

**REGULATION  
ON THE APPROVAL AND IMPORTATION OF  
TELECOMMUNICATIONS EQUIPMENT CONNECTED TO  
PUBLIC TELECOMMUNICATIONS NETWORKS**

**Article 1  
Definitions**

Unless the context otherwise requires, any word, expressions and abbreviations used in this Regulation shall have the meanings given to it in Article 1 of the Telecommunications Law, promulgated by Legislative Decree No. 48 of 2002, and the following words and expression shall have the following meaning:

**"Kingdom"**: the Kingdom of Bahrain.

**"Law"**: the Telecommunications Law, promulgated by Legislative Decree No. 48 of 2002.

**"Authority"**: the Telecommunications Regulatory Authority.

**"Public Telecommunications Network"**: a Telecommunications Network used, in whole or in part, for the provision of Public Telecommunications Services provided either by a Licensed Operator of Telecommunications Network or a third party.

**"Telecommunications Equipment"**: any equipment or apparatus used or intended to be used for Telecommunications and that is part of or connected, or comprises, a Telecommunications Network, and includes Radiocommunications Equipment.

**"Licensed Operator"**: a Person who is licensed to operate a Telecommunications Network or to provide a Telecommunications service under Article 25 of the Law.

**"Standards"**: the technical specifications prepared by international standards making bodies, adopted and published by the Authority on its website as may be updated by the Authority from time to time whether to reflect updates or revision in the

international standards referenced in the international standards or otherwise and which are in compliance with Article 5(b) of this Regulation.

**"Bluetooth"**: is a wireless technology standards for exchanging data over short distances within various spectrum bands from 2.4 GHz to 2.485 GHz through fixed, nomadic and mobile devices for building personal area network (PANs).

**"CE Mark"**: a mark lawfully applied to Telecommunications Equipment to demonstrate compliance with relevant European Union legislation.

**"Declaration of Conformity (DoC)"**: a document in which a Supplier provides written assurance from the manufacture (in accordance with ISO/IEC 17050-1:2004) that the Telecommunications Equipment conforms to the technical requirements provided in this Regulation and the Standards, if any.

**"Electromagnetic Disturbance"**: unintentional electromagnetic emissions from Telecommunications Equipment but does not include the intentional transmission intentionally of licensed radio equipment.

**"Interface"**: is a means of connecting to a Public Telecommunications Network. An interface may be within an item of Telecommunications Equipment when a connection to a Public Telecommunications Network is affected by Radiocommunications.

**"Manufacturer"**: the manufacturer of the Telecommunications Equipment.

**"Supplier"**: anyone who manufactures, imports, distributes, sells or offers for sale Telecommunications Equipment, including the licensed operator importing Telecommunications Equipment for use on its own network.

**"Type Approval"**: official confirmation from the Authority indicating that Telecommunications Equipment conforms to the technical requirements provided in this Regulation.

**"Type Approval Certificate"**: a certificate issued by the Authority for the Telecommunications Equipment after fulfilling the requirements stipulated in this Regulation.

**"Approval Holder"**: any Person has obtained a Type Approval Certificate.

**"No Objection Certificate (NOC)"**: the document issued by the Authority, to allow the importation of the Telecommunications Equipment into the Kingdom.

**"Passive Telecommunications Equipment"**: any Telecommunications Equipment without any form of power supply or amplification and which does not itself generate any telecommunications signals. Telecommunications Equipment is considered passive if:

- a) its inherent physical characteristics are such that it is incapable of generating or contributing to electromagnetic emissions which exceeds a level allowing Radiocommunications Equipment and Telecommunications Equipment to operate in the required manner.
- b) it will operate without unacceptable degradation in the presence of the Electromagnetic Disturbance normally present in its intended environment.

Passive Telecommunications Equipment includes but are not limited to cables, combining units, patch-panels, connectors and splitters. Simple telephone devices are not deemed to be Passive Telecommunications Equipment even if it draws its power from the Telecommunications Network to which it is connected.

**"Radiocommunications Equipment"**: any equipment or apparatus designed or used for Radiocommunications.

**"Radiocommunications"**: the transmission, emission or reception of messages, sound, visual images or signals by using electromagnetic waves which propagated in space and having frequencies of lower than 3,000 GHz.

