



REPUBLIC OF PALAU
MINISTRY OF PUBLIC INFRASTRUCTURE, INDUSTRIES AND COMMERCE
BUREAU OF COMMUNICATIONS

Telecommunications Equipment Regulation

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Telecommunications Equipment Regulation

Chapter I. Preliminary

§1. Authority

The Bureau issues this regulation pursuant to the powers granted to the Bureau by §302(a)(6)-(7), §302(a)(19), §302(a)(23), §426, and §427 of the Act.

§2. Short Title

This regulation shall be cited as the “Telecommunications Equipment Regulation, 2022”.

§3. Objectives

The objectives of this regulation include to:

- (a) Fulfill the Bureau’s functions and duties to:
 - (1) specify and approve technical standards for the operation of telecommunications networks;
 - (2) specify and approve technical standards for all equipment used on telecommunications networks in Palau; and
 - (3) regulate the type and characteristics of equipment that may be connected to a telecommunications network;
- (b) Promote consumer choice, innovation, harmonization, interoperability, and economies of scale of equipment in Palau;
- (c) Protect the operation, reliability, security, and integrity of telecommunications networks in Palau;
- (d) Protect the health and safety of persons in Palau; and
- (e) Minimize the administrative and regulatory burdens on the Bureau, licensees, customers, and other persons in Palau regarding the supply or use of equipment in Palau.

§4. Scope

This regulation establishes:

- (a) The framework for the supply and use of equipment in Palau by any person in Palau;
- (b) Procedures for persons to supply or use equipment in Palau; and
- (c) Provisions relating to monitoring and enforcement of this regulation.

§5. Applicability

- (a) This regulation applies to:
 - (1) equipment used by or connected to telecommunications networks; and
 - (2) customer equipment that is to be supplied or attached to a telecommunications network.
- (b) This regulation does not apply to exclusions specified under §102 of the Act, including:
 - (1) equipment used to broadcast radio and television services; and

- (2) equipment used solely for the purposes of telecommunications networks operated for the needs of defense and safety within Palau.
- (c) This regulation does not authorize a person to own or operate a telecommunications network or provide telecommunications services subject to licensing, or otherwise authorize or assign scarce resources subject to licensing, including radio frequencies and numbers identified in the Numbering Plan adopted by the Bureau.

§6. Definitions

- (a) Any word, phrase or expression used in this regulation shall, unless the context requires otherwise or it is expressly defined in this regulation, have the same meaning as in the Act.
- (b) Headings and titles used in this regulation are for reference only and shall not affect the interpretation or construction of this regulation.
- (c) References to a word or phrase in the singular encompass references to words or phrases in the plural, and vice versa.
- (d) The terms listed below shall have the following meanings:
 - (1) “Act” means Title 15 of the Palau National Code, the Palau National telecommunications Act of 2017, as may be amended from time to time;
 - (2) “Bureau” means the Bureau of Communications established under Title 2 of the Palau National Code, or its successors;
 - (3) “Conformity assessment body” means a testing laboratory or a certification body that determines directly or indirectly that a type of equipment fulfills specified technical standards that relate to that equipment;
 - (4) “Customer” means a person who contracts for telecommunications, as or on behalf of a user of telecommunications services;
 - (5) “Days” means calendar days;
 - (6) “Effective date” means the date that this regulation comes into effect;
 - (7) “Equipment” means any apparatus, device, appliance, or accessory used or intended to be used for telecommunications purposes;
 - (8) “License” means, for purposes of this regulation, a license issued by the Bureau to own or operate a telecommunications network, provide telecommunications services, or use radio frequency spectrum, or to otherwise engage in activities authorized under the Act;
 - (9) “Licensee” means, for purposes of this regulation, a person who holds a license or authorization referenced in §6. (d)(8);
 - (10) “Non-standard” means equipment that does not meet an accepted technical standard in Palau;
 - (11) “Palau” means the Republic of Palau;
 - (12) “Person” means any natural person or other nongovernmental entity, however organized;
 - (13) “Recognized certification body” means any of the bodies specified in this regulation;
 - (14) “Regulation” means the telecommunications equipment regulation;

- (15) "Supply" means the sale, offer to sell, lease, or other method of distribution of equipment in Palau;
- (16) "Supplier" means any person who supplies equipment in Palau;
- (17) "Technical standard" means a published document that establishes uniform engineering or technical criteria, methods, processes, and practices developed through an accredited consensus process.
- (18) "Telecommunications network" means a system that uses electricity or electromagnetic energy for providing telecommunications services between network termination points;
- (19) "Telecommunications service" means a service for the transmission or transport of messages by means of a telecommunications network; and
- (20) "Trusted jurisdiction" means a country or jurisdiction identified as trusted for purposes of certification of equipment.

