio Equipment) Requirements, 2023 and shall come into force on the date of publication in the Gazette.

2. Interpretation

In these Requirements, unless the context otherwise requires,

"Act" means the Telecommunications Act, 2006;

"Approval holder" means a natural or legal person to whom a type approval has been granted;

"Authorized representative" means any natural or legal person established within the Virgin Islands who has received a written mandate from a manufacturer to act on his behalf in relation to specified tasks;

"Combined equipment" means electronic and/or electrical equipment containing radio equipment where the equipment's primary function is not necessarily a radio function;

"Commission" means the Telecommunications Regulatory Commission established under the Act;

"Compliance" means a condition expressed with respect to standards, and compliance to that standard gives a presumption of conformance to applicable legislation;

"Declaration of Conformity" means a document that states that electronic, electrical or radio equipment complies with these Requirements. It is a legal document which must accompany all products imported, sold or traded in the Virgin Islands;

"Distributor" means any natural or legal person in the supply chain, other than the manufacturer or the importer who makes electronic, electrical or radio equipment available on the market;

"Economic operator" means a manufacturer, an authorized representative, an importer or a distributor of equipment;

"Electromagnetic compatibility" means the concept of enabling different electronic, electrical and radio equipment, to operate without mutual electromagnetic interference when they are operated in close proximity to each other;

"End user" means a natural or legal person who ultimately uses or intends to use a product ultimately;

"Equivalent isotropic radiated power" means the product of the power supplied to the antenna and the antenna gain in a given direction relative to an isotropic antenna (absolute or isotropic gain);

"ETSI" means European Telecommunication Standardisation Institute;

"FCC" means Federal Communications Commission of the United States of America (USA);

"Frequency authorization" means an authorization granted by the Commission under the Act;

"Foreseeable use" means the expected use of electronic, electrical, radio or combined equipment under normal circumstances;

"Generic standard" means a standard intended to provide compliance for a range of products;

"Harmful interference" means interference which endangers the functioning of a radio navigation service or of other safety services or which otherwise seriously degrades, obstructs or repeatedly interrupts a radio communications

service operating in accordance with the applicable international or national regulations;

"ICNIRP" means the International Commission on Non-Ionizing Radiation Protection";

"ICNIRP 2020 guidelines" means the ICNIRP Guidelines for Limiting Exposure to Electromagnetic Fields for the protection of humans exposed to radiofrequency electromagnetic fields in the range 100 kHz to 300 GHz published in 2020;

"IEEE" means International Electrical and Electronics Engineers;

"Importer" means any natural or legal person established within the Virgin Islands who places electronic, electrical or radio equipment from a third country on the market of the Virgin Islands;

"ISM" means electronic or electrical equipment or appliances designed to generate and use local radio frequency energy for Industrial, Scientific, Medical, domestic or similar purposes, excluding applications in the field of telecommunication;

"Licence" means a license granted under the Act;

"Making available on the market" means any supply of electronic, electrical or radio equipment for distribution, consumption or use on the Virgin Islands market in the course of a commercial activity, whether in return for payment or free of charge;

"Manufacturer" means any natural or legal person who manufactures electronic, electrical or radio equipment or has electronic, electrical or radio equipment designed or manufactured, and markets that equipment under his name or trademark;

"Market" means the sum total of all buyers and sellers of products in the territory of the Virgin Islands;

"Placing on the market" means the first making available of electronic, electrical or radio equipment on the VI market;

"Product" means a specific type of electronic, electrical or radio equipment;

"Product-specific standard" means a standard intended to provide compliance for a single product or a limited number of products;

"Putting into service" means the first use of electronic, electrical and radio equipment in the Virgin Islands by its end-user;

"Radio interface" means the technical specification of the regulated use of the spectrum;

“Radio communication” means communication by means of radio waves;

“Radio equipment” means an electronic or electrical product, which intentionally emits and/or receives radio waves for the purpose of radio communication and/or radiodetermination, or an electronic or electrical product which must be completed with an accessory, such as an antenna, so as to intentionally emit and/or receive radio waves for the purpose of radio communication and/or radiodetermination;

"Radio spectrum" means the radio frequency portion of the electromagnetic spectrum;

“Recall” means any measure aimed at achieving the return of electronic, electrical or radio equipment that has already been made available to the end user;

“Technical specification” means a document that prescribes technical requirements to be fulfilled by electronic, electrical or radio equipment;

"Test laboratory/body" means an institute notified or recognized by the Commission to test compliance of electronic, electrical /or radio equipment and peripherals;

“Transceiver” means an electronic device which is a combination of a radio communication transmitter and a receiver;

“Withdrawal” means any measure aimed at preventing electronic, electrical or radio equipment in the supply chain from being made available on the market;

“3GPP” means the 3rd generation partnership project (uniting seven telecommunications standard development organizations).

