

This is an unofficial English translation of the Telecommunications Law of the State of Qatar which will be adopted and applied by Supreme Council for Information and Communications Technology (ictQATAR). The Arabic version of the same Law is the definitive legal text.

Decree Law No. (34) of 2006 on the promulgation of the Telecommunications Law

We, Hamad Bin Khalifa Al-Thani, Emir of the State of Qatar,

Having perused the Constitution, and
Law No. (11) of 1997 establishing Qatar Radio and TV General Authority as amended by Law No. (9) of 2004, and
Law No. (21) of 1998 transforming Qatar Telecommunications Corporation into a Qatari Shareholding Company, and
The Decree Law No. (36) of 2004 establishing the Supreme Council for Information and Communications Technology, and
The proposal by the Supreme Council for Information and Communications Technology, and the draft law put forward by the Council of Ministers,

have decreed the following:

Article (1)

The Telecommunications Law enclosed with this Law, shall be effective.

Article (2)

The provisions of the enclosed Law shall apply to all governmental agencies, public authorities and corporations, persons and to all bodies subject to previous laws (issued prior to the effective date of this Law) that determined for them special privileges or provisions regarding the regulation of telecommunications, particularly the bodies subject to the provisions of Law No. (21) of 1998 as referred to, the Law for the Qatar Financial Center promulgated by Law No. (7) of 2005, the Law No. (34) of 2005 regarding Free Zones Investment and Law No. (36) of 2005 regarding the establishment of a Free Zone for Qatar Science and Technology Park.

Article (3)

The provisions of the enclosed Telecommunications Law shall not apply to:

- 1- Content of the audio-visual broadcasting services subject to other legal provisions;
- 2- The content delivered by means of Internet Protocol telecommunications networks; or
- 3- Equipment or radio stations which are imported or used by the Armed Forces or the Ministry of Interior or other security bodies.

These entities must register the data and the spectrum for such equipment or stations and such registration shall be with no fees.

Article (4)

The concession granted to Qatar Telecommunications Company (Qtel) pursuant to Law No. (21) of 1998 as referred to, shall be repealed as of the effective date of this Law and all the powers and authorities related to regulating telecommunications, which were previously assigned to Qatar Telecommunications Company (Qtel) shall devolve to the Supreme Council.

Qtel shall pay the annual fee provided for in article (4) of Law No. (21) of 1998, as referred to, and provide the services which it offers according to its provisions, until a competing and licensed service provider, according to the enclosed Law, commences the provision of its services to the public.

Article (5)

Anyone who owns, operates or manages telecommunications networks or provides telecommunications services in the State from the effective date of this Law, must adjust its position according to the provisions of the enclosed Law within six months from the effective date of this Law and the Supreme Council may extend this term for another period.

Article (6)

The Board shall issue the Executive By-Law of the enclosed Law and the Secretary General shall issue other regulations, decisions, orders, rules, instructions and notices necessary for the implementation of the provisions of the enclosed Law.

Article (7)

Any provision contravening the provisions of the enclosed Law shall be repealed.

Article (8)

All parties concerned, each within its own competence, shall execute this Law and shall be published in the Official Gazette.

Hamad Bin Khalifa Al-Thani
Emir of the State of Qatar

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Telecommunications Law

Chapter One

Definitions

Article (1)

In the application of this Law, the following terms and expressions shall have the meanings assigned to each of them unless the text requires otherwise:

Access: access to telecommunications facilities or telecommunications services between service providers which makes such facilities or services or both available from one service provider to be used by another service provider, subject to certain terms and conditions and on exclusive or non-exclusive basis for the purpose of providing telecommunications services, but the concept of access does not include or apply to facilities or services for end users.

Authorization: an approval granted to use radio spectrum or provide telecommunications services.

Board: The managing Board of the Supreme Council.

Broadcasting Service: the broadcasting of radio and television programming to the public free of charge or for payment, by subscription or any other basis using any type of telecommunications networks.

Class License: The License granted in accordance with Chapter Three of this Law for a certain class of service providers and which applies to any person falling within that class without that person having to apply for such license.

Control: any person's control over the decisions of any other person in any form because it enjoys economic strength affording it the power to behave to some extent independently from competitors or customers, whether directly, through the ownership of shares or debentures, or indirectly, through any contracts or agreements.

Customer: any subscriber or user of telecommunications services, whether such services are acquired for the customer's own use or for resale.

Dominant Service Provider: a service provider which enjoys market power or dominance in one or more telecommunications service markets in accordance with the provisions of Chapter Nine of this Law.

General Secretariat: The General Secretariat of the Supreme Council.

Interconnection: the physical and logical linking of telecommunications networks used by the same service provider or by a number of service providers in order to allow the customers of one service provider to communicate with customers of the same or another service provider or to enable them to access services provided by another service provider.

Internet Protocol: any set of communications protocol defining standards for Internet network interoperability, transmissions and related applications inside the internet network including the Transmission Control Protocol "TCP" and the "TCP/IP" protocol suite.

Individual License: License granted to a particular person in accordance with the provisions of Chapter Three of this Law.

International Rules: any rules, instructions, orders, regulations, recommendations, guidelines, provisions, specifications, terminologies, definitions or any other matters provided for in the agreements of the

International Telecommunications Union and the Arabic Chapter of the International Telecommunications Union or in any other agreements ratified by the State.

License: an Individual or a Class License issued pursuant to Chapter Three of this Law or a Radio Spectrum License in accordance with the provisions of Chapter Four of this Law.

Licensee: A person who holds a License pursuant to the provisions of this Law.

National Numbering Plan: The plan set by the General Secretariat to determine, allocate and assign numbers used in all telecommunications services or for any other purpose related to numbering.

National Radio Spectrum Plan: The plan established for allocation and use of radio spectrum by the concerned entities.