Chapter II. Supply and Use of Equipment in Palau

§7. Supply and use of equipment No person shall supply or use equipment in Palau unless the equipment meets the technical standards:

- (a) Established by the Bureau; or
- (b) Accepted in a trusted jurisdiction, including from:
 - (1) Australia;
 - (2) the European Union;
 - (3) the United States of America; and
 - (4) any other country or jurisdiction that the Bureau may, by a determination, identify as a trusted jurisdiction.

§8. Establishment of technical standards

The Bureau shall only establish technical standards as determined to be necessary to protect the:

- (a) Integrity and security of telecommunications networks and telecommunications services in Palau; and
- (b) Health and public safety of persons in Palau.

§9. Recognized certification bodies

- (a) Equipment shall not be supplied or used in Palau unless a recognized certification body has approved the equipment as conforming to applicable technical standards.
- (b) The recognized certification bodies include:
 - (1) the Australia Communications and Media Authority (ACMA) in Australia;
 - (2) Conformité Européenne (CE) in the European Union;
 - (3) Federal Communications Commission (FCC) in the United States of America; and
 - (4) any other recognized certification body that the Bureau may identify by determination.

§10. Labelling requirements

- (a) Equipment shall not be supplied or used in Palau unless it displays at least one of the following compliance labels:
 - (1) Regulatory Compliance Mark (RCM) in accordance with ACMA requirements;
 - (2) CE mark in accordance with European Union requirements;
 - (3) FCC mark in accordance with U.S. requirements; or
 - (4) Any other label or mark that the Bureau may identify by determination.
- (b) Compliance labels may be physically displayed on the equipment, on its software, or in such other manner as may be determined by the Bureau from time to time.

§11. Non-standard equipment

The use of non-standard equipment that does not comply with §7. through §10. is prohibited unless:

- (a) The person has a reasonable belief that the use of the equipment was necessary to:
 - (1) secure the safety of a vessel or aircraft that was in danger;
 - (2) resolve an emergency involving a serious threat to the environment, any persons, or loss or damage to property; or
- (b) The Bureau otherwise determines that the equipment does not pose a threat to:
 - (1) the operation, reliability, security, and integrity of telecommunications networks in Palau; or
 - (2) the health and safety of persons in Palau.

§12. Record-keeping

- (a) Before equipment may be supplied or used in Palau, the supplier shall record the following for each technical standard of the equipment:
 - (1) the manufacturer of the equipment;
 - (2) the current model number of the equipment and, if relevant, any related model numbers of the equipment;
 - (3) evidence of approval from the relevant recognized certification body that the supplier has relied upon for purposes of subsection (a), including any test reports or certifications from conformity assessment bodies; and
 - (4) any manufacturer's documentation or instructions provided with the equipment that specifies the correct installation and operation of the equipment.
- (b) Suppliers shall keep records in accordance with subsection (a) for at least three (3) years after the supplier ceases to supply the equipment.

Chapter III. Monitoring and Enforcement

§13. Bureau coordination with customs and law enforcement agencies

- (a) The Bureau may coordinate with the Bureau of Customs and Border Protection, or its successor, and other relevant governmental bodies in Palau to ensure that equipment imported into Palau meets all legal requirements under the Act and this regulation.
- (b) Where the Bureau has reason to believe that equipment does not comply with the Act or this regulation, the Bureau may notify the Bureau of Customs and Border Protection, or its successor, and any other relevant governmental body in Palau, that the equipment does not meet the technical standards and other requirements under the Act or this regulation.
- (c) Notwithstanding the Bureau's forfeiture authority under §453 of the Act, the Bureau may coordinate with all relevant governmental bodies in Palau, including law enforcement agencies, to confiscate, seize, or otherwise dispose of equipment that does not comply with the Act or this regulation.

§14. Disconnection from telecommunications networks

- (a) In accordance with §427 of the Act, a licensee may disconnect from the telecommunications network or otherwise cease or refuse to supply telecommunications service to a customer who has connected customer equipment to the telecommunications network that does not comply with the Act or this regulation.
- (b) Licensees shall not be held liable for customer equipment that the customer connects to the telecommunications network without the licensee's knowledge or consent.

§15. Provision of information

The Bureau may, by notice in writing, require any supplier to provide information and documentation demonstrating that relevant equipment complies with the Act or this regulation, including the:

- (a) certification from the relevant recognized certification body;
- (b) list of supplied equipment required in §9. of this regulation; and
- (c) any other information or documentation that the Bureau may request, including a sample of the equipment.

§16. Contravention

Any person who supplies or uses equipment that connects to a telecommunications network in Palau that does not comply with this regulation may be found to commit an offense under §450 of the Act.