Question 1: Do you agree with the definitions? If not, please explain and justify what amendments you propose to the definitions.

3. Purpose

The purpose of these Requirements is to establish regulatory requirements for type approval of electronic, electrical, radio and combined equipment in the Virgin Islands in order to:

- (a) ensure that electronic, electrical and radio equipment does not cause harmful interference to radiocommunication services and that no interference is caused to radio equipment operating outside a radiocommunication service; and

- (b) achieve effective, efficient and safe use of the spectrum and equipment and proper interoperability of equipment.

Question 2: Do you agree with the purpose? If not, please explain and justify what amendments you propose to the purpose of these Requirements.

4. Scope

These Requirements apply to:

- (a) all electrical, electronic, and radio equipment, either standalone or part of combined equipment placed on the market in, imported in or produced in the Virgin Islands, including receive-only equipment and receivers which are part of transceiver systems.
- (b) any economic operator, who manufactures, imports, distributes, sells or offers for sale electrical, electronic, or radio equipment, uses or connects electrical, electronic, or radio equipment to a public telecommunications network, whether in return for payment or free of charge;

Question 3: Do you agree with the scope? If not, please explain and justify what amendments you propose to the scope of these Requirements.

PART II FRAMEWORK FOR TYPE APPROVAL APPLICATIONS

5. Methodology of Application

- 1) Electronic, electrical, and radio equipment, either standalone or part of combined equipment, may only be placed on the market in the Virgin Islands after type approval has been granted by the Commission.
- 2) In accordance with these Requirements, an economic operator desirous of obtaining type approval of a product mentioned in subsection (1) shall submit its application to the principal office of the Commission, using the form issued by the Commission from time to time.
- 3) The Commission shall publish the form referred to in subsection (2) on its website.

Question 4: Do you agree with the methodology? If not, please explain and justify what amendments you propose to the methodology of the framework for type approval applications.

6. Application to comply with laws and regulations

A type approval application shall:

- (a) be in the prescribed form;
- (b) include all technical documentation to support the application;
- (c) include copies of certification from the FCC, CE or both;
- (d) be accompanied by the prescribed fee or proof of payment of the prescribed fee; and
- (e) contain other information as may be required by these Requirements or the Commission.

Question 5: Do you agree with the requirements for type approval applications? If not, please explain and justify what amendments you propose to these requirements.

7. Powers and duties of the Commission

- 1) The Commission may grant or refuse an application for type approval of the equipment mentioned in subsection 5(1) after its review by virtue of its powers under the Act and these Requirements.
- 2) As part of its review, the Commission may ask an economic operator for additional information.
- 3) In case the Commission refuses an application for type approval, the reasons for refusal shall be communicated in writing to the economic operator.
- 4) The Commission shall ensure transparency and refrain from any discrimination when reviewing type approval applications.

Question 6: Do you agree with the powers and duties of the Commission? If not, please explain and justify what amendments you propose to these powers and duties.

PART III REQUIREMENTS FOR TYPE APPROVAL

8. Radio interface

- 1) The radio interface of all radio and combined equipment shall primarily be compliant with the National Frequency Allocation Table and the Spectrum Management Framework in effect in the Virgin Islands;
- 2) The Commission accepts equipment as type approved when the equipment is accompanied by the FCC Labelling, the CE Labelling, a Declaration of Conformity, and other information that is required in the United States of America and the European Union;
- 3) The radio interface for equipment using licensed spectrum shall be provided in the license or frequency authorization;
- 4) The radio interface for equipment using licence-exempt spectrum, shall comply with FCC CFR Title 47 Part 15. Any diversions from FCC CFR Title 47 Part 15 shall comply with Schedule II;
- 5) Where a change in the radio interface of a product is made, type approval must be repeated. Such change may include, without limitation, (i) a hardware change or (ii) a software change. Where a change in the radio interface is made by way of a software update, even if such change is performed by the end user, the type approval of the related product will be immediately void.

Question 7: Do you agree with the requirements for the radio interface? If not, please explain and justify what amendments you propose to these requirements.