Numbering: string of serial digits that identifies termination points in the telecommunications network and includes the information necessary to route telecommunications to a termination point.

Number portability: Any service by which a customer can retain any existing number without any difficulty or impairment of the quality of the service or its availability, when changing his location or switching from one service provider to another.

Qtel: Qatar Telecommunications Company (Qtel).

Radio-communications: any transmission, emission or reception of signs, signals, writing, images, sounds, data or information of any kind by means of electromagnetic waves in the radio spectrum.

Radio Spectrum: Radio frequencies that are capable of being used in radio communication in accordance with the publications of the International Telecommunications Union.

Radio Spectrum License: The License to use radio spectrum in accordance with the plan, allocations, assignments and terms as stated in Chapter Four of this Law.

Frequency Band: a portion of the radio spectrum which starts at a frequency and ends at another.

Secretary General: The Secretary General of the Supreme Council.

Service Provider: a person that is licensed to provide one or more telecommunications services to the public or licensed to own, establish or operate a telecommunications network to provide telecommunications services to the public. This includes providers of information or content provided using a telecommunications network.

Significant Market Power: the strong economic position of a service provider in the market that permits it to act independently of customers or competitors, or to dominate a market or markets related to specific telecommunications services, through acting either individually or jointly with others in accordance with the provisions of chapter nine of this Law.

Supreme Council: The Supreme Council for Information and Communications Technology-“ictQATAR.”

Telecommunications: the transmission, emission or reception of writing, signs, signals, images, sounds, data, text or information of any kind or nature by wire, radio, optical or other electromagnetic means of communications, or by any other telecommunications means.

Telecommunications Equipment: Equipment capable of being connected directly or indirectly with a telecommunications network in order to send, transmit or receive telecommunications services.

Telecommunications Facilities: any facility, apparatus or other used or capable of being used for transmitting telecommunications services or for any operation directly connected with the transmission of telecommunications services.

Telecommunications network: any wire, radio, optical or electromagnetic systems for routing, switching and transmitting telecommunications services between network termination points including fixed and mobile terrestrial networks, satellite networks, electricity transmission systems or other utilities (to the extent used for telecommunications), circuit or packet switched networks (including those used for Internet Protocol services), and networks used for delivery of broadcasting services (including cable television networks).

Terms of Service: the general terms and conditions on which the service provider provides its telecommunications services to the customers in accordance with the provisions of this Law.

Universal Service: the provision of telecommunications services to the public in accordance with the universal service policy as approved pursuant to the provisions of this Law.

Chapter Two
Supreme Council
Article (2)
Objectives

In addition to the objectives which the Supreme Council is entrusted to achieve pursuant to article (3) of the Decree Law No. (36) of 2004, as referred to, the Supreme Council in its capacity as the supreme authority responsible for regulating the telecommunications sector, shall achieve the following objectives:

1. promoting the telecommunications sector in order to consolidate national, social and economic development;
2. enhancing the telecommunications sector's performance in the State of Qatar through encouraging competition and fostering use of telecommunications services;
3. encouraging the introduction of advanced and innovative information and telecommunications technologies to meet the needs of customers and the public;
4. increasing customers' benefits and safeguarding their interests;
5. encouraging sustainable investment in the telecommunications sector;
6. relying, where possible, on market forces to safeguard the interests of customers and the public;
7. identifying and addressing anti-competitive practices in the telecommunications sector;
8. establishing a fair, objective and transparent licensing regime for service providers;
9. establishing a fair regime that meets the requirements of the competitive marketplace through the implementation of interconnection between service providers and all procedures related thereto;
10. promoting universal service;
11. establishing an effective approval regime for telecommunications equipment;
12. ensuring that the regulation of the telecommunications sector remains in line with international rules; and
13. ensuring the orderly development and regulation of the telecommunications sector.

Article (3)
Powers and Authorities of the Board

The Board shall have the following powers and authorities:

- 1- granting, amending, renewing, suspending and revoking Individual Licenses and determining the terms and procedures necessary for issuing such licenses;
- 2- determining the fees for Individual and Class Licenses and the fees for the use of radio spectrum or any other fees or expenses that must be paid by service providers;
- 3- approval of the national plans for Radio Spectrum, Numbering and the Universal Service policy.

Article (4)
The Authorities and Powers of the General Secretariat

The General Secretariat shall have the following powers and authorities:

1. granting, amending, renewing, suspending and revoking Class Licenses, Radio Spectrum Licenses and Authorizations and determining the terms and procedures necessary for their issuance;
2. monitoring the compliance of the licensees with the terms of the Licenses and Authorizations issued to them;

3. setting and managing the plan for Radio Spectrum and for other scarce resources, and ensuring the optimal use of such resources and maximising revenues generated from them within the limits specified by international rules;
4. setting and enforcing the appropriate remedies to prevent service providers from engaging or continuing anti-competitive practices;
5. setting the necessary procedures for the approval of the telecommunications equipment or their types for attachment to telecommunications networks in the State including approval of equipment previously approved by organisations or other countries;
6. setting the terms of interconnection and access between service providers;
7. setting and managing the National Numbering Plan and allocating numbers to service providers;
8. safeguarding the interests of customers, including setting rules for tariff regulation and criteria for quality of service, and monitoring the terms and conditions of telecommunications services provision;
9. implementing any universal service programme;
10. requiring the provision of information which enables it to exercise and perform its authorities and powers, including network or service development plans and financial, technical, statistical information and accounting records and other information; and
11. ensuring the provisions of this Law and its Executive By-Law, regulations and decisions issued pursuant to it, are complied with.

The General Secretariat, in order to achieve the foregoing, may seek the assistance of specialized agencies, academic or technical institutions' services or qualified consultants to help in performing some of its functions and duties and may co-operate and co-ordinate with ministries and other governmental agencies, public authorities and corporations.

