



## **ENFORCEMENT GUIDELINE PRINCIPLES (EGP)**

---

<b>NO</b>	<b>REVISION RECORD</b>	<b>EFFECTIVE DATE</b>
<b>1</b>	<b>First issue (Document version: 15 January 2019)</b>	<b>1 February 2019</b>
<b>2</b>	<b>Second issue (Document version: 6 October 2025)</b>	<b>6 October 2025</b>

### ***COPYRIGHT NOTICE & WARNING***

© AITI, 2025. This document is property of the Authority for Info-communications Technology Industry of Brunei Darussalam ("AITI"), a body corporate with perpetual succession with its address at B13 and B14, Simpang 32-5, Jalan Berakas, Kampung Anggerek Desa, Brunei Darussalam. It must not be copied, used or reproduced for any other purpose other than for which it is supplied, without the expressed written consent of AITI.

### ***DISCLAIMER***

The information contained in this document does not constitute legal advice and should not be treated as such. AITI disclaims any responsibility or liability for any use or misuse of this document by any person and makes no representation or warranty, express or implied, as to the accuracy or suitability of the information to any third party.

## Contents

<b>1. Introduction</b>	<b>2</b>
<b>2. Administrative Priority Framework</b>	<b>2</b>
<b>3. Categorisation of Severity Level</b>	<b>3</b>
<i>Level 1 (low risk and low impact)</i>	<i>3</i>
<i>Level 2</i>	<i>3</i>
<i>Level 3</i>	<i>4</i>
<i>Level 4 (high risk and high impact)</i>	<i>4</i>

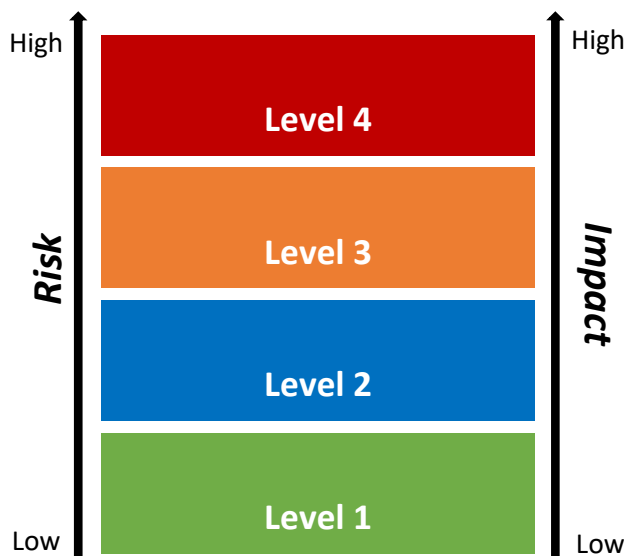
[THE REMAINDER OF THIS PAGE IS LEFT INTENTIONALLY BLANK]

## 1. Introduction

- 1.1. AITI conducts its own enforcement programmes to ensure legal and regulatory compliance. This requires decisions to be made about prioritisation 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.
- 1.2. In this regard, AITI may consider one or more of the following factors (but not limited to) in deciding the actions to be taken:
  - 1.2.1 The applicable regulatory objectives.
  - 1.2.2 The conduct is unintentional, malicious or imprudent.
  - 1.2.3 The conduct caused harm or damage, the type, and seriousness of the damage.
  - 1.2.4 Risk of continuing harm if the conduct continues.
  - 1.2.5 The conduct relates to any ongoing or previous enforcement and compliance matter.
  - 1.2.6 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.
  - 1.2.7 The consequences and effect of addressing or not addressing the conduct.
  - 1.2.8 Action that has been taken to remedy and address the consequences of the conduct.
  - 1.2.9 The person or business have cooperated with AITI
  - 1.2.10 The need for urgent intervention by AITI
  - 1.2.11 The non-compliance affects the health and safety of the public or a section of the public.