9. Electromagnetic compatibility

All equipment falling under the scope of these Requirements shall comply with the electromagnetic compatibility requirements of (i) the European Union or (ii) the United States of America.

Question 8: Do you agree with the EMC requirements? If not, please explain and justify what amendments you propose to these requirements.

10. Electromagnetic fields

- 1) All equipment falling under the scope of these Requirements shall be constructed in such a way to, under normal and foreseeable use, comply with the FCC requirements on human exposure to radiofrequency electromagnetic fields or the ICNIRP 2020 guidelines or such other ICNIRP Guidelines in effect from time to time;
- 2) Equipment with an equivalent isotropic radiated power of less than 25 mW is considered to be intrinsically safe, and no specific assessment of electromagnetic fields is required.

Question 9: Do you agree with the EMF requirements? If not, please explain and justify what amendments you propose to these requirements.

11. Combined equipment

- 1) When radio equipment that was not placed on the market is included in or attached to a non-radio product, the economic operator who is placing the final product on the market shall be considered the manufacturer and shall follow the obligations mentioned in subsection (3);
- 2) When radio equipment, already placed on the market, is included in, or attached to a non-electrical product, the economic operator placing the final product on the market shall be considered the manufacturer. This manufacturer shall follow the obligations mentioned in subsection (3) if the intended function or performance of the electronic or electrical equipment is modified or the compliance is impacted;
- 3)
 - (a) Compliance of the radio equipment with these Requirements shall be determined and ensured;
 - (b) A risk assessment of the radio equipment shall address its intended use by ensuring that, when it operates in combination with the intended non-radio product, the conformity of the final product is fulfilled;
 - (c) The equipment marking shall be:
 - (i) affixed on the non-electrical product; or
 - (ii) placed on the packaging as well as the accompanying documents in relation to the final product in accordance with section 16 of these Requirements;
 - (d) The equipment marking shall also be affixed on the radio equipment unless it is not possible to affix the equipment marking on the equipment or it cannot be ensured that the equipment marking is affixed on the equipment, will be visible, legible, and indelible;
 - (e) Contact details and any required information shall be affixed to the radio equipment. Where it is not possible to affix the contact details and any required information on the radio equipment, they shall be affixed on the non-electrical product, or they shall be provided on the packaging or the

accompanying documents in relation to the final product (i.e., passes on the final product).

Question 10: Do you agree with the requirements for combined equipment? If not, please explain and justify what amendments you propose to these requirements.

12. Interoperability

- 1) Equipment shall be constructed in such a way that it performs and functions according to reasonable usage expectations of the end-user if used in combination with other type-approved equipment;
- 2) Interoperability covers, amongst others, the application layer of wired and wireless equipment, the radio interface of radio equipment and physical connectors such as the standard mains connector and voltage on the Virgin Islands;
- 3) While interoperability standards are not explicitly specified in these Requirements, standards to be used in the Virgin Islands shall be from internationally recognised standardization bodies, including, without limitation, IEEE, ETSI or 3GPP. A national standard used outside the Virgin Islands is not considered an interoperability standard.

Question 11: Do you agree with the requirements for interoperability? If not, please explain and justify what amendments you propose to these requirements.

13. Cybersecurity

- 1) Cyber security of all equipment, of which the foreseeable use is to be connected to the internet, shall be guaranteed according to relevant standards published by internationally recognized standardization bodies in the United States of America and the European Union. This includes all electronic, electrical, licensed and licence-exempt radio equipment. Such equipment shall include, without limitation, smart washing machines, domotica, safety cameras and 4G and 5G communication equipment;
- 2) For toys, wearables, and childcare products (such as child monitors), the cyber requirements also apply if this equipment may be connected to a local network;
- 3) Throughout the product's lifetime, reasonable security must be guaranteed through periodic software updates. The period during which these updates are provided must be indicated in the Declaration of Conformity
- 4) When no suitable standard is available, a manufacturer may, as an alternative, provide a written procedure addressing the cyber security issues of the equipment.

Question 12: Do you agree with the requirements for cybersecurity? If not, please explain and justify what amendments you propose to these requirements.

14. Type approval expiration

- 1) Type approval does not expire for products already placed on the market;
- 2) Subject to section 8 of these Requirements, if any change is made to the electronic or electrical part or the radio interface, a new type approval is required;
- 3) If a change is made in the standard used for type approval, products to be placed on the market shall require a new type approval even if the product itself did not change with respect to previous products placed on the market.