Article (5)

The Secretary General

The Secretary General shall carry out all technical, administrative and financial operations of the Supreme Council and shall issue regulations, decisions, orders, rules, instructions and notices related to regulating the telecommunications sector as specified in this Law and its Executive By-Law or as delegated to the Secretary General by the Supreme Council to issue them.

The Secretary General shall submit a detailed annual report on all aspects of regulating the telecommunications sector to the Board.

Article (6)

Transparency and Non-discrimination

The regulations, decisions, orders, rules, instructions and notices issued pursuant to this Law shall be transparent and non-discriminatory with respect to all service providers and other market participants.

Making any decisions in accordance with the provisions of this Law and its Executive By-Law which have different impact on any service provider or other market participant shall not be deemed discriminatory, if such decisions are due to circumstances particular to that service provider or other market participant.

Article (7)

Conflict of Interests

Any member of the Board, the Secretary General, or the employees of the Supreme Council, shall not have any direct or indirect personal interest in the contracts executed with the Supreme Council or on its behalf or projects which it undertakes or the licensing or functions or activities that are made pursuant to the provisions of this Law or any other activities which conflict with the proper exercise of their responsibilities. And in the application of this Law, the prohibited personal interest shall mean, in particular, the following:

1- Substantial ownership of or participation of any kind in or with a Telecommunications network operator or Telecommunications service provider or manufacturer or supplier of telecommunications equipment with ownership of more than (5%) of any type of shares or any ordinary shares or debt instruments which exceed the value identified in any notice issued by the Board;

2- The material benefit, substantial ownership or prohibited participation in accordance with the preceding sub-article which is transferred to any of the persons addressed by this article, as a result of a will or inheritance, or which becomes prohibited by any notice issued by the Board.

The conflict of interest shall be irrevocable once it takes place in accordance with any of the two preceding sub-articles unless the material interest or substantial ownership or participation is reduced to the extent specified in this article within three (3) months from the date of the transfer of the will, inheritance or the effective date of the notice in this respect as the case may be.

Article (8) **Funding**

All types of license fees and other fees and costs payable by service providers shall be deemed part of the funds that the Supreme Council derives in the course of its activities, which fall within the components of its financial resources in accordance with article (20) of Decree-Law No. (36) of 2004, as referred to.

Chapter Three **Telecommunications Licenses**

Article (9)

Licensing Requirement

No person shall without a License engage in any of the following practices:

1. provision of telecommunications services to the public in return for a direct or indirect fee, whether the services are provided to all the public or a segment thereof, including the resale of telecommunications services obtained from another person, even if only one person benefits from such a service;
2. own or operate a telecommunications network used for the provision of telecommunications services to or for the public in return for a direct or indirect fee;
3. own or operate any other telecommunications network.

Article (10) **Type of Licenses**

The Telecommunications Licenses shall be as follows:

1. Individual licenses; and
2. Class Licenses.

The General Secretariat shall publish the guidelines that clarify the telecommunications services and related activities that require Individual or Class Licenses as specified in the Executive By-Law of this Law.

Article (11)

License Terms and Compliance

The Supreme Council shall determine the objective and fair terms, conditions, procedures and criteria necessary for granting and renewing telecommunications Licenses in accordance with the provisions of this Law and the Secretary General shall issue the decisions, instructions, orders and notices relating thereto and these shall be published in the Official Gazette.

The General Secretariat may also monitor the compliance of the licensees as per the terms of their Licenses and the General Secretariat shall execute such monitoring work.

The Licensee which holds an Individual License must not assign the License to a third party unless the approval of the Board is obtained. It is not permissible to assign Class or Radio Spectrum Licenses unless the approval of the Secretary General is obtained.

Article (12)

Non- renewal, Amendment, Suspension and Revocation of Licenses

The Board shall have the right to amend, suspend, revoke or refuse to renew Individual Licenses based on the proposal of the Secretary General, and the Secretary General shall have the same right in relation to Class Licenses. The Board and the Secretary General shall exercise their respective rights in any of the following cases:

1. repetition of the violations of the provisions of the Law, its Executive By-Law or regulations, decisions and orders issued pursuant to this Law or any conditions of the License;
2. non-payment of the fees specified for the License or its renewal, or any other financial amount pursuant to the provisions of this Law and the decisions made for its implementation;
3. the death of a natural person, or the dissolution of a corporate person for any ground specified by law; and
4. the licensee has assigned the License without obtaining the approval of the Board or the Secretary General, as the case may be.

In case of non-renewal, amendment, suspension or revocation of a License, the General Secretariat shall take the appropriate measures and steps to ensure the least amount of negative disruption to services or customers which may result therefrom.

Chapter Four

Radio Spectrum Management

Article (13)

Radio Spectrum

The Radio Spectrum is a limited natural resource owned by the State and the Supreme Council is the responsible authority for regulating and managing all the affairs relating to its use.

Article (14)

Radio Spectrum Management Procedures

The General Secretariat shall manage, assign and allocate the frequencies in the Radio Spectrum in an orderly systematic and effective manner in accordance with the rules of this Law and the related international rules. And it may in this respect perform the following:

- 1- prepare and maintain the National Plan for Radio Spectrum and manage, assign and allocate the frequencies in accordance with that plan;

2- monitor the implementation of radio frequencies and radio spectrum in accordance with the National Radio Spectrum Plan and related assignments and allocations and applicable license terms, and prepare a national frequencies register to record information related to radio frequencies and their allocations, assignments and use; and

3- form and monitor the operation of committees including any current committee(s) to co-ordinate uses of radio frequencies including civilian, non-civilian and commercial uses and the General Secretariat may issue regulations and rules necessary to establish and operate such committees.

Article (15)

Radio Spectrum Licenses

No person shall operate any radio-communications equipment or make any use of radio frequencies, without a Radio Spectrum License or a radio frequency authorisation.