**"Terminal Devices"**: is a Telecommunications Equipment at either end of a Telecommunications link, serving a particular purpose and used to permit the stations involved to accomplish the mission for which the link was established. It includes, but is not limited to, mobile handhels, fixed telephone terminals, devices available with Subscribers, etc.

**"Private Use Equipment"**: Telecommunications Equipment bought personally outside the Kingdom for private use and is not intended for sale or any other purposes. This does not include the use of such equipment by Licensed Operators or by any other organization.

**"Public Telecommunications Services"**: fixed or mobile telecommunications services available to the public.

**"ISO"**: the International Organization for Standardization.

**"LAN"**: Local Area Network.

**"LTE"**: Long-Term Evolution.

**"GSM"**: Global System for Mobile Communications.

**"ICNIRP"**: The International Commission on Non-Ionizing Radiation Protection.

**"IEC"**: The International Electro-technical Commission

**"IEEE"**: The Institute of Electrical and Electronics Engineers.

**"ILAC"**: The International Laboratory Accreditation Cooperation.

**"IMEI"**: The International Mobile Equipment Identity.

**"DWLF&M"**: the Directorate of Wireless Licensing, Frequency & Monitoring at the Information & eGovernment Authority.

**"UMTS"**: the Universal Mobile Telecommunications System.

## **Article 2 Objectives of the Regulation**

This Regulation aims at regulating the approval and importation of Telecommunications Equipment that is used or intended to be used for Telecommunications purposes and that is a part of or connected, or comprises, a Public Telecommunications Network, and includes Radiocommunications Equipment.

## **Article 3 Powers and Duties of the Authority**

- a. The Authority shall grant Type Approvals for the Telecommunications Equipment by virtue of its power under the Law and this Regulation.
- b. The Authority shall specify the technical requirements which the Telecommunications Equipment shall meet prior to being type approved. Such requirements may be updated wherever necessary.
- c. The Authority shall ensure transparency of Type Approval's procedures for Telecommunications Equipment and refrain from any discrimination when granting approvals.

## **Article 4 Scope of Application of Regulation**

- a) Without prejudice to the provisions of Article 4(b), the provisions of this Regulation shall apply to:
  1. Any person who manufactures, imports, distributes, sells or offers for sale, uses or connects Telecommunications Equipment to a Public Telecommunications Network whether in return for payment or free of charge.

2. All Telecommunications Equipment manufactured, imported, distributed, used, sold, offered for sale, connected or to be connected to a Public Telecommunications Network in the Kingdom whether in return for payment or free of charge.
- b) The provisions regarding Type Approval as provided in Article 6 of this Regulation shall not apply to:
1. Private Use Equipment.
  2. Mobile telecommunications stations that are able to connected to Public Telecommunications Networks using a satellite link.
  3. Without prejudice to the Article 11(d) of this Regulation, Telecommunications Equipment imported for the purpose of processing or modification before being offered sale in the Kingdom or re-exported.

Otherwise, the technical requirements provided in Article 5 of this Regulation shall apply to the Telecommunications Equipment referred to in this Article.

## **Article 5 Technical Requirements**

- (a) No Telecommunications Equipment shall be manufactured, supplied, imported, distributed, sold, offered for sale, or connected to a Public Telecommunications Network, whether in return for payment or free of charge, unless it meets the technical requirements provided in this Article and have a Type Approval Certificate issued under Article 6 of this Regulation.
- (b) All Telecommunications Equipment shall meet the following technical requirements:
  1. It is not easily accessible software interface or simple physical modification, be capable of being configured to operate on radio frequency, which are not designated for public telecommunications purposes in the Kingdom.