Question 13: Do you agree with the clauses on type approval expiration? If not, please explain and justify what amendments you propose to these clauses.

15. Refurbished equipment

Type approval remains valid for refurbished equipment if original parts or original manufacturer-approved parts are used for the refurbishing.

Question 14: Do you agree with the clause on refurbished equipment? If not, please explain and justify what amendments you propose to this clause.

PART IV IMPORTATION OF EQUIPMENT AND PLACING ON THE MARKET

16. Equipment marking

- 1) All electronic, electrical, radio and combined equipment placed on the market shall be easily recognizable as compliant with these Requirements; it shall contain either an FCC marking, a CE marking or both, depending on which standards towards compliance is achieved;
- 2) The equipment marking shall be:
 - (a) referenced in the Declaration of Conformity;
 - (b) affixed to the product;
 - (c) where the equipment is too small, or it is otherwise impractical to comply with subsection (2)(b), the equipment marking shall be placed on the packaging as well as the accompanying documents in relation to the product; and be readable without the action of the end-user.
- 3) Contact details and any required information shall be affixed on the product or provided on the packaging or the accompanying documents in relation to the product.

Question 15: Do you agree with the requirements for the marking of equipment? If not, please explain and justify what amendments you propose to these requirements.

17. Documentation

- 1) An economic operator shall supply user documentation in English with all equipment, and the foreseeable use of that equipment shall be clear from the documentation;
- 2) A copy of the Declaration of Conformity shall be supplied by the economic operator to the end-user together with the equipment, which may be either as a separate document, included in the user documentation, or as a downloadable digital document. A Declaration of Conformity shall:
 - (a) contain at least the elements as described in the example in Schedule 1;
 - (b) be issued by:
 - i. an accredited test laboratory in the United States of America or the European Union on behalf of the manufacturer of the equipment;
 - ii. the manufacturer or their authorized representative; or

- iii. a regulatory body in the United States of America or the European Union which has approved the equipment. In this case, the declaration of conformity has the form of a recognition.
- (c) be issued as a separate document if a standard is used but may also be part of a technical construction file.

A technical construction file shall be used when standards are not, or only partly, used and technical compliance is proven otherwise;

3) The evidence on which the Declaration of Conformity is based shall be held by the approval holder and be made available to the Commission until the end of the operation of the electronic, electrical or radio equipment for which a type approval certificate has been issued;

4) For a product already placed on the market in the USA and, in addition to this, the equipment complies with the provisions in Schedule II, a separate Declaration of Conformity for the VI is not required.

5) In the case of section 17.2 (c), the technical construction file shall be made available on request to the end user;

6) The technical construction file, which may consist of a physical or electronic file set, shall contain at least the following elements:

- (a) Description of the equipment;
- (b) Wiring and circuit diagrams;
- (c) General overview design;
- (d) List of applied standards, if not already included in the Declaration of Conformity;
- (e) Registration of risk and standard assessments;
- (f) Description of operating logic;
- (g) Datasheets for essential subassemblies;
- (h) Parts list;
- (i) Copies of existing markings and labels;
- (j) Copy of instructions (user, maintenance, installation);
- (k) Test reports;
- (l) Quality control and commissioning procedures;
- (m) Declaration of Conformity;
- (n) Description of the software and firmware revisions used to test conformity; and
- (o) Full description of the radio interface, if applicable.

7) The Declaration of Conformity, technical construction file and any other relevant documents shall be made available in electronic form to the Commission. After the Commission's approval, the product may be placed on the market.

Question 16: Do you agree with the requirement for type approval documentation? If not, please explain and justify what amendments you propose to these requirements.

**PART V
TYPE APPROVAL PROCESS FEES AND COSTS**

18. Fees

Fees shall be paid to the Commission in respect of every application for type approval referred to in these Requirements. Such fees shall be cost-based and prescribed under the Act or determined by the Commission.

19. Costs

- 1) The applicant shall meet all costs arising from:
 - (a) the preparation and submission of their application;
 - (b) providing any additional information, as may be requested by the Commission; and
 - (c) the processing of each application.
- 2) The Commission shall not accept responsibility for such costs whether or not a type approval certification is granted.

Question 17: Do you agree with the approach taken by the Commission on fees and costs arising from a type approval application? If not, please explain and justify what amendments you propose to this approach.