Article (16)

Obligations of Licensees for the Use of Radio Spectrum

The Licensee is obliged to use radio spectrum in accordance with the conditions specified in this Law, its Executive By-Law, regulations, rules and orders issued for its implementation, and in accordance with the terms specified in the license.

The General Secretariat may monitor the use of radio frequency and detect the use of unlicensed radio frequency and verify the compliance by licensees with license conditions.

Article (17)

Circumstances of Non-renewal, Amendment, Suspension or Revocation of Radio Spectrum Licenses

The Secretary General may amend, suspend or revoke or refuse to renew any Radio Spectrum License in any of the following circumstances:

1. repetition of the violations of the provisions of the law, its Executive By-Law and regulations, decisions and orders relating to it, or any of the conditions of the license;
2. the misuse of licensed radio spectrum or its use for an unauthorised purpose.
3. non-payment of the fees specified for the License or its renewal or any other financial amount pursuant to the provisions of this Law and its Executive By-Law;
4. the death of a natural person or the dissolution of a corporate person for any ground specified by law;
5. the licensee assigned the license without the approval of the Secretary General.

In case of non-renewal, amendment, suspension, or revocation of a Radio Spectrum License, the General Secretariat shall take the appropriate measures and steps to ensure the least amount of disruption to services and customers which may result therefrom.

Chapter Five

Interconnection and Access

Article (18)

Rights, Obligations and Terms of Interconnection and Access

The General Secretariat shall determine the rights, obligations and terms of Interconnection and Access and it shall ensure such rights, obligations and terms are complied with.

Each licensed service provider shall have the rights and obligations regarding interconnection and access as follows:

1. the right to enter into negotiations based on good faith with another service provider in order to reach an agreement concerning interconnection and access;

2. the right to interconnection and access to services or installations of another service provider in accordance with the terms of the interconnection and access agreement;
3. the obligations provided for in article (24) of this Law relating to a dominant service provider for the purposes of interconnection and access;
4. compliance with the controls on interconnection and access as provided for in article (21) of this Law;
5. obligation to provide interconnection and access to services or installations of another service provider in accordance with the terms of the interconnection and access agreement;
6. the obligations provided for in articles (20), (22), (24) of this Law including the obligations to have access to information and technical equipment and the obligations related to requests for interconnection and access;
7. the obligations embodied in or annexed to the Reference Interconnection Offer as specified by the General Secretariat in the case of a dominant service provider for the purposes of interconnection and access in accordance with the rules of article (24) of this Law; and
8. any obligations or requests to a dominant service provider regarding interconnection and access as specified by the General Secretariat and which relate to its charges or calculation of costs or the requirements of accounting separation pursuant to the rules of article (24), (25) and (33) of this Law.

Article (19) Functions and Duties of the General Secretariat

The General Secretariat shall undertake the following functions and duties in respect to interconnection and access:

- 1-promoting appropriate, effective and low cost interconnection between telecommunications networks and promoting access to facilities of other service providers to ensure interoperability of telecommunications services that originate or terminate in the State and promoting the growth of competitive telecommunications services markets;
- 2- establishing a public, transparent and commercially viable regulatory framework aimed at the facilitation of the regulatory procedures, and removing or minimising the effects of other barriers to entry into telecommunications market;
- 3- facilitating the negotiations between parties to achieve interconnection and access agreements;
- 4- ensuring that the interconnection and access agreement meets the requirements of this Law, its Executive By-Law and any regulations, rules or orders applicable to interconnection and access;
- 5- determining which service providers are dominant service providers in any telecommunications market in relation to interconnection and access; and
- 6- determining additional obligations regarding interconnection and access, applicable to dominant service providers.

Article (20) Interconnection Negotiations

Any service provider must upon receiving a written request from another service provider in respect to interconnection and access, enter into negotiations in good faith with the service provider requesting such interconnection and access for the purpose of reaching an agreement on interconnection or access to:

1. interconnect networks and/or
2. provide access to telecommunications facilities including central offices, other sites for equipment, emergency, towers, poles, telecommunications lines or and underground facilities, whenever necessary, in a reasonable manner in order to enable the service providers to provide their services to their customers.

Article (21)

Controls on Interconnection and Access Agreements

No service provider shall be obliged to enter into interconnection and access agreement on terms which, in his reasonable judgement may cause material damage or harm to any person or property or inflict material damage upon its network and telecommunications facilities or negatively affect the performance of either of them or the provision of the telecommunications services or such terms deemed unreasonable in light of given technical or economic facts available.

Article (22)

Breach of the Obligation to Negotiate in Good Faith

The following acts and practices shall constitute a breach of the obligation to negotiate in good faith regarding interconnection and access:

1. hindering or hampering negotiations or failing to exert reasonable efforts to resolve outstanding disputes;
2. refusing to provide data on services or telecommunications networks of the service provider or its other facilities that are necessary for the interconnection or access arrangements;
3. influencing, in any way, the ability of the service provider to communicate with the Supreme Council;
4. refusing without reasonable justification, to amend the terms of an interconnection and access agreement to take into account changes to this Law or any regulations, rules or orders.

Article (23)

Designating Dominant Service Providers

The General Secretariat may decide for the purposes of interconnection or access, to designate any of the service providers as being a dominant service provider in one or more telecommunications markets and this shall be in accordance with the competition policy, principles and procedures set out in chapter nine of this Law.

Article (24)

Interconnection and Access Obligations of Dominant Service Providers

In addition to article (20) of this Law, a dominant service provider must meet any reasonable request for interconnection and access to its telecommunications network whenever it is technically possible. In similar situations a dominant service provider must apply the same terms and conditions to all service providers obtaining interconnection and access.

The dominant service provider must also provide interconnection and access to all service providers on the same terms and quality that it provides to itself or any of its affiliates.