2. It shall not cause any harm to the user, general public or staff working on Telecommunications Networks. All Licensed Operators shall be responsible to ensure that radio transmitters do not constitute a human health hazard and that the emissions produced from radio stations are within the limits specified in the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP), which are included in Resolution No. 4 of 2009 with respect to regulating and monitoring non-ionizing radiations emitted from electromagnetic fields and any subsequent order or amendments thereto.
3. It shall not generate Electromagnetic Disturbance exceeding the level above which Telecommunications Equipment or other equipment cannot operate as intended.
4. It shall have a level of immunity to the Electromagnetic Disturbance expected in its intended use which allows it to operate without unacceptable degradation of its intended use.
5. It shall efficiently and effectively use of the radio spectrum allocated so as to avoid harmful interference.
6. It shall not cause any damage to Telecommunications Network or interfere with the correct working of a Telecommunications Network or misuse network resources, thereby causing an unacceptable degradation of service.
7. It must be interoperable with other apparatus and be connected to interfaces of the appropriate type in the Kingdom.
8. Where it is Terminal Device, it shall meet the following additional conditions:
  - (i) If it is mobile terminal device, it must have an IMEI number.

- (ii) It shall support certain features to safeguard the personal data and the privacy of Users and Subscribers.
  - (iii) It shall support certain features of ensuring avoidance of fraud.
  - (iv) It shall support special features ensuring access to emergency services.
  - (v) It shall support certain features in order to facilitate its use by User with a disability.
- (c) If there are no relevant Standards or there are an Standards but the Telecommunications Equipment does not comply with its requirements, the applicant for Type Approval shall provide evidence to the Authority's satisfaction that such Telecommunications Equipment complies with the technical requirements provided in Article 5(b). Otherwise the Authority will refuse to issue a Type Approval Certificate.

## **Article 6**

### **Type Approval**

- a) Type approval of Telecommunications Equipment shall not be concerned with the performance or quality of such equipment and shall not exceed an advice from the Authority of meeting the technical requirements provided in Article 5 hereof.
- b) The Type Approval Certificate shall be obtained from the Authority under the provisions of this Regulation prior to supplying, importing, distributing, selling, offering for sale, using or connecting Telecommunications Equipment to a Public Telecommunications Networks in the Kingdom.
- c) In exemption of the Type Approval procedures stipulated in this Article, Private Use Equipment can be imported. These include:
  1. CE Marked Telecommunications Equipment without radiocommunications interfaces.
  2. CE Marked Telecommunications Equipment or other CE Marked devices or apparatus supporting one or more of the following interfaces:



- 1) Terminal Devices, such as DECT, GSM, UMTS, LTE and others within the approved frequencies and permitted for such applications.
- 2) Bluetooth if incorporated within Telecommunications Equipment.
- 3) Wireless LAN (IEEE802.11 series of standards)

However, if the Telecommunications Equipment, devices or apparatus support interfaces other than those mentioned above, it shall not be imported under the procedures for importation of private use Equipment.

3. Equipment with CE Mark for reception only.
  4. Passive Telecommunications Equipment and ancillary equipment, devices and apparatus, including information technology equipment and connection & power cables.
- d) The Private Use Equipment shall comply with the technical requirements provided for in Article 5 of this Regulation. If for any reason the equipment is impounded by customs at the port of entry, a No Objection Certificate (NOC) must be obtained from the Authority to enable release by customs.
- e) In recognition of the global market for the type of the equipment mentioned in this Article, the Authority hereby acknowledges that such equipment are deemed compliant with the technical requirements provided in Article 5 and a Type Approval Certificate is issued accordingly:

1. CE Marked Telecommunications Equipment without radiocommunications interfaces intended to be used exclusively by Licensed Operators to establish Telecommunications networks for the provision of Public Telecommunications Services.
2. CE Marked Telecommunications Equipment or any CE Marked device or apparatus or equipment supporting one or more of the following interfaces:
  - 1) Terminal Equipment, such as DECT, GSM, UMTS, LTE others within the approved frequencies and permitted for such applications.

- 2) Bluetooth if incorporated within the Telecommunications Equipment.
- 3) Wireless LAN (IEEE802.11 series of standards)

However, if such equipment also supports one or more other interfaces in addition to the interfaces above, an application for Type Approval shall be obtained for other interfaces.

