

DRAFT REGULATION

Mobile phone Jammers Regulation

Mobile Phone Jammers Regulation

A Draft Regulation issued by the Telecommunications Regulatory Authority

31st August 2004

Ref: MOU/RN/006

This draft regulation is issued by the TRA for comment, which should be received within two (2) weeks time (14th September 2004).

The address for responses to this document is:

The General Director,

Telecommunications Regulatory Authority (TRA)

PO Box 10353, Manama, Kingdom of Bahrain

Alternatively, e-mail responses may be sent to the TRA's e-mail address at consult@tra.org.bh



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Introduction

Legislative Decree No. 48 of 2002 promulgated the Telecommunications Law for the Kingdom of Bahrain. Among other things, the Telecommunications Law formed the Telecommunications Regulatory Authority (TRA or Authority), a body that has responsibility for the regulation of telecommunications of Bahrain.

Section 44 of the Telecommunications Law states that “*No person shall operate a telecommunications network which uses radio frequency spectrum in the Kingdom, or operate or use any radiocommunications equipment associated with such a network without obtaining a license therefore from the Authority.*” The same section provides that the Authority must act to ensure “*...the efficient and competent use of radio frequency spectrum;*”

In pursuance of its duties, the TRA has prepared this regulation, the aim of which is to regulate the Use of Mobile Phone Jammers in Bahrain.

The Regulation

The TRA has completed a consultation on the Use of Mobile Phone Jammers. This consultation process, which started on the 21st March 2004 and concluded on 18th April 2004, involved the publication of a consultation paper (MOU/CN/016). The consultation paper aimed to establish the broad principles for the Use of Jammers, or their prohibition, in Bahrain.

This regulation has been produced in the light of comments received during the consultation process, which are set out in the Report on Mobile Phone Jammers (MOU/RP/038). These comments have provided much useful input, and, although being largely in accord with the position laid out by the TRA in the consultation paper they raised some material issues that have been incorporated in to this regulation.

The TRA welcomes comments on this draft Regulation in so far as the draft Regulation does not reflect the conclusions reached by the Report, or where respondents consider that there are new implications arising from this draft Regulation which the TRA should be aware of with a view to amending the draft Regulation. Following review of any responses to this draft Regulation, the TRA will issue a final Regulation and, if appropriate, a further Report summarizing responses received.

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1 Definitions and Interpretation

Any word, phrase or expression used in this regulation shall, unless the context requires otherwise or it is expressly defined herein have the same meaning as it has in the Telecommunications Law (the “Telecommunications Law”) Promulgated by Legislative Decree No. 48 of 2002, and the terms below shall have the following meaning:

- “**Applicant**”: the Person seeking to Use a Mobile Phone Jammer and applies to the TRA for approval for such Use, in accordance with section 3 of this Regulation.
- “**3G**”: the type of third generation mobile phone, operating in the 2.1GHz band and based on CDMA technology.
- “**CDMA**”: Code Division Multiple Access – the digital cellular phone technology that allocates codes to traffic channels.
- “**GSM**”: Global System for Mobile communications – the second generation digital cellular phone technology, utilizing time-slots for traffic channels, operating in the 900 MHz and 1800 MHz bands.
- “**Mobile Phone Jammer**” or “**Jammer**”: the device for intentionally blocking mobile phone signals within a small space to temporarily prevent mobile phones from operating.
- “**Person**”: any natural or artificial person or public authority.
- “**Radiocommunications equipment**”: any equipment or apparatus designed or used for radiocommunications.
- “**Use**”: (as verb, in all tenses, and noun) the operation of a Mobile Phone Jammer in order to intentionally block mobile phone signals.