Article (25)

Rights and Obligations of Dominant Service Providers

In addition to the provisions of this chapter, the Executive By-Law and the regulations, rules and instructions issued in this regard shall determine the rights and obligations of dominant service providers which include, among others, the following:

1. any requirements relating to obtaining the prior approval of the General Secretariat, regarding the interconnection and access charges, or relating to calculation of costs or accounting separation;
2. Any requirements relating to the preparation and contents of an interconnection reference offer; and
3. Any requirements relating to submission and publication of interconnection and access agreements.

**Chapter Six
Services Tariffs System**

Article (26)

Determination of the Elements of the Tariff Offers

The General Secretariat shall have the power to determine the elements necessary for the provision of tariff offers, their approval and publication in respect to telecommunications services.
The General Secretariat may set out other rules for regulating prices and tariffs including the implementation of any programme for rate rebalancing or price cap.

Article (27)

Tariff Regulation for Dominant Service Providers

The provisions regulating tariffs, as provided for in the following articles shall apply to service providers that the General Secretariat has designated as dominant service providers in one or more telecommunications markets in accordance with the competition policy and rules stipulated in chapter nine of this Law.

Article (28)

Submission of Tariff Offers and Prior Approval

Dominant service providers must submit to the General Secretariat the offers for the tariffs, prices and charges of the telecommunications services in the markets where they have been designated as dominant service providers and obtain the prior approval for them.

The General Secretariat may exempt the dominant service providers from such submission and from obtaining such prior approval if it finds that the competitive market forces are solely capable of protecting the interests of customers and have eliminated the harmful threat to competition.

Article (29)

Excessive Fees

The tariff for telecommunications services provided by dominant service providers must be based on the cost of efficient service provision and the tariff must not contain any excessive charges which result from the dominant position that the service provider enjoys.

And the General Secretariat may issue decisions along with justifications to amend the tariffs where it finds that they are not in line with the cost of the service provision, provided that such decision must prescribe the new tariff amount.

Article (30)

Interim Tariff Approval

The General Secretariat may issue an interim decision for the approval of any temporary tariff pending completion of its evaluation and the General Secretariat may amend such decision, make it final or revoke it.

Article (31)

Compliance with Tariffs

The dominant service provider must not apply or change any tariffs, prices or charges or any other consideration that are contrary to the tariffs approved by the General Secretariat. Any agreement or arrangement between the service provider and the customer to the contrary is prohibited.

Article (32)
Cost Studies

The General Secretariat may require any dominant service provider to prepare at its own expense or to participate in the preparation of a cost study of its telecommunications services if the General Secretariat finds that such study is necessary to prevent any conduct harmful to competition or necessary for regulating tariffs and prices.

Article (33)
Accounting Practices

If the General Secretariat finds that some of the accounting practices or accounting separation between different categories of activities and services are effective and necessary means for preventing anti-competitive conduct, or for regulating tariffs and prices, it may require from any dominant service provider to adopt such practices or any other accounting practices to determine the cost of its services, including the preparation of cost studies on each category of its activities or services or carrying out accounting separation between the different categories.

Chapter Seven
Numbers and Numbering
Article (34)

National Numbering Plan

The General Secretariat shall set and maintain the National Numbering Plan, and the management, allocation and assignment of numbers, electronic addresses and related capabilities and resources and to monitor the use thereof pursuant to license terms and it shall take whatever measures to ensure compliance with such plan.

The National Numbering Plan must be in line with international rules.

The service providers must ensure that allocation, assignment, use of numbers and electronic addresses issued to them and related capabilities and resources are compatible with the National Numbering Plan and related regulations, orders, rules and notices.

Article (35)
Numbering Practice

The allocation and assignment of numbers does not grant any ownership or special rights other than the right of use by a service provider or by its customers whether such assignment or allocation is in return of a fee or not.

The General Secretariat may, when necessary, re-allocate and re-assign numbers to service providers.

Any service provider may change the number assigned to any customer with reasonable justification and in accordance with orders, decisions and notices issued by the General Secretariat in this regard.

In the cases where the customer has obtained the number in return for a fee, the service provider is obliged to refund the fee or compensate him with a fair compensation.

The General Secretariat may issue orders, rules, decisions and notices to regulate the assignment, allocation of numbers, their re-assignment or re-allocation, including the rules regulating the collection of any fees or consideration for obtaining these numbers.

Article (36)
Number Portability and Service Provider Selection

The General Secretariat may, after consultation with the concerned service providers and related entities, issue whatever decisions necessary to develop a plan for Number Portability and service provider selection.

The development plan must include the obligations of the service providers regarding the operational and financial aspects of the facilities and the systems necessary for the implementation of this plan.

Chapter (8)
Universal Service
Article (37)

The Implementation of the Universal Service Policy

The General Secretariat shall be responsible for the implementation of any universal service policy, including the following:

- 1- The determination of the rights and obligations of the service providers in the implementation the universal service initiatives; and
- 2- The determination of the means of funding any universal service initiatives.

Article (38)
Obligations of a Service Provider to Provide Universal Service

The Service Providers shall comply with the regulations, decisions and orders issued by the General Secretariat for the implementation of the universal service, including the obligations related to funding.

Article (39)
Universal Service Fund

The Board after the approval of the universal service policy may establish a fund to be called “Universal Service Fund” to subsidise the costs resulting from the provision of the universal service.

A decision by the Secretary General shall be issued to regulate the fund and specify its powers, payment procedures and the service providers’ obligations to contribute therein.

