

Legal Update: Telecommunication Device and Equipment Certification

July 2024

On 23 February 2024, the Ministry of Communication and Informatics (“**MoCI**”) issued Regulation No. 3 of 2024 regarding Telecommunication Device and Equipment Certification replacing MoCI Regulation No. 16 of 2018 (“**MoCI Reg No. 3/2024**”), which entered into force on 24 May 2024.

Why has MoCI Reg No. 3/2024 been issued?

In principle, all telecommunication devices and equipment produced, assembled, or imported for commercial purposes and/or use in Indonesia must comply with technical standards, evidenced by certification issued by MoCI. This ensures that all equipment meets minimum technical, safety, and environmental standards, providing a reliable and secure telecommunications infrastructure across the nation.

Broader Scope for Certification Applicants and Label Requirements

One of the key changes in this regulation is the expanded eligibility for certification applicants from the previous limited list of trademark holders, distributors and manufacturers. Now, individuals, government institution and international organizations can also apply for certification for telecommunication devices and equipment, if these devices and equipment are for personal used. Once the certification is issued by MoCI, the certificate holder is required to place a label on each of the certified telecommunication devices and equipment.

Exemptions from Obtaining Certification

The regulation also introduces a right of exemption from the requirement to obtain telecommunication device and equipment certification. Telecommunication devices and equipment used by representatives of global organizations under the United Nations, official regional organizations, and other entities designated by MoCI are not required to obtain this certification. In this regard, MoCI can issue a letter of exemption from the certification requirement for telecommunication device and/or equipment.

Prohibitions for Certificate Holders

Certificate holders are prohibited from trading telecommunication devices and/or equipment such as signal boosters (repeaters/boosters) to any entity other than Indonesian mobile network operators. Additionally, certificate holders are prohibited from trading telecommunication devices and/or equipment such as satellite phones/modems to any entity other than Indonesian telecommunications providers that offer satellite phone/modem services.



Sanctions

Failure to comply with technical standards, obtain certification or label the telecommunication devices and equipment will lead to administrative sanctions from MoCI ranging from a written warning, an administrative penalty, confiscation of devices and equipment, certificate revocation, a forced recall of all telecommunication devices and equipment traded in the market and/or has been used by users, and/or suspension of submission of the certification process for a year.

Should you have other question on the above, please contact Partners Ariani Nugraha (ariani.nugraha@mkklaw.net) or Eka W. Siswani (ekaws@mkklaw.net) for further information.