**PART VI
COMPLIANCE AND ENFORCEMENT**

20. Compliance

These Requirements shall apply to the electronic, electrical or radio equipment in use on the date upon which these Requirements came into effect, and the electronic, electrical or radio equipment brought into use thereafter.

Question 18: Do you agree with the clause on compliance? If not, please explain and justify what amendments you propose to this clause.

21. Powers and duties of the Commission

- 1) In case electronic, electrical or radio equipment does not comply with the provisions of these Requirements, the Commission shall take appropriate restrictive measures, to prohibit or restrict the electronic, electrical or radio equipment being made available on their national market, to withdraw the equipment from that market, recall and/or seize it;
- 2) In case of any dispute about the interpretation of these Requirements, the Commission keeps the right to make the final decision based on the least restrictive regulation achieving the goal of effective, efficient and safe spectrum and equipment use;

Question 19: Do you agree with the powers and duties of the Commission? If not, please explain and justify what amendments you propose to these powers and duties.

22. Market surveillance

- 1) The Commission shall perform market surveillance activities from time to time to ensure conformity of electronic, electrical and radio equipment with these Requirements.
- 2) An approval holder shall cooperate with the Commission by providing the electronic, electrical or radio equipment which is subject to market surveillance activities, or samples of it, and any documents requested by the Commission, free of charge.
- 3) The Commission shall return the equipment, or samples of it, as the case may be, to the approval holder upon ensuring compliance with these Requirements.
- 4) Where electronic, electrical, or radio equipment subject to market surveillance activities fails to comply with these Requirements, the approval holder must:
 - (a) take the necessary corrective actions for such equipment; or
 - (b) refrain from selling it and ensure that it is not used in the market and dispose of it as its own expense accordingly to the direction of the Commission.

Question 20: Do you agree with the requirements for market surveillance? If not, please explain and justify what amendments you propose to these clauses.

23. Role of Customs

The Commission shall coordinate with Customs and such other government departments or bodies on the tasks, roles and responsibilities regarding implementing these Requirements.

Question 21: Do you have any comments or views on the tasks, roles and responsibilities of Customs and other government departments or bodies in implementing these Requirements? If so, please explain these comments or views.

24. Fines

Any person who imports, distributes, sells or offers for sale, uses or connects equipment to a public telecommunications network in breach of these Requirements may be liable to pay to the Commission a fine not exceeding ten thousand dollars.

Question 22: Do you have any comments or views on fines? If so, please explain these comments or views.

PART VII FINAL PROVISIONS

25. Periodic review of these Requirements

- 1) The Commission shall regularly review and refine these Requirements for type approval certification to ensure that the requirements are adequate, sufficient, and complete, taking into consideration market trends and developments.
- 2) Periodic reviews under subsection (1):
 - (a) may be initiated by the Commission;
 - (b) shall be subject to public consultation; and

(c) must take place from time to time as the Commission deems necessary, e.g., in order to align with the ITU Radio Regulations.

Question 23: Do you agree with the clauses on periodic review? If not, please explain and justify what amendments you propose to these clauses.

26. Transitional

Where a type approval has been issued for any equipment prior to the commencement of these Requirements, such equipment may be imported, sold and or used in the Virgin Islands for a period of one year from the date of issue of these Requirements.

Question 24: Do you agree with the transitional period? If not, explain and justify what amendment you propose to this period.

Issued by the Telecommunications Regulatory Commission this __ day of _____, 2023.

(Sgd.) Vance Lewis

Chairman of the Board

Question 25: Are there any other parts, sections, or clauses that the Commission should consider including in these Requirements? If so, please explain and justify what amendment(s) you propose and in which part, section or clause you propose to include your amendment(s).

SCHEDULE I

VI Declaration of Conformity (DoC)

We

Company name:	Name of manufacturer or authorised representative
Postal address:	Any street
Postcode:	Postcode
City:	Any City
Telephone number:	Telephone number
E-Mail address:	E-Mail@anyway.com

declare that the DoC is issued under our sole responsibility and belongs to the following product:

Apparatus model/Product:	Apparatus
Type:	Type or
Batch:	Batch or
Serial number:	Serial number

Object of the declaration (identification of apparatus allowing traceability; it may include a colour image of sufficient clarity where necessary for the identification of the apparatus):

Identification of the apparatus	
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The object of the declaration described above is in conformity with the relevant legislation in the VI:

e.g. National Frequency Allocation Table (NFAT) 2018	...
e.g. FCC CFR Title 47 part 15	...
...	...