## 2. Administrative Priority Framework

- 2.1. 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:



### 3. Categorisation of Severity Level

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

Description	Examples	Action
<b>Minor Offences</b> (a) First time offender for activities which do not affect the public interest or safety. (b) Offend against the Telecommunications Order, 2001. (c) Offend against the AITI Order, 2001. E.g. Section 20.	E.g. Importation and/or sale of Short-Range Device (SRD) such as Bluetooth devices, smart watches and wireless microphones – this is non-compoundable offence  E.g. Operating telecommunication system within Brunei Darussalam without licence granted by the Authority – this is compoundable offence	AITI may take the following action, inter alia: a) AITI will issue formal notice for non-compoundable offences and instruct the offender to cease the activity immediately. b) Issue Compound for compoundable offences under Telecommunications (Composition of Offences) Regulations, 2019. c) Referring the matter to other law enforcement agencies.

#### Level 2

Description	Examples	Action
<b>Moderate Offences</b> (a) Offend against the Telecommunications Order, 2001. (b) Offend against the AITI Order, 2001. (c) Non-compliance or repeated non-compliance with AITI's notification. (d) Activities that may affect or actually affect authorised activities by Licensees. (e) Activities that affect the public interest or safety. (f) A breach of License Conditions.	i. 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.  ii. Intentional or malicious undertaking of an activity with knowledge that it is illegal or unlawful.	AITI may take the following action, inter alia: a) AITI will issue formal notice for non-compoundable offences and instruct the offender to cease the activity immediately. b) Issue Compound for compoundable offences under Telecommunications (Composition of Offences) Regulations, 2019 or financial penalty and/or suspend and/or cancel relevant Licenses for repeat offenders. c) Referring the matter to other law enforcement agencies .

### Level 3

Description	Examples	Action
<b>Serious Offences</b> (a) Offend against the Telecommunications Order, 2001. (b) Offend against the AITI Order, 2001. (c) Activities that affect the public interest or safety. (d) Activities that may cause or have actually caused interference to telecommunications systems and/or services. (e) Activities which cause or are likely to cause damage to Licensee infrastructure. (f) A breach of License Conditions.	i. Intentional or accidental damage to public telecommunications Licensee's infrastructure causing outages to public communications. 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. 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.	AITI may take the following action, inter alia: (a) AITI will issue formal notice for non-compoundable offences and instruct the offender to cease the activity immediately. (b) Accept an enforceable undertaking from other law enforcement agencies. (c) Issue Compound for compoundable offences under Telecommunications (Composition of Offences) Regulations, 2019 and/or suspend and/or cancel relevant Licenses for repeat offenders. (d) Levy a financial penalty and/or suspend and/or cancel relevant Licenses for repeat offenders. (e) Referring the matter to other law enforcement agencies.

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

Description	Examples	Action
<b>Severe Offences</b> Activities that: (a) Offend against the Telecommunications Order, 2001 e.g. Section 33, 34 and 35. (b) Offend against the AITI Order, 2001 e.g. Section 20. (c) Activities that affect the public interest or safety. (d) Activities that may cause or have actually caused interference to telecommunications systems and/or services. (e) A breach of License Conditions. (f) Are classified as illegal or unlawful.	i. Unlawful operation of a telecommunications system or service which is an offence under Section 33 of the Telecommunications Order, 2001. ii. Unlawful operation of unauthorized equipment affecting telecommunications services. iii. Forgery of AITI's official documents which can constitute a criminal offence. iv. False declaration regarding importation of equipment made for Customs clearance purposes.	AITI may take the following action, inter alia: (a) AITI will issue formal notice for non-compoundable offences and instruct the offender to cease the activity immediately. (b) Accept an enforceable undertaking from other law enforcement agencies. (c) Issue Compound for compoundable offences under Telecommunications (Composition of Offences) Regulations, 2019 and/or suspend and/or cancel relevant Licenses for repeat offenders. (d) Levy a financial penalty and/or suspend and/or cancel relevant Licenses for repeat offenders. (e) Referring the matter to other law enforcement agencies.