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THE EUROPEAN UNION**

**Brussels, 28 September 2009**

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Subject: Comprehensive booklet: Jamming wireless signals and shutting down mobile phone antennas within the scope of the EU Action Plan on Enhancing the Security of Explosives

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Delegations will find attached the partially declassified version of the above-mentioned document.

  

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**ANNEX**

**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 20 May 2009**

**8185/1/09  
REV 1 EXT 1 (25.09.2009)**

**ENFOPOL 66**

**NOTE**

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from:	Presidency
to:	Terrorism Working Party
Subject:	Comprehensive booklet: Jamming wireless signals and shutting down mobile phone antennas within the scope of the EU Action Plan on Enhancing the Security of Explosives

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Delegations will find annexed a Comprehensive booklet: Jamming wireless signals and shutting down mobile phone antennas within the scope of the EU Action Plan on Enhancing the Security of Explosives, containing the responses of 26 Member States to a recent questionnaire in the field.

This revised version includes an update from Belgium.

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## 1. Introduction

Following the EU Action Plan on Enhancing the Security of Explosives (8311/08), adopted by the Justice and Home Affairs Council in June 2008, the Czech Republic directed the attention of the Member States to the issue of jamming and/or shutting down the signals of electronic communication networks. The issue is highlighted in the Action Plan in the following paragraphs:

- Task No. 1.2.7 *"Support further research in order to find technical solutions for Member State authorities to jam wireless signals in threatened areas"*
- Task No. 4.3.1 *"Create the possibility for relevant law enforcement authorities to request providers to shut down mobile phone antennas in the case of a threat of a terrorist attack. In a situation where there are reasons to believe that mobile phones will be used as firing switches, the responsible law enforcement authorities should be able to request providers to shut down relevant antennas. Relevant experiences, skills and best practices should be exchanged among the Member States via the EOD units network in this area"*

The Czech Republic initiated an EU-wide discussion on the issue of jamming and/or shutting down the signals of electronic communication networks in the framework of the above-mentioned Action Plan. The Czech Republic thereby asked the Member States to answer a questionnaire (annexed). The aim of the questionnaire was to gather best practices and specific information on jamming and/or shutting down the signals of electronic communication networks. The focus was on the jamming and shutting down of mobile phone antennas targeted to deactivate bombs in the event of an immediate threat of a terrorist attack.

Such information does not only allow for further implementation of the EU Action Plan on Enhancing the Security of Explosives but is also useful for describing and analysing possible technical challenges and legal requirements in order to enhance the exchange of best practices.

The intention was to avoid handling the jamming of wireless signals and shutting down of mobile phone antennas as an autonomous issue and to collect best practices on this topic for purpose of enhancing the security of explosives and to map the situation in the EU.

The Member States which participated in the study were AT, BE, BG, CY, CZ, DE, DK, EE, EL, ES, FI, FR, HU, IE, IT, LT, LU, LV, MT, NL, PL, PT, RO, SE, SI and SK.

## **2. Evaluation: Key findings from the questionnaire**

- With regard to the jamming and/or shutting down of electronic signals, it is necessary to compare the efficiency of both procedures. Most of the 25 Member States which replied to the questionnaire consider that both practices have their respective “pros and cons”. The decision to make use of any particular procedure is dependent on the circumstances of the individual incident.
- In 10/19 of the replies received, it was stated that a specific legal basis for jamming or shutting down mobile phone antennas is in place. This is primarily derived from the requirement to eliminate direct danger to human lives, safeguard health and prevent any imminent threat likely to cause major damage to property. In most cases the jamming or shutting down of mobile phone antennas is used as a last-resort measure for a limited period of time. If the possibility of using the jamming/shutting down of electronic networks does not derive from the specific provisions it is possible to refer to grounds of necessity according to the general legislation on criminal proceedings.
- 10/13 of those Member States which responded do not currently consider it necessary to adopt any relevant new legislation.
- 11/11 of the Member States defined an authority (police force, central state administration authority) as a competent body with responsibility for jamming or shutting down mobile phone antennas (on the basis of strict conditions provided in the legislation).
- In three cases, the national legal framework entrusts the relevant bodies (telecommunications agency, emergency services) with the task of notifying the use of jamming or shutting down of mobile phone antennas to the relevant authorities.
- In 12/16 of the replies it was stated that financial compensation is not provided for by the legislation, implying that suing for liability and damages by the service providers is not regulated.

- The replies indicate that jamming is a more common practice than the shutting down of network coverage. 12/18 countries state that they have practised jamming procedures while only 4 countries have at some point shut down mobile phone antennas.
- With regard to the exchange of information about jamming/shutting down of signals, 10/13 countries indicate that they have a formal system in place.
- The possibility of requesting all service providers to simultaneously shut down all the network coverage in an identified risk area is not possible with the current procedures in place. This implies that each service provider has to be approached individually. This may, as a matter of fact, pave the way for a common solution allowing simultaneous notification to all service providers centralising the jamming/shutting down procedures.
- 12/15 of the Member States stated that the EU should play a more active role mainly through the sharing of ‘best practices’ amongst Member States. Only 3 of the Member States are firmly against any form of EU coordination in this area.

### **Final remarks**

In relation to the above information, the Czech Presidency would like to stress that it does not intend to prepare any new EU measures or plans. The sole aim of this initiative was to gather information concerning the above-mentioned tasks and to share “best practices”.

The objective of the questionnaire was to collect ‘best practices’ on the subtopic of the general area of ‘enhancing the security of explosives’, and not to administer the jamming of wireless signals or the shutting down of mobile phone antennas.