The following harmonised standards and technical specifications have been applied:

Title, Date of standard/specification:	
e.g. EN 55014-1:2017	...
e.g. IEEE 802.11ac-2013	...
...	...

Notified body or TA lab (where applicable):	notified body number:
Name of notified body or TA lab	1234
Reference number of the certificate of notified body	

Additional information:
Additional information

Signed for and on behalf of:

Place of issue	yyyy-mm-dd	
Place of issue	Date of issue	Name, function, signature

SCHEDULE II

Diversions from FCC CFR Title 47 Part 15

This Schedule contains the diversions from FCC CFR Title 47 Part 15 applicable in the Virgin Islands.

Frequency (range)	Specific requirements	Notes
902-928 MHz	<p>The frequency segments 902-915 MHz, and 925-928 MHz shall not be used by licence-exempt radio equipment (Short Range Devices).</p> <p>The frequency range 902-928 MHz shall not be used by ISM equipment.</p>	This frequency band's limitations are protecting the GSM service in the 880-915/925-960 MHz bands.
57-71 GHz	Use of vehicle radar systems is permitted.	

Question 26: Are there any other diversions the Commission should consider including in these Schedules? If so, please explain and justify what amendment(s) you propose.

Annex 1: Sheet for responses to the questions of the Commission's second consultation

Based on the above, the Commission invites all interested parties to submit their comments, with supporting evidence, on the following questions.

Number	Question	Response
1	Do you agree with the definitions? If not, please explain and justify what amendments you propose to the definitions.	
2	Do you agree with the purpose of the Requirements for Type Approval? If not, please explain and justify what amendments you propose to the purpose of these Requirements.	
3	Do you agree with the scope of the Requirements for Type Approval? If not, please explain and justify what amendments you propose to the scope of these Requirements.	
4	Do you agree with the methodology? If not, please explain and justify what amendments you propose to the methodology of the framework for type approval applications	
5	Do you agree with the requirements for Type Approval applications? If not, please explain and justify what amendments you propose to these requirements.	
6	Do you agree with the powers and duties of the Commission? If not, please explain and justify what amendments you propose to these powers and duties.	
7	Do you agree with the requirements for the radio interface? If not, please explain and justify what amendments you propose to these requirements	

Number	Question	Response
8	Do you agree with the EMC requirements? If not, please explain and justify what amendments you propose to these requirements.	
9	Do you agree with the EMF requirements? If not, please explain and justify what amendments you propose to these requirements.	
10	Do you agree with the requirements for combined equipment? If not, please explain and justify what amendments you propose to these requirements.	
11	Do you agree with the requirements for interoperability? If not, please explain and justify what amendments you propose to these requirements. +	
12	Do you agree with the requirements for cyber security? If not, please explain and justify what amendments you propose to these requirements.	
13	Do you agree with the clauses for type approval expiration? If not, please explain and justify what amendments you propose to these clauses.	
14	Do you agree with the clause for refurbished equipment? If not, please explain and justify what amendments you propose to this clause.	
15	Do you agree with the requirements for the marking of equipment? If not, please explain and justify what amendments you propose to these requirements.	
16	Do you agree with the requirements for type approval documentation? If not, please explain and justify what amendments you propose to these requirements.	
17	Do you agree with the approach taken by the Commission on fees and costs arising from a type approval application? If not, please explain and justify what amendments you propose to this approach.	

Number	Question	Response
18	Do you agree with the clause on compliance? If not, please explain and justify what amendments you propose to this clause.	
19	Do you agree with the mentioned powers and duties? If not, please explain and justify what amendments you propose to these powers and duties.	
20	Do you agree with the requirements for market surveillance? If not, please explain and justify what amendments you propose to these requirements.	
21	Do you have any comments or views on the tasks, roles and responsibilities of Customs and other government departments or bodies in implementing these Requirements? If so, please explain these comments or views..	
22	Do you have any comments or views on the clause on fines? If so, please explain these comments or views.	
23	Do you agree with the clauses on periodic review? If not, please explain and justify what amendments you propose to these clauses.	
24	Do you agree with the transitional period? If not, explain and justify what amendment you propose to this period.	
25	Are there any other parts, sections, or clauses the Commission should consider including in these Requirements? If so, please explain and justify what amendment(s) you propose and in which part, section or clause you propose to include your amendment(s).	
26	Are there any other diversions the Commission should consider including in these schedules? If so, please explain and justify what amendment(s) you propose.	