3. CE Marked Telecommunication Equipment for reception only.
  4. Passive Telecommunications Equipment and ancillary equipment, devices and apparatus including information technology equipment and connection & power cables.
- f) Suppliers shall retain and present to the Authority on demand the documents that prove the lawfulness of CE Mark or any other Standards for a period of three years from the date of importing the latest sample of the Telecommunications Equipment into the Kingdom. The Authority reserves the right to inspect the Declaration of Conformity and other documents supporting the CE Mark applied to any such equipment to ascertain that CE Mark is affixed lawfully.
- g) Application for Type Approval for Telecommunications Equipment shall be formulated as follows:
- 1) The application shall be submitted to the Authority using the form provided by the Authority.
  - 2) The application and any supporting documents shall be in Arabic or English.
  - 3) The Declaration of Conformity shall be attached to the application. The application shall include the following information as a minimum:
    1. Name and address of the Supplier.
    2. The Supplier's Commercial Registration Number.
    3. Contact details of the person responsible at the Supplier or the applicant, who acts on behalf of the Supplier.
    4. Details of the Telecommunications Equipment to be approved (place of manufacturing, trademark, model, type, hardware and software versions,

description of intended use of equipment for radio spectrum and/or wired telecommunications interfaces).

5. The technical specifications and characteristics of the Telecommunications Equipment.
  6. Details of the organization issuing the Conformity of Declaration (DoC) and the reference number of the declaration.
  7. A valid Declaration of Conformity (DoC) signed by the manufacturer of the Telecommunications Equipment or the organization issuing the Declaration of Conformity.
- 4) Only applications for Type Approval submitted by a Supplier, who is registered for commercial activities in the Kingdom will be accepted.
- h) After reviewing the Type Approval application, the Authority may require additional information and documents or request additional information to enable it to reach a decision on whether or not to grant an approval. Such information may include but is not limited to the evidence of compliance proving that the equipment meets the technical requirements with Article 5 of this Regulation.
- i) The Authority may request samples of the Telecommunications Equipment for examination and testing.
- j) The Authority shall hold in confidence all information in the Type Approval applications submitted to it.
- k) The Authority shall, within fourteen working days from the date of receiving the completed application, decide on the Type Approval requests for Telecommunications Equipment and issue a Type Approval Certificate for the equipment fulfilling the technical requirements provided in Article 5 of this Regulation. Deciding on approval requests and issuance of Type Approval Certificates for the Telecommunications Equipment mentioned in Article 6(e) shall be issued within seven working days from the date of receipt of the Type Approval request.

Where a request for Type Approval is rejected, the Authority shall inform the applicant of this fact, together with the reasons for such rejection, prior to the end of the period set

for deciding on the request. Expiration of the period set for deciding on the request without a decision made shall be deemed to be an implicit rejection of the request.

An applicant whose request for Type Approval was rejected may appeal to the Authority against such rejection, provided that such appeal is submitted within the period provided in Article 16(b) of this Regulation. The applicant may apply for a new request of approval by submitting to the Authority, once again, the evidence that the Telecommunications Equipment to be approved meets the technical requirements provided for in Article 5 of this Regulation.

- l) Following approval or rejection of the Type Approval request, the Authority shall return to the applicant the samples of the Telecommunications Equipment submitted to the Authority at its request. The Authority may retain any relevant document for future reference. .
- m) The Type Approval Certificate is personal to the Approval Holder. Subject to the requirement of obtaining a No Objection Certificate (NOC), a non-Approval Holder may import or sell the Telecommunications Equipment previously approved for the Approval Holder under the approval certificate issued to the Approval Holder. In such case, the non-Approval Holder shall hold responsibilities imposed upon the Approval Holder as if it had obtained such certificate. In all instance, a non-approval holder may apply for a Type Approval Certificate for itself for the same Telecommunications Equipment previously approved for the Approval Holder.
- n) The Type Approval Certificate shall be granted for a term of three years and is subject to renewal at the discretion of the Authority. Renewed approval will retain the original approval number.
- o) A Type Approval shall be valid for all Telecommunications Equipment that fall under the type of equipment for which a Type Approval Certificate had been issued. A Type Approval

shall not be restricted to a given batch of equipment unless so requested by the applicant.

p) Telecommunications Equipment imported shall in all cases be identical in all material to the type for which a Type Approval Certificate had been issued.

q) The Authority may revoke a Type Approval Certificate in the event that:

1. Any information submitted in the request for obtaining a Type Approval Certificate is found to be counterfeited or false.
2. There is a breach of the provisions of this Regulation with respect to the approved Telecommunications Equipment.
3. The Authority forms the opinion that the Telecommunications Equipment for which a Type Approval Certificate had been issued does not comply with the technical requirements provided in Article 5 of this Regulation.
4. The Authority establishes that the relevant Standards of which a Type Approval Certificate had been issued does not guarantee compliance with the technical requirements provided in Article 5(b) of this Regulation and an updated Standards is published accordingly.
5. There is a breach of any condition endorsed on the Type Approval.
6. If the modifications on the approved Telecommunications Equipment lead to non-compliance of the requirements provided in this Regulation and it is in violation of the provisions of Article 8 of this Regulation.