The fact that the matter is handled differently in each country renders it difficult for the EU to come up with a common plan.

The Czech Presidency proposes that all relevant information on the jamming and shutting down of mobile phone antennas should be handled via the EOD Units network (including the information about the methods and operational tactics).

**Pages 6 through 77: NOT DECLASSIFIED**

## 5. Questionnaire

### **Questionnaire for the attention of the 27 Member States concerning the possibility of jamming wireless signals and shutting down mobile phone antennas in case of threat of a terrorist attack**

Following the EU Action Plan on Enhancing the Security of Explosives which was adopted by the Council of Justice and Home Affairs in June 2008<sup>1</sup>, the Czech Republic would like to draw the attention of the EU Member States to the issue of jamming and/or shutting down the signals of electronic communication networks. This issue is highlighted in the above-mentioned EU Action Plan on the following tasks:

- Task No. 1.2.7 *„Support further research in order to find technical solutions for Member State authorities to jam wireless signals in threatened areas.“*
- Task No. 4.3.1 *„Create the possibility for relevant law enforcement authorities to request providers to shut down mobile phone antennas in the case of a threat of a terrorist attack. In a situation where there are reasons to believe that mobile phones will be used as firing switches, the responsible law enforcement authorities should be able to request providers to shut down relevant antennas. Relevant experiences, skills and best practices should be exchanged among the Member States via the EOD units network in this area“*

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<sup>1</sup> EU Action Plan on Enhancing the Security of Explosives, doc. 8311/08



Preparing the future Presidency of the EU, the Czech Republic would like to initiate the EU-wide discussion on the issue of jamming and/or shutting down the signals of electronic communication networks within the scope of the above mentioned action plan. Therefore the Czech Republic kindly asks the MS to answer the following questionnaire. The aim of the questionnaire is to gather best practices and specific information on jamming and/or shutting down the signals of electronic communication networks in the MS.

The issue would be dealt with in the Terrorism Working Group (TWG), where the debate on the development of the project would take place. This information will not only allow the continuous implementation of the EU Action Plan on Enhancing the Security of Explosives but also can be very useful for describing and analyzing possible technical challenges and legal requirements in order to enhance the exchange of best practices.

The Czech Republic does not intend to prepare a new European measure or plan, the aim of this initiative is mainly to gather information concerning the above mentioned tasks and to share best practices.

The Czech Republic would like to stress that the purpose of the questionnaire is to collect the best practices on this topic in the area of enhancing the security of explosives, not to handle the issue of jamming wireless signals or shutting down the mobile phone antennas as an autonomous issue.

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MS are kindly asked to provide their answers before 31 December 2008 to the following address:

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Confidentiality:

Although this questionnaire is meant to deal only with open, not classified, information for some Member States, some of the topics and questions may be considered as confidential matters. On those cases, please, send the confidential information separately using the standard channels (Bdl network) and notice it in your answer to the questionnaire.

## I Legal framework

1. Do you have any specific legal basis for your law enforcement (or any other – e. g. intelligence services) authorities to:
  - a) Jam wireless signals,
  - b) Request providers to shut down mobile phone antennas?
- 1.1. If yes, please, specify who is allowed to use this competence and under what conditions (who is empowered to decide, procedure of such decision, specific rules etc.):
- 1.2. If not, have you analyzed the possibility to jam wireless signals or shut down mobile phone antennas *ad hoc* under the conditions of exigency and what are the main findings of your analysis?
- 1.3. If not, do you plan to adopt such legislation in future?
2. Is there an obligation to inform any authorities or e. g. mobile phone operators about:
  - a) Jamming wireless signals on a specific territory,
  - b) Shutting down some mobile phone antennas?

*While the “if question” (possibility of shutting down some mobile phone antennas) is mentioned above – 1.b), this (2. b) question is more focused on the conditions – if you ask for shutting down of some mobile phone antennas, do you have to inform police, rescue services etc.?*

3. How is the cooperation between the respective state authorities and the providers of electronic communications and other relevant subjects established?
  - a) How does the exchange of information take place (formalized/informal),
  - b) Do the authorities have to request every provider individually or is there a mechanism of a single request covering all the providers operating in the risky area?
  - c) Do you have any best practice concerning how to approach the providers of the electronic communications?
4. Are there any special legal provisions concerning financial compensations (suing damages, liability)? How or by what means are they covered (from the state budget, insurance, budget of the authority that performed/asked for performance of the measure)?

## II Technical aspects

5. What are in your country the technical and running conditions for:
  - a) Jamming wireless signals on a specific territory,
  - b) Shutting down some mobile phone antennas?
6. What types of jammers are you allowed to use in your country?

## III Practical experience/examples of the MS

8. Have you ever:
  - a) Jammed wireless signals on a specific territory,
  - b) Shut down any mobile phone antennas?

If yes, please describe your experience.

#### IV Tackling the “side-effects”

*Jamming wireless signals or shutting down mobile phone antennas can cause some undesirable side-effects e. g. in the area of public warning system or radio communication within emergency services and could influence functioning of other technical devices in a negative way.*

7. Do you have any measures (such as back-up systems, plans) to cope with these types of “side-effects”?
8. Do you have any system in place to warn the emergency services of the activation of this kind of jamming devices? Please be as specific as possible concerning this point.

#### V Complementary questions

9. What do you consider to be more effective – the jamming or shutting down of mobile phone antennas – and why?
10. What do you consider to be the main problems you face regarding the area covered by this questionnaire (legislation, cooperation with private sector etc.)?
11. Do you think that the EU should play a more active role in the area covered by this questionnaire? If yes, please, specify your considerations.

#### VI Additional Comments

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