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2 Use of Mobile Phone Jammers

- 2.1 No Mobile Phone Jammer shall be Used within the Kingdom of Bahrain without prior written approval granted by the TRA, for the use of the specified Jammer(s) at a specified location and for a specified time-period. Any unauthorised Use in breach of this Regulation shall be treated by the TRA as a material breach of the Telecommunications Law and, if appropriate, of any telecommunications license held by the Person using the non-authorized Mobile Phone Jammer.
- 2.2 Mobile Phone Jammer equipment may, at the TRA's discretion, be subject to inspection by the TRA, or an organisation contracted by the TRA for this purpose, and/or by the Ministry of Transportation (Directorate of Wireless Licensing, Frequency and Monitoring (DWL, F&M)).
- 2.3 Each occasion when a Mobile Phone Jammer is to be Used shall require a separate application for TRA approval as set out in section 3 of this Regulation and each application shall be considered by the TRA on its own merits. The grant of a previous approval to a particular Applicant for a particular occasion does not necessarily indicate that the TRA would grant approval for a similar case in the future.

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3 Process for applying for permission to Use a Mobile Phone Jammer

3.1 Before applying for approval from the TRA to Use a Mobile Phone Jammer, the Applicant shall have contacted the licensed mobile operators to explain the problem caused by mobile phones, and a resolution to the problem, not involving Jammers, shall be sought. If this is unsuccessful, the correspondence with the operators on this matter should be included with the application for approval. The TRA will not consider applications for Use of Jammers unless an Applicant has first approached mobile operators to seek to resolve the problem which lead to the request to Use a Mobile Phone Jammer.

3.2 An organization or person shall apply for prior written approval to Use a Mobile Phone Jammer at least 20 working days (the notice period may be reduced by the TRA if exceptional circumstances can be demonstrated) before its intended Use, by writing, to the TRA at the following address:

The General Director,
Telecommunications Regulatory Authority (TRA)
PO Box 10353, Manama, Kingdom of Bahrain

The letter of application should contain the following information:

- The name and address of the Person applying;
- The name and telephone number of the appropriate contact person within the organisation if applicable;
- The serial number and type of the Jammer
- The output power of the Jammer
- The frequencies on which the Jammer will be operating
- The full technical specification of the Jammer as supplied by the manufacturer
- The estimated volume of space around the Jammer in which mobile phones will be prevented from operating
- The exact position that the Jammer will be put during its period of Use;
- The reasons why a Jammer is required (supported by documentary evidence in support of the application);
- The proposed date(s) and exact time period that the Jammer will be in operation; and
- Evidence of contact with the mobile operators in Bahrain seeking resolution to the applicant's problem.

3.3 In considering an application for approval for Use of a Mobile Phone Jammer, the TRA shall consult, on each occasion, with the Ministry of Transportation (DWL,F&M) as the responsible entity of radio spectrum in the Kingdom of Bahrain. The TRA may also consult such other Persons as it considers appropriate from time to time. The TRA will take its decision on the application within the relevant deadline set out at Article 3.4 below in any event.

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- 3.4 The TRA will decide whether to grant approval or reject the application within 15 working days of receipt of a complete application, and will reply in writing to the applicant.
- 3.5 On each occasion when the TRA has approved the Use of a Mobile Phone Jammer, the TRA will inform the mobile operators of the time, location and volume of space that is expected to be affected, together with a reference to that specific Use of a Mobile Phone Jammer so that the operators can identify related effects within their mobile network, as a result of the Use of a Jammer. To this end the TRA will supply mobile operators a copy of its response to the Applicant pursuant to Article 3.4 above.
- 3.6 At the end of the period for which the Jammer's Use is approved, the Applicant shall inform the TRA in writing within 5 working days that the Jammer has been withdrawn from service, providing details of the relevant approval reference number, Jammer type and serial number.

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4. Former authorisations for Use of Mobile Phone Jammers

- 4.1 Any existing authorisations for the Use of Mobile Phone Jammers issued by any entity in the Kingdom of Bahrain prior to the publication of this Regulation shall cease to be valid 30 days following publication of this Regulation.