Revocation of a Type Approval Certificate shall be considered as cancellation of the Type Approval, and the Authority shall notify the concerned person about the decision of revocation of the Type Approval Certificate, indicating the reasons therefor.

r) Without prejudice to the provisions of Article 6(s), the utilization shall continue for the Telecommunications Equipment in use for which its Type Approval Certificate is

revoked under Article 6(q) of this Article. However, such equipment shall not be imported nor shall the existing equipment be offered for sale in the Kingdom. The equipment withdrawn from the market for the reasons provided in Article 6(s) of this Article shall be re-exported or destroyed by, and at the expense of the Approval Holder.

- s) The Authority may prohibit the usage of the Telecommunications Equipment for which its Type Approval Certificate has been revoked under Article 6(q) in the following circumstances:
  - (i) If it is found that the approval has been given on the basis of misleading or false documentations.
  - (ii) If the Authority decided that the Telecommunications Equipment does not comply with the technical requirements provided in Article 5 of this Regulation.

The Authority must notify the concerned person about the decision together with the reasons therefor.

- t) The Authority may impose additional obligations against the Approval holder of a revoked Type Approval Certificate, including:
  - (i) Withdrawal of all Telecommunications Equipment covered by the revoked Type Approval Certificate, provided that such equipment shall be substituted with a type of equipment which is still type approved by the Authority.
  - (ii) Refrain from displaying the Telecommunications Equipment covered by the revoked Type Approval Certificate in the market or putting it into service.
  - (iii) Refrain in whole or in part from transferring the Telecommunications Equipment covered by the revoked Type Approval Certificate.
  - (iv) Perform an act or refrain from performing an act to ensure abiding by the provisions of this Regulation.

The Authority may take any other appropriate measures, including the seizing and removing of Telecommunications Equipment from the market to ensure compliance with the provisions of this Regulation and avoidance of harmful interference.

- u) Any person against whom a decision of revocation of a Type Approval Certificate is made under Article 6(q) or under any of the measures provided for in Article 6(s), or a decision of refusing to grant the person a temporary Type Approval Certificate is made under Article 6(w), may appeal to the Authority against the decision or measures within five working days from the date of notification by the Authority.
- v) The Authority may publish the following details on its own website:
  1. The model name and other identification details of the approved Telecommunications Equipment, including a brief description.
  2. The Type Approval including details of the Approval Holder and any conditions related to the approval.
  3. Instances of revocation of Type Approval Certificates and No Objection Certificates.
- w) The Authority will apply simplified approval procedures to the imported Telecommunications Equipment for the purpose of testing, development, explanation or demonstration. Any person wishes to import such equipment shall submit a request in writing to the Authority on the form prepared by the Authority, indicating the intended use, the number of equipment to be imported, type, main technical features (types of interface supported, the approved standards and the frequency spectrum used), the place of use and the period of importation.

The Authority will issue a temporary No Objection Certificate to enable importation and use of the Telecommunications Equipment referred to above for the period and under the terms and conditions determined by the Authority at its discretion on a case by case basis. The Authority may grant a radio frequency license whenever necessary to enable the use of Radiocommunications Equipment that is imported and used for a limited period of time.
- x) The Authority shall decide on the applications referred to in Article 6(w) and notify the respective applicants about the result within seven working days from the date of receiving the completed request. When a decision of rejection is issued,

it must indicate the reasons therefor. The expiry of the time for deciding on the request without a decision made shall be deemed to be an implicit rejection of the request.

