

**THE MINISTER OF AFFAIRS
NO. KM. 10 OF 2005
ABOUT
CERTIFICATION ON TELECOMMUNICATION EQUIPMENT**

Subject of Consideration

- a. That in the event of simplifying the certified telecommunication equipment based on the technical and international regulation, it is considered to be necessary to re arrange the regulation of Certification on Telecommunication equipment.
- b. As such described above, Minister of Affairs' Regulation on Telecommunication equipment needs to be issued.

Subject of Reference

1. Law No. 5 of 1999 about Prohibition of Monopoly practice and unlawful Business Competition (Agenda of Republic Indonesia No. 33 of 1999, and Agenda of Republic of Indonesia No. 3817);.
2. Law No. 8 of 1999 about Consumer Protection (Agenda of Republic Indonesia No. 42 of 1999, and Agenda of Republic Indonesia No. 3821);
3. Law No. 36 of 1999 about Telecommunication (Agenda of Republic Indonesia No. 154 of 1999, and Agenda of Republic Indonesia No. 3881);
4. Government regulation No. 14 of 2000 about Tariff on revenue out of applicable Tax to Department of Affairs (Agenda of Republic Indonesia No. 27 of 2000 and Agenda of Republic Indonesia and Agenda of Republic Indonesia No. 3940);
5. Government regulation No. 52 of 2000 about Telecommunication provider (Agenda of Republic Indonesia No. 107 of 2000 and Agenda of Republic Indonesia No. 3980.
6. Government regulation No. 53 of 2000 about Use of Radio Spectrum Frequency and Satellite Orbit (Agenda of Republic Indonesia of 2000 No. 108, and Agenda of Republic Indonesia No. 3981);
7. The President instruction No. 102 of 2000 about Position, Duty, Function and Authorization, Organization chart and Framework of Department, which has been last modified with President Instruction No. 35 of 2004.
8. The President instruction No. 109 of 2000 about Organization Unit and Task of Department as has been last modified with Presidents Instruction No. 47.
9. The President instruction No. KM.24 of 2001 about Organization Chart and Framework of Department of Affairs as has been last modified with Minister of Affairs' Instruction No. KM 42 of 2004;

Verifying :

Validates: **MINISTER OF AFFAIRS' REGULATION ABOUT CERTIFICATION ON TELECOMMUNICATION EQUIPMENTS**

CHAPTER I General Terms and Condition

Article 1

This term contains the meanings of:

1. Telecommunication is transmitting and receiving information in the form of signal, character, images and sounds through wired system, optic, radio or any electromagnetic system.
2. Telecommunication tools are any equipments used in telecommunication.
3. Telecommunication equipment is a set of equipments supporting the telecommunication.
4. Type of Equipments has different characteristic in which they are used for.
5. Certification is an approval document on standard devices and equipments for telecommunication based on the technical requirements
6. Certification is a related procedure to certify equipments
7. Label is a description of telecommunication either in images and characters or the combination identifying certified equipments and devices.
8. Test of telecommunication equipment is subject to characteristic adjustment to the existing technical requirements.
9. The technical requirement is an electronic parameter which meets the Standard National of Indonesia (SNI) or any affiliated technical institution.
10. A warrant of Equipment test is a letter issued by Certification Institution and sent to Assessment Institution to conduct a test on telecommunication equipments
11. Conformity Assessment Body/CAB is a Certification Institution and or an Assessment Institution established by Board of Regulator
12. Certification of Institution is appointed by Board of Regulator
13. Assessment of Institution is a laboratory which conducts an test of assessment on the telecommunication equipments.
14. The Minister is a person whose framework is in charge of Telecommunication field.
15. Directorate General is a Directorate General of Post and Telecommunication.

CHAPTER II Certification Application

Article 2

1. Each manufactured telecommunication equipments which are imported into Republic of Indonesia for a trade or own use must go through certification procedure.
2. Certification as such described above executed by Conformity Assessment Body
3. The certification of Telecommunication equipments are included :
 - a. Testing and
 - b. Certificate Issue

Article 3

1. Test of telecommunication equipments must be based on technical requirements regulated by Directorate General.
2. In the even of unmentioned technical requirements, Directorate General must regulate the technical requirements in the period of 90 days since the request received by Certification Institution.
3. Test of Equipments will be executed by:
 - a. measuring the equipments by Conformity Assessment Body
 - b. testing document by Certification Institution
4. Measuring as mentioned above consists of:
 - a. in house test (laboratory test)
 - b. on site test, - only when in house test is not conducted
5. Test of document as mentioned above is applied to Mutual Recognition Arrangement (MRA)
6. Test of document mentioned above conducted to the result of Conformity Assessment Body from another country.
7. As mentioned in the (6), if the result says that some parameters found not yet tested, then the testing must proceed.