Chapter Nine
Competition Policy
Article (40)

Development and Implementation of the Competition Policy

The General Secretariat shall set and implement the competition policy and the related regulations in the telecommunications sector and in the identified telecommunications markets in the State, and in this respect the General Secretariat shall perform the following:

- 1- review the state of competition in the telecommunications markets in the State and exercise its authorities, functions and powers to consolidate competition in the provision of telecommunications services;
- 2- update the competitive policy and related regulations to reflect the state of competition in those markets, and this must be for the purpose of relying on market forces, where sufficient to safeguard the interests of customers and the public;
- 3- determine the criteria that must be applied in the designation of service providers as having significant market power or dominance in identified telecommunications markets and implementing such criteria in any designation process;
- 4- monitor and prohibit any abuse of market power or dominant position and anti-competitive practices in accordance with this Law; and
- 5- determine and apply the appropriate procedures and arrangements to confront abuses of market power and anti-competitive practices in order to strengthen competition and safeguard the interests of customers and the public.

Article (41)
Prohibition of Anti-Competitive Practices

It is prohibited for service providers to engage in anti-competitive practices. Service providers designated as having significant market power or being dominant in one or more telecommunications markets in the State must not abuse their market power or dominance in, or in relation to, those markets.

The General Secretariat may determine whether the conduct of any of the service providers constitutes an abuse of market power or dominance or any anti-competitive conduct and if the General Secretariat decides that certain conduct is as such, it shall take all the measures it deems appropriate.

Article (42)
Market Power Designations

The General Secretariat shall undertake the designation of the service providers and determination of the extent of their significant market power or dominance in the market and must prior to making such designation the General Secretariat shall perform the following:

- 1- determine relevant products and services markets including the geographic scope or territory;
- 2- determine the standards and methodology to be applied in determining the degree of market power or other standard of significant market power or dominance in relevant markets; and
- 3- conducting an analysis of the relevant products and services markets through applying the identified standards and methodology in specific circumstances.

The orders designating service providers as having significant market power or dominance must specify the relevant products and services markets and the standards and methodology and circumstances relied upon to justify such designation.

The General Secretariat may consult with service providers or customers or any other interested parties in the course of undertaking the determination of any market, analysis or market power designation in accordance with the provisions of this article.

The Executive By-Law, regulations, rules and orders shall specify the standards, methodology and operations for market power designation.

Article (43)
Abuse of Dominance

It is prohibited for the dominant service providers to engage in activities or conduct that constitute abuse of dominance. The following conduct and activities, in particular, shall be considered as abuse of dominance:

- 1- failing to supply interconnection or access services or facilities to other service providers within a reasonable period of time from their requests except where the failure to supply any of these services is justified;
- 2- failing to supply interconnection or access related services or facilities to other service providers on the same terms as it provides such services and facilities to itself or those of its subsidiaries or affiliates, except where the differences in the terms of the services are justified;
- 3- putting together telecommunications services in one bundle so that the dominant service provider requires as a condition of supplying a service to a competitor that the competitor acquires such bundled services;
- 4- providing an offer on more preferential terms and conditions and in a manner not based on differences in costs so that the competing service provider acquires another service that it does not want to acquire;
- 5- monopolising the use of scarce facilities or resources or exclusive use with the effect of denying a competing service provider from using such facilities or resources or from enjoying its right to access;

- 6- supplying competitive telecommunications services at prices below long run incremental costs or any other cost standard specified by the General Secretariat;
- 7- using revenues or transferring a part of cost of a specific telecommunications service to subsidise another telecommunications service supplied by a service provider except where such subsidy is approved by the General Secretariat;
- 8- failure of a service provider to comply with the interconnection obligations;
- 9- performing any actions that have the effect of substantially lessening competition in any telecommunications market and in particular any of the following actions:
 - a. reducing the margin of profit available to a competitor that requires wholesale telecommunications services from a dominant service provider;
 - b. agreeing with a supplier not to sell to a competitor;
 - c. adopting technical specifications for networks or systems for the purposes of preventing interconnection or interoperability with a network or system of a competing service provider;
 - d. failing to make available within an appropriate period of time technical specifications, and information about essential telecommunications facilities or services or other related commercial information which are required by other service providers to provide telecommunications services; and
 - e. the use by the dominant service providers of information related to interconnection or other telecommunications facilities or services which are provided from competing service providers for the purposes of competing with them.

Article (44)
Prohibition of Unjustified discrimination

Dominant service providers shall offer equivalent terms and quality of service for all customers including tariffs, and the General Secretariat may permit differing terms if such terms are objectively justified based on differences in supply conditions including different costs, traffic volumes, or shortage of available facilities or resources. This prohibition shall also apply between customers who obtain a service for resale to their end customers.

The dominant service provider must submit to the General Secretariat sufficient justifications regarding any discrimination and must cease the discrimination upon receipt of a notice in this regard from the General Secretariat.

Article (45)
Other Anti-Competitive Practices

No person shall engage or participate in any practices that prevent or substantially lessen competition in telecommunications markets and in particular an arrangement between two or more service providers to fix prices and conditions of service in telecommunications markets or distribute business and contracts opportunities or allocate telecommunications markets among themselves.

Article (46)
Remedies for Anti-Competitive Practices

If a service provider engages in anti-competitive practices or a dominant service provider abuses its dominance, the General Secretariat may issue decisions to remedy anti-competitive practices or abuse of dominance and in particular the following:

- 1- obliging the concerned persons to cease the actions or activities causing such practice or to make specific changes in such action or activities to eliminate or reduce their negative impact on competition;
- 2- obliging the concerned service providers to submit periodic reports to the General Secretariat to determine the extent of their compliance with its decisions;
- 3- refer the matter to the public prosecutor to initiate criminal proceedings against the violator.

Article (47)

The Powers of the General Secretariat regarding Transfer of Control

The General Secretariat shall review the proposals for transfer of control of service providers and the General Secretariat shall upon review of such proposals have the right to approve the transfer, or approve the transfer subject to conditions or reject it.

The General Secretariat in determining whether to approve such transfer, or approve it subject to conditions or reject it shall take into account the effects of the proposed transfer on telecommunications markets in the State and in particular its effects on competition in such markets and the interests of customers and the public.