## **Article 7**

### **The Declaration of Conformity**

- a) The Declaration of Conformity shall be affixed to the Telecommunications Equipment by the manufacturer, and must be prepared and maintained such in accordance with ISO/IEC 17050-1:2004 Standards. In addition to the minimum contents specified in Article 6.1 of that Standards, the additional information provided for in Article 6.2 (a), (b) and (e) of that Standards shall also be included.
- b) The evidence on which the Declaration of Conformity is based shall be held by the Approval Holder and be made available to the Authority until the end of the operation of the Telecommunications Equipment for which a Type Approval Certificate has been issued.
- c) The documentations constituting the evidence of compliance shall comply with ISO/IEC 17050-2:2004 (except for Article 5.2 (a)). Such documentations shall include test reports and data obtained from laboratories that have been accredited by a body that is a member in the Mutual Recognition Agreement of the International Laboratory Accreditation Cooperation (ILAC).

## **Article 8**

### **Modifications to Telecommunications Equipment**

- (a) Wherever Telecommunications Equipment is modified in respect of model number, design or function, it shall be re-assessed for compliance with the technical requirements provided for in this Regulation.



- (b) Where any such modification to Telecommunications Equipment would necessitate a change to any documentations previously submitted to the Authority, the Approval Holder shall provide the Authority with updated documents.
- (c) Whenever the relevant Slandered is amended, the Telecommunications Equipment shall be re-assessed for compliance according to the effective date and the way of implementation given in the amended Standards.
- (d) If it is found that the modified Telecommunications Equipment does not meet the requirements provided for in this Regulation as a result of such modification or of the revision of the Standards, the Approval Holder shall notify the Authority immediately.
- (e) If the Approval Holder failed to notify the Authority on the modifications made to the Telecommunications Equipment and this has resulted in the requirements provided for in this Regulation becoming unfulfilled, the Approval Holder will be deemed in breach of the provisions of this Regulation and of the Law. The Authority may take all appropriate measures under the Law against the Approval Holder.

## **Article 9**

### **Mutual Recognition Agreements**

The Authority may accept test reports, compliance certificates and relevant declaration of conformity issued under the bilateral or multilateral mutual recognition agreements concluded by the Authority or by the Kingdom with other countries, regional organizations or international organizations. For avoidance of doubt, the Supplier may obtain a Type Approval Certificate from the Authority.

## **Article 10**

### **Importation of Telecommunications Equipment**

- (a) Telecommunications Equipment imported is subject to Type Approval prior to importation, except for the

- equipment mentioned in Articles 6(c), 6(d) and Article 11 of this Regulation.
- (b) A No Objection Certificate must be obtained prior to importing any type of Telecommunications Equipment.
  - (c) A request for a No Objection Certificate shall be submitted to the Authority on the form provided by the Authority and it shall include details of the concerned Telecommunications Equipment and the shipping information. If the Telecommunications Equipment is shipped in a consolidated shipment, the Authority will issue a No Objection Certificate for the Telecommunications Equipment only, in which case the Telecommunications Equipment shall be separated from other equipment, devices and apparatus and should be clearly identifiable in the packing list.
  - (d) Without prejudice to the provisions of Article 11 hereof, the Supplier shall provide the Authority with the following information:
    1. The Type Approval Certificate.
    2. The name, address of the manufacturer and details of the contact person.
    3. The names, number, type and model number of the imported equipment.
    4. Features and technical specifications of the imported equipment (if needed).
    5. Shipment details (e.g. Airway Bill, Bill of Lading, Shipment Invoice Number)
    6. Port of entry.
  - (e) The Supplier shall keep detailed records of serial numbers of all imported Telecommunications Equipment. Such records shall be made available to the Authority on request.
  - (f) The Authority will decide on the request for a No Objection Certificate and notify the concerned person about the decision within three working days from the date of receipt of the completed application. Reasons shall be given for rejected application. The expiry of the time for deciding on the application without a decision made shall be deemed to be an implicit rejection of the application. The applicant may appeal to the Authority

against such decision of rejection within three working days from the date of notification.