Article 4

1. Issued Certification on Telecommunication equipments consists of:
 - a. Certificate A, referred to fabricant or distributor
 - b. Certificate B, referred to Importer or Institution

Article 5

Certified telecommunication equipments must be labeled.

CHAPTER 6 Terms of Certification

Article 6

1. Those who are qualified to apply for the certification of Telecommunication equipments are:
 - a. Fabricant or representative which manufactures equipments
 - b. Distributor, which is referred by Fabricant
 - c. Importer, who holds the Special Identification Number of Import (NPIK) whose is in charge of Telecommunication.
 - d. Institution, which own uses the telecommunication equipments.

2. The application for Certification is submitted to Certification Institution.
3. The application should enclose:
 - a. Company's Legal Documents
 - b. A reference document by Fabricant to apply for the Certificate A
 - c. Document of NPIK and an agreed agreement to provide warranty for application of Certificate B by Importer

Article 7

1. In the event that application meets the requirements, Institution of Certification grants SP3 to the Applicant based on the regulations below.
2. In the event of declined application, Institution of Certification must provide answers and reasons.
3. The SP3 as mentioned in (1) and (2) must be received in the period of 5 days since the acceptance.

Article 8

1. In the period of 15 days after the published SP3, the applicant is obliged to submit a sample of equipment consisting of 2 units for Customer Premises Equipment (CPE) and 1 unit of non-CPE for Institution of Assessment.
2. In the event that applicant fails to submit such sample as described above, the application is hereby no longer invalid.
3. Based on SP3, Conformity Assessment Body must evaluate the equipments.

Article 9

The Recapitulation Result of Test (RHU) on equipments must be submitted at least in the period of 45 days to the Institution of Certification.

Article 10

1. Based on RHU as written in Chapter 11, Institution of Certification conducts evaluation.
2. If result of evaluation as mentioned in (1) meets the requirments, then Institution of Certification will issue certificates on equipments as enclosed in example no. 4.
3. If result of evaluation does not meet the requirements, the Institution of Certification must provide reasonable answers as enclosed in example 5
4. The issue of certificate as mentioned in (2) or any rejection to it must be provided in the period of 10 days since the result received by Conformity Assessment Body.

Article 11

Institution of Certification must announce each equipments that meet the technical and standard requirments

Article 12

1. Certification on equipments are valid for 3 years
2. As the validity dues, certificate must be renewed except:
 - a. the equipments are no longer for sale/trade
 - b. the equipments are no longer for use
3. The renewal of certificate mentioned in (2) must be reapplied in the prior of 60 days before the expiration of the certificate.
4. The application mentioned in (3) must enclose:
 - a. original certificate
 - b. a statement containing that there has not been any changes on equipments.
5. The renewal as mentioned in (2) will be charged

Chapter IV Obligations of Certificate Holder

Article 13

1. Holder is responsible to the security of labeled equipments
2. Holder must obey any applied Telecommunication Law and Regulation

Article 14

In the event that there are changes on equipments spesification, Holder must report it to the Institution of Certification and is obliged to apply for a new certificate.

Article of 15

- Certificate holder is allowed to transfer the certification rights to the other party with conditions:
- a. Making appllications with legal documents attached.
 - b. Submitting the original certificate
 - c. Submitting unchanged technical spesification
 - d. Paying the new certificate

Article 16

Certificate holder is obliged to report to Institution of Certification in the event of relocation.

CHAPTER V Fees

Article 17

Certification on Equipments require charges based on the Law

CHAPTER VI Labeling

Article 18

1. Certificate holder is obliged to label the equipments at least in 60 days since the issued certificate as enclosed in example 6.
2. Labeling will cover all the certified equipments
3. If the labeling can not be done on the equipments, then must be labeled on the seal, boxes, or the manual instructions.

CHAPTER VII

Control and Supervision Article 19

Control and Supervision is conducted by Directorate General

CHAPTER VIII Penalties

Article 20

Any violations to this Telecommunication Law and regulations will be referred to Court House

CHAPTER IX
Terms of Overhand

Article 21

Certificate hold is obliged to adjust to this regulation at least 12 months since this terms is begun.

Article 22

Uncertified equipments, but are still being used by Institution, can continue using in the period of 12 months since this term is valid and must as well adjust to this term.

CHAPTER X
Closing

Article 23

With the validity of this agreement, hereby claimed that Minister of Affairs instructions No. KM. 65 of 2003 about Terms of Certification and Labeling equipments are no longer valid.

Article 24

This agreement shall commence:

Stated in Jakarta
On January 28 2005

MINISTER OF AFFAIRS
M. HATTA RAJASA