



**INFORMATION AND COMMUNICATIONS
TECHNOLOGY EQUIPMENT DEALERS'
REGULATION**

**Bhutan Information, Communications and Media Authority
Ministry of Information and Communications
Thimphu: Bhutan**

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Information and Communications Technology Equipment Dealers Regulation

This Regulation is issued in accordance with Part VII of the Bhutan Telecommunications Act 1999, for promoting the development of Information and Communications Technology (ICT) in Bhutan.

Part 1: General

CITATION AND COMMENCEMENT

1. This Regulation shall be cited as the Information and Communications Technology Equipment Dealers' Regulation and shall come into force on 1st of February 2006.

DEFINITIONS

2. In this Regulation, unless the context otherwise requires:

“Authority” means Bhutan Information, Communications and Media Authority.

“Authorized Officer” means any person authorized by the Authority to act on its behalf.

“Certificate” means an official document issued to a dealer by the Authority to deal in ICT equipment.

“Certified Dealer” means a dealer who has the certificate to deal in ICT equipment.

“Dealer” means a person or a company who manufactures, import for sale, hire out, sells, or possesses for sale any ICT equipment.

“ICT” means information and communications technology which includes the full range of electronic technology and techniques used to manage information and knowledge.

“ICT equipment” means any apparatus or other thing that is used or is capable of being used for transmitting, receiving or processing information, including voice, video and data.

“Act” means the Bhutan Telecommunications Act 1999.

“Regulation” means the Information and Communications Technology Equipment Dealers' Regulation 2006.

DEALER CERTIFICATE

3. All dealers of ICT equipment shall have a dealer certificate.
4. Any person or company who intends to manufacture, import for sale, sell or hire out any ICT equipment shall obtain the certificate from the Authority before he/she starts business.
5. Only certified dealers can manufacture, import, sell or hire out ICT equipment and also participate in national tenders related to ICT equipment within Bhutan.
6. A Certified Dealer shall comply with conditions prescribed in this Regulation.
7. This Regulation may be reviewed as and when necessary by the Authority.

Part 2: Conditions for Certified Dealers

PROHIBITED EQUIPMENT

8. A Certified Dealer shall not manufacture, import for sale, sell or hire out any ICT equipment which has not been certified by the Authority. An application for certificate of any ICT equipment shall be made to the Authority as per the application guideline framed by the Authority.
9. A Certified Dealer shall not import any ICT equipment without the prior approval of the Authority.

IMPORT OF EQUIPMENT

10. A Certified Dealer shall follow the “Rules and Procedures for Imports from Third Countries” set by the Ministry of Trade and Industry for import of ICT equipment.
11. A Certified Dealer shall not:
 - (a) furnish any false or misleading information to the Authority for the purpose of obtaining the approval or;
 - (b) falsify or fabricate any decision that the Authority may make upon the application.

Where any person contravenes this paragraph, any approval issued to that person under this Regulation shall be null and void.

12. A Certified Dealer who imports any ICT equipment shall comply, at his/her own cost, with the direction by the Authority to produce the ICT equipment for testing or inspection.

13. Where a Certified Dealer,
- (a) imports any ICT equipment for sale without the approval of the Authority; or
 - (b) manufactures, sells, or hire out any ICT equipment which does not meet the standards or specifications published by the Authority from time to time,

the Authority may direct the Certified Dealer to dispose of the ICT equipment in any manner which the Authority thinks appropriate. The Certified Dealer shall comply with such direction at his/her own expense.

COMPATIBILITY OF THE EQUIPMENT

14. A Certified Dealer shall ensure that ICT equipment which he/she manufactures, imports, sells or hires out is compatible with the relevant ICT network to which it is connected.

UNLAWFUL USE OF THE EQUIPMENT

15. A Certified Dealer shall not have in his/her possession for sale or use any device or equipment which is capable of monitoring or intercepting the transmission of information or communication signal.
16. A Certified Dealer shall not have in his/her possession for sale or use any device or equipment which can be used to alter, delete or remove the ESN (Electronic Serial Number), MIN (Mobile Identification Number), IMSI (International Mobile Subscriber Identity) or PIN (Personal Identification Number) number of any registered ICT equipment or to insert or duplicate the ESN, MIN, IMSI or PIN of any registered ICT equipment in any unregistered ICT equipment.
17. A Certified Dealer shall ensure that any ICT equipment in his/her possession is not used for any unlawful purpose.

CUSTOMER SUPPORT

18. A Certified Dealer shall inform his/her customers of the need to obtain a license from the Authority for the possession, operation, installation or use of any ICT equipments, in accordance with the Act and the Regulation.
19. A Certified Dealer shall provide appropriate advice and necessary maintenance support, including calibration, fine tuning service and spare parts supply, to his/her customers on the ICT equipment which he/she deals with upon request from his/her customers.

SECRECY

20. A Certified Dealer having access to any ICT system shall not, directly or indirectly, disclose, in any form, the contents of the information obtained by having access to any ICT system except,
- (a) to a person entitled to become acquainted with the information and telecommunication; or

(b) to an authorized official, or except where the disclosure is otherwise authorized or required by law.

RESTRICTION OF RADIO TRANSMISSION

21. A Certified Dealer shall not conduct any test of radio transmission other than on dummy load without the prior approval of the Authority.

INSPECTION

22. A Certified Dealer shall permit an authorized official, upon production of proof of identity, to inspect his/her certificate.

23. A Certified Dealer shall permit authorized official, upon production of proof of identity, to enter any land, building or premises owned or occupied by the certified dealer, to inspect and examine any ICT equipment which is kept or stored for sale in Bhutan.

24. A Certified Dealer shall not obstruct or hinder an authorized official in the execution of a duty imposed or power conferred upon the officer.

CERTIFICATE NOT TRANSFERABLE

25. A Certified Dealer shall not assign, transfer or sublet any entitlement of his/her certificate without the Authority's prior written approval.

COMPLIANCE WITH ACT AND REGULATION

26. Any Certified Dealer who contravenes the conditions set in this regulation shall be guilty of an offence under Bhutan Telecommunications Act 1999 or any other relevant laws of the Kingdom of Bhutan.

Part 3: Application for Dealers Certificate

APPLICATION

27. A person who wants to be a certified dealer shall apply for a certificate in accordance with the procedures set by the Authority.

28. A person who applies for the certificate shall be,

- a) a citizen of Bhutan or;
- b) a company registered within Bhutan and ;
- c) shall have capability to render services necessary enough for his/her customers including, but not limited to, delivery, installation, maintenance and consultancy of the ICT equipment which he/she deals with.

DURATION OF THE CERTIFICATE AND ITS RENEWAL

29. The duration of the certificate is one year and is subject to renewal.