## **Article 11**

### **Importation of Telecommunications Equipment for Modification or Re-exportation**

- (a) Any person wishing to import Telecommunications Equipment for modification prior to offering it for sale or for re-exportation shall submit a request to the Authority on the form provided by the Authority to obtain a No Objection Certificate prior to importation. Such a person must provide the Authority with the following information:
  1. The name and address of the manufacturer and details of the contact person.
  2. The names, quantity, type and model number of the imported equipment.
  3. Features and technical specifications of the imported equipment (if needed).
  4. Details of the consignment (e.g. Airway Bill, Bill of Lading, Shipment Invoice Number).
  5. Port of entry.
- (b) The Supplier shall keep detailed records in serial numbers of all Telecommunications Equipment imported, modified or re-exported. Such records to the Authority on request. Such records shall be made available to the Authority on request
- (c) A Type Approval shall be obtained for the Telecommunications Equipment imported for modification in case of this equipment will be distributed, sold or offered for sale or connected to a Public Telecommunications Network in the Kingdom.

## **Article 12**

### **Customs Clearance**

- (a) In order to facilitate custom clearance of Telecommunications Equipment other than Private Use Equipment, shipping agents acting on behalf of Suppliers shall present a No Objection Certificate and shipment documentation to customs Affairs during customs clearance.
- (b) Without prejudice to the provision of Article 6(e), an Approval Holder must maintain the approved Telecommunications Equipment using radio frequency spectrum in a safe place. Such equipment will be released to those wishing to use it only upon verification of holding the required Frequency License issued by the Authority. If the Approval Holder intends to use equipment for itself, the Approval Holder shall not use the equipment until the necessary Frequency License has been obtained.

### **Article 13**

#### **Surveillance of Equipment**

- (a) The Authority will perform market surveillance activities from time to time to ensure conformity of the Telecommunications Equipment to the technical requirements provided this Regulation. An Approval Holder shall cooperate with the Authority in this respect by providing the Telecommunications Equipment which is subject to market surveillance activities (or samples of it) and any documents requested by the Authority without charge to the Authority. The Authority shall return the equipment (or samples of it) to the Approval Holder upon ensuring fulfillment of the technical requirements provided in this Regulation.
- (b) Where Telecommunications Equipment subject to market surveillance activities fails to fulfill the technical requirements provided in this Regulation, the Approval Holder must take the necessary corrective actions for such equipment or refrain from selling it and ensure that it is not used in the market and dispose it at its own expense according to the directions of the Authority.

Failure to comply with such actions by the Approval Holder will be deemed a violation of the Law and the provisions of this Regulation.

#### **Article 14 Fees**

A resolution by the Board of Directors of the Authority will be issued as to determining the fees payable under the provisions of this Regulation. Payment of such charges will be made in accordance with the procedures in force in the Authority. Applicants will bear any banking charges, if any.

#### **Article 15 Grievances**

- (a) The decisions issued under this Regulation shall be made in writing, and all stakeholders shall be notified within the dates specified in this Regulation. Decisions of rejection must include the reasons on which the rejection is grounded.
- (b) Without prejudice to the provisions of Articles 6(u) and 10(f) hereof, stakeholders may appeal to the Authority against decisions issued against them under the provisions of this Regulation. Such appeal must be made within thirty days from the date of notification by the Authority or from the date on which such decisions are deemed implicitly applicable to them. The Authority must decide on the appeal and notify concerned person about the result within twenty days from the date of receiving the appeal.

#### **Article 16 Penalties**

Without prejudice to the right of the Authority to take an appropriate measures, any person who imports, distributes, sells or offers for sale, uses or connects Telecommunications

Equipment to a Public Telecommunications Network in violation to the provisions of this Regulation shall be punished in accordance with the Law.

### **Article 17**

#### **Forms of Applications, Certificates and Documents**

The Authority will prepare forms for the applications, appeals, for the certificates and documents provided for in this Regulation. Such forms will be subject to review if required, in a manner that will not violate the provisions of this Regulation.

### **Article 18**

#### **General and Transitional Provisions**

- (a) All procedures for approval of Telecommunications Equipment applicable in the previous period shall be repealed once this Regulation comes into force.
- (b) Without prejudice to the requirements provided in Article 10 hereof, the Telecommunications Equipment for which a Declaration of Conformity had been issued prior to the enforcement of this Regulation may be imported and displayed in the Kingdom's markets for a period of three years from the date of issue of the Declaration of Conformity. To avoid doubt, such equipment will not necessarily be subject to the Type Approval under the provisions of this Regulation.