

## Enforcement Guideline Principles (EGP)

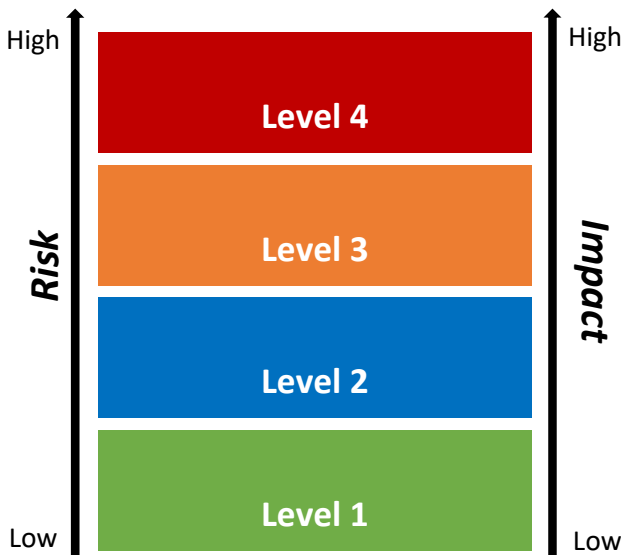
### Description

AITI conducts its own enforcement programmes to ensure legal and regulatory compliance. This requires decisions to be made about prioritization of cases; taking into account the impact of non-compliance, internal resources and risk management, amongst others. The enforcement programme should be considered a last resort if compliance cannot be accomplished through self-regulation where AITI will exercise its legal powers to ensure compliance.

In this regard, AITI may consider one or more of the following factors (but not limited to) in deciding the actions to be taken:

- The applicable regulatory objectives.
- The conduct is unintentional, malicious or imprudent.
- The conduct caused harm or damage, the type, and seriousness of the damage.
- Risk of continuing harm if the conduct continues.
- The conduct relates to any ongoing or previous enforcement and compliance matter.
- The person or business that has been the subject of previous compliance or enforcement action, the results of that action and the outcome of that action.
- The consequences and effect of addressing or not addressing the conduct.
- Action that has been taken to remedy and address the consequences of the conduct.
- The person or business have cooperated with AITI
- The need for urgent intervention by AITI
- The non-compliance affects the health and safety of the public or a section of the public.

AITI will assess the non-compliance and classified the offence and action that will be taken, with reference to the priority framework diagram as shown below:



### Level 1 (low risk and low impact)

Description	Examples	Action
<p><b>Minor Offences</b>  <i>First time offender for activities which do not affect the public interest or safety.</i></p>	<p><i>Importation and/or sale of equipment which are not likely to cause interference to authorized radiocommunications equipment users, without the required licences or approvals from AITI E.g. Short-Range Device (SRD) such as Bluetooth devices, smart watches and wireless microphones.</i></p>	<p><i>AITI will issue a verbal warning and instruct the offender to cease the activity immediately.</i></p>

### Level 2

Description	Examples	Action
<p><b>Moderate Offences</b>  <i>(a) Second time offender for Level 1 activities.</i>  <i>(b) Non-compliance or repeated non-compliance with AITI's notification or warning.</i>  <i>(c) Activities that may affect or actually affect authorized activities by Licensees.</i>  <i>(d) Activities that affect the public interest or safety.</i>  <i>(e) A breach of License Conditions.</i></p>	<p><i>i. Continue selling the equipment which are not or have not been Type Approved by AITI after issuance of a warning under Level 1.</i></p> <p><i>ii. Importation and/or sale of equipment e.g. radio-communication devices, Wi-fi antenna booster which carries a high risk of causing interference to authorized radio-communication equipment users, without the required licences or approvals from AITI.</i></p> <p><i>iii. Intentional or malicious undertaking of an activity with knowledge that it is illegal or unlawful.</i></p>	<p><i>AITI may take the following action, inter alia:</i></p> <p><i>a) Issue a formal notice or warning and instruct the offender to cease the activity immediately.</i></p> <p><i>b) Compound the offence or financial penalty and/or suspend and/or cancel relevant Licenses for repeat offenders.</i></p>

### Level 3

Description	Examples	Action
<p><b>Serious Offences</b></p> <p>(a) Repeat offenders who have received formal notices or warnings, yet continue to undertake the activity.</p> <p>(b) Activities that affect the public interest or safety.</p> <p>(c) Activities that may cause or have actually caused interference to telecommunications systems and/or services.</p> <p>(d) Activities which cause or are likely to cause damage to Licensee infrastructure.</p> <p>(e) A breach of License Conditions.</p>	<p>i. Intentional or accidental damage to public telecommunications Licensee's infrastructure causing outages to public communications e.g. cable cut.</p> <p>ii. Importation of equipment in contravention of AITI's process or requirements e.g. declaring more than one model of equipment as a different model to avoid the payment of the requisite fees.</p> <p>iii. Repeated importation and/or sale of equipment which carries a high risk of causing interference to authorized radio-communication equipment users or telecommunication services without the requisite approvals e.g. wired/wireless signal booster, radiocomm devices.</p>	<p>AITI may take the following action, inter alia:</p> <p>(a) Issue a formal notice or warning to the offender.</p> <p>(b) Accept an enforceable undertaking from the offender.</p> <p>(c) Levy a financial penalty and/or suspend and/or cancel relevant Licenses for repeat offenders.</p>

**Level 4 (high risk and high impact)**

Description	Examples	Action
<p><b>Severe Offences</b>  <i>Activities that:</i>                      (a) <i>Offend against the Telecommunications Order, 2001 e.g Section 33, 34 and 35.</i>                      (b) <i>Activities that affect the public interest or safety.</i>                      (c) <i>Activities that may cause or have actually caused interference to telecommunications systems and/or services.</i>                      (d) <i>Are classified as illegal or unlawful.</i></p>	<p>i. <i>Unlawful operation of a telecommunications system or service which is an offence under Section 33 of the Telecommunications Order, 2001.</i>                      ii. <i>Unlawful operation of unauthorized equipment affecting telecommunications services.</i>                      iii. <i>Forgery of AITI's official documents which can constitute a criminal offence.</i>                      iv. <i>False declaration regarding importation of equipment made for Customs clearance purposes.</i></p>	<p><i>AITI may take the following action, inter alia:</i>                      (a) <i>Levy a financial penalty and/or suspend and/or cancel relevant Licenses for repeat offenders.</i>                      (b) <i>Involve civil or criminal litigation or referring the matter to other law enforcement agencies.</i></p>