

Decision No. /2015 issuing the Regulation for dealing in telecommunications devices

Pursuant to the Telecommunications Regulatory Act issued by the Royal Decree No. 30/2002 and;

The Executive Regulation of the Act issued by the Ministerial Decision No.144/2008 and;

The Authority's Decision No. 8/2008 on dealing in telecommunications activities and;

The approval of the Ministry of Finance vide its letter No. MTD/4/1/10079 and;

Based on the exigencies of the public interest;

It is decided:

Article 1: The provisions of the attached Regulation shall apply to the dealing in telecommunications devices.

Article 2: The Decision No. 8/2008 referred to shall be revoked as well as all that is contravening with this Regulation or contrary to its provisions.

Article 3: This Decision shall be published in the Gazette and shall come into force from the day following the date of its publication.

Issued on:

Corresponding to:

Mohammed Bin Hamad Al-Rumhi

Chairman of Board of Directors

Regulation for dealing in telecommunications devices

Article 1: In the application of the provisions of this Regulation, the words and expressions contained herein shall have the same meanings set out in the Telecommunications Regulatory Act and its Executive Regulation referred to. The following words and expressions shall have the meanings set opposite them unless the text requires otherwise:

Importer: Any company or enterprise that imports telecommunications devices to the Sultanate for the purpose of trading.

Dealer: Any company or enterprise engaged in the selling, delivery, repair or maintenance of the telecommunications devices that it obtains locally but does not manufacture these devices or import them from abroad.

User: Any natural or legal person using the telecommunications devices in person.

Short Range/ Wireless Access Devices: Devices that emit short range radio waves according to the standards determined by the Authority's relevant decisions.

Short Range Infrared Remote Control Devices: Devices designed for remote control using infrared rays with a maximum range of 10 meters.

Fake Telecommunications Devices: Devices that lack laboratory testing to prove the device's compatibility with the international telecom standards, or devices that were manufactured as a duplicate of a well-known brand manufacturer.

Release Letter: A notice from the Authority to the competent authorities to release the telecom devices that are imported from abroad.

Article 2: Any importer or manufacturer of telecommunications devices shall comply with the following:

- a. Register with the Authority in accordance with the registration requirements set by the Authority for a valid period of one year.
- b. Ensure that the devices intended to be imported or manufactured are approved by the Authority.
- c. Obtain a release letter from the Authority when the telecom devices are imported.
- d. Obtain the Authority's approval before storing the telecommunications radio devices that require a radio license. This license should be valid for one year and renewable for similar duration/s based on a request from the person in charge.
- e. Not to deliver the radio telecommunications equipment imported or stored to any user before obtaining the Authority's approval.
- f. Obtain the Authority's approval before the receipt of any radio equipment from a user for the purpose of selling or exporting.
- g. Obtain the necessary permit prior to the importation of the radio telecommunications equipment for the purpose of re-exporting them, and not to sell or use such equipment in the Sultanate prior to obtaining the Authority's approval.

h. Pay the prescribed fee in accordance with the attached Tables (A), (B) and(C).

Article 3: Any importer of or dealer in telecommunications devices shall comply with the following:

- a. Affix authorization signs on the type-approved telecom equipment in accordance with the labeling guidelines manual issued by the Authority.
- b. Display the specific absorption rate (SAR) on handheld devices (on the external cover of the pack/ package).
- c. Provide the concerned person with accurate information on the device's features and specifications.
- d. Pay the prescribed fee in accordance with the attached Tables (A), (B) and(C).

Article 4: Dealing in telecom devices, of whatever type, is prohibited except after being type-approved by the Authority, with the exception of the following devices and without prejudice to any standard requirements and specifications mandated by the competent authorities:

- a. Non sending receivers such as (GPS).
- b. Echo Sounder.
- c. The servers used to store data without dealing in telecom data packets or frequencies.
- d. Microwave Ovens and infrared short range remote controls.
- e. Accessories of telecom devices which are capable of transmission.
- f. Imported telecom devices intended for re-export.

Article 5: Type approval application should be made to the Authority on the form designed for this purpose, enclosing the documents indicated by the Authority. The Authority may exempt certain documents if the application was made for a device that was previously approved by the Authority for another dealer.

Article 6: Dealing in fake devices is prohibited.

Article 7: The Authority's approval should be obtained before reprogramming any radio telecommunications equipment.

Article 8: Upon approving telecom devices, the Authority may consider the type approval certificates issued by other countries.

Article 9: The Authority may amend or cancel the type approval certificates issued by it if the device was found to be incompatible with the required specifications. In such case, the party issued with the type approval certificate shall return them to the Authority upon request to amend or cancel them. All dealers should cease to deal in devices the type approval certificate of which was cancelled.

Article 10: Without prejudice to any harsher punishment set out in the Telecom Regulatory Act, its Executive Regulation on any other law, the Authority may, in the event of violating the provisions of this Regulation, take any or all of the following actions in a manner commensurate with the extent of the violation:

1. Notify the violator of the violation and warn him against repeating it.
2. Impose the penalties set out in the attached Table (D).
3. Seize the devices and obligate the violator to export them.
4. Cancel the violator's registration.

Table (A)

Annual registration fees for companies and enterprises dealing in telecommunications devices

Company/ Enterprise Grade	Registration Fees (RO)
International	800
Excellent	600
One	500
Two	400
Three	300
Four	100

Table (B)

Fees for type approval certificates

Type of Device	Fee for Type Approval Certificate (R.O)	Fee for amendment of Type Approval Certificate (R.O)
Terminal Equipment/ Radio Equipment/ Mobile Phones	100	10
Short Range Radio Equipment and Wireless Access	50	10

Table (C)

Fees for issuing of Letter to Release imported telecom equipment and certificate to store radio equipment that require licensing

No.	Type of Service	Annual Fee
1	Issue of letter to release telecom equipment imported for personal use	15RO
2	Issue of certificate to store radio equipment that require licensing	RO 5 for each radio equipment
3	Renewal of certificate to store radio equipment that require licensing	RO 5 for each radio equipment

Table (D)**Penalties**

No.	Reason for penalty	Penalty
1	Non registration with the Authority as an importer or a manufacturer	RO 800
2	Dealing in non-type approved or fake devices	RO 500
3	Storage of radio equipment before obtaining approval from the Authority	RO 20 for each set
4	Failure to affix labels as per the labeling guidelines manual or forging authorization labels	RO 500
5	Non-renewal of certificate to store radio equipment	Grace period of one month then a penalty of RO 20 for each set
6	Selling or delivery of imported or stored radio equipment to the user before obtaining approval from the Authority	RO 50 for each set
7	Failure to notify the Authority upon receipt of telecom radio equipment from the user for the purpose of selling or export	RO 20 for each set
8	If a dealer reprogrammes telecom radio equipment for a user before obtaining approval from the Authority	RO 100 for each set