Chapter Ten Consumer Protection

Article (48)

Preparation and Development of Consumer Protection Policy

The General Secretariat must prepare a consumer protection policy in accordance with this Law or any other related laws.

Article (49)

Implementation of Consumer Policy

Upon implementation of consumer protection policy, the General Secretariat shall carry out the following powers:

1. monitoring the terms of service between service providers and consumers;
2. determining and developing the applicable quality of service standards;
3. follow-up and prevent abusive and misleading commercial practices;
4. ensuring that there are effective procedures for the resolution of consumers' disputes; and
5. reviewing the state of competition in any telecommunications services markets determined in the State and the consumer protection policy and all related regulations and updating them to reflect the state of competition in such markets for the purpose of relying on market forces to safeguard the interests of consumers.

Service providers must comply with the rules, conditions, standards and practices relating to the consumer protection policy.

Article (50)

Consumer Protection Regulations

The General Secretariat may set the rules regulating the preparation, development and implementation of the consumer protection policy in connection with:

- 1- service providers' practices relating to the issuance of bills and retention of documents, instruments and papers concerning the provided services;
- 2- terms of the provision of services, their approval, publication and advertising;
- 3- service providers procedures for the resolution of consumers' disputes and complaints;
- 4- the provision of telephone directory, directory services and service centers.
- 5- the utilisation of telecommunications services in promoting the products and goods;
- 6- quality of service requirements and service quality monitoring and compliance procedures;
- 7- access to premises and customers' properties; and
- 8- service providers' liability for the services they provide and limitations on such liability.

Article (51)
Fair Dealing practices

The service provider must provide the consumer, before the consumer subscribes to the service or before the consumer incurs any commercial obligation to the service provider, with the terms of the service and any other terms and conditions and all tariffs, rates and costs applicable to any telecommunications service.

The service provider shall not charge a consumer except the service fee specified to telecommunications or the specified fee for telecommunications equipment ordered by the consumer. The consumer shall not be liable to pay any fee for any service or equipment relating to telecommunications that the consumer has not ordered.

Article (52)
Protection of Customer Information

Service providers shall operate their telecommunications networks, facilities and related systems with due regard for the privacy rights of their customers. Service providers shall be responsible to protect the information, any data related to the customer and customers' communications in their custody and must offer the necessary protection, and the service provider must not collect, use, retain or advertise any customer information unless the customer's approval is obtained or as permitted by law.

The service providers must ensure that all the information submitted is accurate, complete and valid for use. Customers shall have the right to require that any of their information be corrected or removed.

Nothing in this article shall prohibit the competent authorities from accessing any confidential information or communications relating to customers in accordance with the law.

Chapter Eleven
Access to Property

Article (53)
Access Procedures

The General Secretariat shall set the rules necessary for facilitating access to private and public property for the purposes of installing, operating and maintaining telecommunications facilities in accordance with the rules of this Law and in co-ordination with the concerned authorities.

Chapter Twelve
Telecommunications Equipment Standards and Approval

Article (54)

The Determination of the Telecommunications Equipment Standards and their Approval

The General Secretariat shall determine the technical standards and specifications for the telecommunications equipment or their types and the approval requirements and procedures that must be applied to such standards and specifications in accordance with the provisions of this Law and any other related laws.

Article (55)

Compliance by Service Providers and Suppliers with the Standards of the Telecommunications Equipment and their Approval and Certification

Service providers and suppliers of telecommunications equipment shall ensure that all telecommunications equipment used or imported, manufactured or supplied in any way to be used in the State, are consistent with the equipment standards, international rules and approval requirements as determined by the General Secretariat.

Article (56)

Determination of Equipment Standards

The General Secretariat in exercising its powers regarding the determination of equipment standards and their approval shall undertake the following:

- 1- setting technical standards or specifications for telecommunications equipment or their types;
- 2- determining technical standards or specifications for telecommunications equipment or their types set by other authorities or institutions specialised in standards, to be affirmed and approved in the State;
- 3- establishing or determining the testing systems and facilities for approval of telecommunications equipment or their types;
- 4- determining appropriate international and regional systems or testing facilities for approval of the telecommunications equipment, or their types and certifying their use;
- 5- affirming the approval of other certifications on telecommunications equipment by other specialized authorities or institutions and deem that as sufficient for the use of such equipment, in accordance with international rules.

The General Secretariat whenever necessary to avoid any damage or interference with the operation of telecommunications networks, may issue an order prohibiting the manufacturing or importing or use of particular telecommunications equipment or their types.

The General Secretariat shall ensure that the technical specifications and standards and the mandatory requirements for certification are consistent with the approved technical requirements for electric equipment, radio communications equipment and products prepared to be used in the State.

Article (57)

Administration of Standards

The General Secretariat shall maintain a register showing approved and prohibited telecommunications equipment, and must issue one or more notices stating therein applicable standards and required specifications, testing and measurement bodies and the criteria for issuing certificates and approval of telecommunications equipment or their types and the applicable procedures and practices.

Article (58)

Telecommunications Equipment Used Prior to the Commencement of the Law

The telecommunications equipment installed or connected to a public telecommunications network that was approved prior to the commencement of this Law, shall be deemed to be certified and approved for use in the State unless the General Secretariat decides that it interferes with the operation of any telecommunications network, equipment or facilities or constitutes public hazard.

Chapter Thirteen
National Security and General Emergency Cases

Article (59)

Service Providers' Obligations

Service providers must comply with the requirements of the security authorities in the State which relate to the dictates of maintaining national security, the directions of the governmental bodies in general emergency cases and must implement orders and instructions issued by the General Secretariat regarding the development of network or service functionality to meet such requirements.

Article (60)

Compensation and Recovery of Expenses

Service providers may request the recovery of any expenses resulting from the implementation of orders and directions issued pursuant to the preceding article and such request must not be based on loss in income or expenses or indirect damages resulting from any period of service suspension.

Chapter Fourteen
Disputes Resolution

Article (61)

Disputes Resolution by the General Secretariat

The General Secretariat shall resolve disputes arising between service providers and between service providers and others and the decision of the General Secretariat shall be final and binding.

A suit regarding the dispute shall not be accepted as initiated unless a decision is issued by the General Secretariat or sixty days from the date of submission of the dispute to the General Secretariat have lapsed, whichever is earlier.

The Executive By-Law shall regulate the rules and procedures related to dispute resolution.

Chapter Fifteen
Power of Monitoring and Enforcement

Article (62)

Provision of Information

The General Secretariat may require service providers or others to provide information necessary for exercising its powers, and the information shall be furnished the form, manner and time as the General Secretariat specifies.

A person required to provide information may inform the General Secretariat of any reasons which will prevent the provision of the information, and may request the General Secretariat not to disclose all or part of the information submitted for reasons of its commercial nature or confidentiality.

Article (63)

Power to Search, Investigate and Seize

The employees of the Supreme Council who are vested with powers of judicial seizure by a decision from the Attorney General pursuant to agreement with the Chairman of the Board shall seize and prove offences committed in violation of the rules of this Law.

In this respect, they may enter related premises, have access to records and documents and inspect equipment and telecommunications systems or any other related things and request data or clarifications as they deem necessary.

Chapter Sixteen Offences and Penalties

Article (64)

Without prejudice to any greater penalty provided for in any other law, the offences provided for in the following articles shall be punishable by the penalties assigned thereto.

Article (65)

A person who deliberately interrupts telecommunications or deliberately destroys for this purpose part of buildings, facilities dedicated to telecommunications networks or its infrastructure or its telecommunications lines or rendering all or part thereof unfit for use shall be punished by imprisonment for a period not less than a year and not exceeding five years and with a fine not less than fifty thousand Riyals and not exceeding five hundred thousand Riyals.

In the case of an occurrence of one of the above-mentioned acts as a result of negligence or without exercising a duty of care, the punishment shall be imprisonment for a period not exceeding three months and/or a fine not exceeding fifty thousand Riyals.

In all cases, the court shall oblige the person found guilty of the above offences to pay the value of the damaged things or the expenses to restore the thing into its original state, without prejudice to the right of compensation if needed.

Article (66)

Any person who deliberately commits one of the following acts shall be punished by imprisonment for a period not exceeding a year and/or with a fine not exceeding fifty thousand Riyals:

- 1- using telecommunications facilities or obtaining a telecommunications service without payment of specified charges;
- 2- access to a telecommunications facility, network or a system attached thereto by penetrating security measures for the purposes of obtaining data or a telecommunications service;
- 3- tapping telecommunications not prepared for the public, through technical means or intercepting or interfering with radio waves assigned to others or any other illegal purposes;
- 4- inflicting damage on the operation of any telecommunications network or telecommunications means, or cancellation, interception, changing, suspension or tampering in whatever manner;
- 5- possession, production, sale or provision for the purposes of usage, importation, distribution or provision of a device in any other manner or a computer password, signal or code or any other similar data allowing entry to a facility or telecommunications network or a system connected thereto for the purposes of committing any of the offences provided for in the preceding four sub-articles;
- 6- using a telecommunication network or allowing such use for the purposes of disturbing, irritating or offending any person; and
- 7- using any facility or telecommunications service in a manner that violates the rules of this Law or other laws.

Article (67)

Any person who violates a rule in articles (9), (11/third paragraph), (15) and (16) of this Law or any terms of a License or an Authorisation, shall be punished by imprisonment for a period not exceeding one year and with a fine not exceeding one million Riyals.

Article (68)

Any person who commits one of the following acts without obtaining an authorisation, shall be imprisoned for a period not exceeding one year and/or with a fine not exceeding twenty thousand Riyals:

- 1- importation or manufacturing a telecommunications equipment for the purposes of marketing it; and
- 2- possession, installation or operation of any radio telecommunications equipment.

The punishment shall be imprisonment for a period not less than two years and not exceeding five years if the importation, manufacturing or possession was for the purposes of violating national security.

In all cases, the court shall order the confiscation of equipment and devices used in committing the offence.

Article (69)

Any person who commits one of the following actions in the course of his/her employment in the telecommunications field or as a result thereof, shall be imprisoned for a period not exceeding one year and/or with a fine not exceeding one hundred thousand Riyals:

- 1- divulgence, publication or spreading of any information regarding an institution operating in the field of telecommunications whenever this will lead to unfair competition between the institutions operating in this field;
- 2- divulgence, spreading, publication or recording all or part of the content of a telecommunications message, without legal authority;
- 3- hiding, altering, obstructing or changing all or part of any telecommunications message that reached the person;
- 4- divulgence of any information concerning users of telecommunications networks or of their communications that are made or received, without legal authority.

Article (70)

Any person who violates any rules of Articles (18/ paragraphs 4,5,6,7,8), (22), (24), (28), (31), (34/ last paragraph), (38), (41), (43), (44), (45), (49/ last paragraph), (51), (52), (55), (59) and (62) of this Law, shall be punished with imprisonment for a period not exceeding two years and/or with a fine not exceeding one hundred thousand Riyals.

Article (71)

The person responsible for the actual management of the corporate person shall be punished with the same penalties assigned to the acts that are committed in violation of the rules of this Law if it is proved that such person was aware of such acts or the breach of his/her duties rendered upon him/her by such management, had contributed to the offence.

Article (72)

In case of repeated offences, the penalty shall be doubled. A person shall be considered a repeat offender if he/she committed any of the offences specified in this Law within three years from the date of the fulfillment of the previous penalty.