

Decree-Law No. 34 of 2006, Promulgating the Telecommunications Law 34 / 2006

Number of Articles: 80

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

In accordance with the Constitution and with regard to the following:

Law No. 11 of 1997 establishing the Qatari General Authority for Radio and Television, as amended by Law No. 9 of 2004;

Law No. 21 of 1998 concerning the conversion of the Qatari Public Telecommunications Establishment to a Qatari Shareholding Company;

Decree Law No. 36 of 2004 concerning the establishment of the Supreme Council for Telecommunications and Information Technology;

The proposal of the Supreme Council for Telecommunications and Information Technology; and

the draft Law submitted by the Council of Ministers

Have decided the following Law:

Article 1 - Introduction

The provisions of the Telecommunications Law attached to this Law shall apply.

Article 2 - Introduction

The provisions of the attached Law shall apply to all government agencies, public bodies, institutions and persons, to all those who may have been granted special concessions or provisions concerning the regulation of telecommunications prior to the application of this Law, especially those subject to the provisions of the aforesaid Law No. 21 of 1998, and the Law of the Qatar Financial Centre by Law No. 7 of 2005, and Law No. 34 of 2005 of Free Zones Investment, and Law No. 36 of 2005 of establishing Free Zone for Science and Technology Park.

Article 3 - Introduction

The provisions of the attached Law shall not apply to:

1. The content of the video and audio broadcast services which are subject to other statutory provisions.
2. The content transmitted through IP networks telecommunications.
3. The wireless devices or terminals which are imported or used by the armed forces, the Ministry of Interior or other security organizations.

Such parties shall abide by registering the data and frequencies of these devices or terminals. Registration shall be free of charge.

Article 4 - Introduction

The concession granted to Qatar Telecom (Qtel) under the aforementioned Law No. 21 of 1998 shall be revoked from the date of enforcing this Law, and all the powers and prerogatives concerning the organization of telecommunications, which were prescribed to Qatar Telecom (Qtel), shall devolve to the Supreme Council. Until a competitor Service Provider who is licensed under the attached Law starts to provide its services to the public, the company shall be committed to pay the annual fee provided for in Article 4 of the aforementioned Law No. 21 of 1998, and to provide the services it is undertaking in accordance with its provisions.

Article 5 - Introduction

Whoever owns operates or manages a Telecommunications Network, or provides telecommunications services in the State, at the enforcement date of this Law, shall operate according to the provisions of the attached law, within six months from the date of its enforcement. The Supreme Council has the power to extend this period.

Article 6 - Introduction

The Board of Directors shall issue the implementing regulation of the attached Law and the Secretary-General shall issue such other regulations, and the Board of Directors shall also issue the decisions, orders, rules, instructions and circulars necessary to implement the provisions of the attached Law.

Article 7 - Introduction

Any articles contrary to the provisions of the attached Law shall be revoked.

Article 8 - Introduction

All competent authorities, each in its jurisdiction, shall implement this decree, which shall be published in the Official Gazette.

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

Issued at the Emiri Diwan on 15/10/1427 (A.H.)
Corresponding to 6/11/2006 (A.D.)

Chapter One: Definitions

Article 1

In the application of the provisions of this Law, the following words and terms shall have the meanings assigned to them, unless the context otherwise requires:

Supreme Council: The Supreme Council of Telecommunications and Information Technology (I.C.T-Qatar).

Board: Board of Directors of the Supreme Council.

Secretariat-General: The Secretariat-General of the Supreme Council.

Secretary-General: The Secretary General of the Supreme Council.

Qtel: Qatar Telecom (Qtel).

Telecommunications: Transmitting, broadcasting or receiving writing, signals, symbols, images, sounds, data, texts or information of any kind, by means of wired or wireless, optical or other electromagnetic means, or by any other means of telecommunications.

Telecommunications Network: Any wired, wireless, or fiber-optic system or Electromagnetic systems to pass, convert and transfer the Telecommunications services between the endpoints of the network, including terrestrial networks, fixed, mobile and satellite networks and power transmission systems or other systems (to the extent used for Telecommunications), and switch networks with circuit or package (including those used to serve Internet Protocol), and the networks used to provide Broadcasting Services (including cable TV networks).

Radio Telecommunications: Any transmission, broadcasting or receipt of symbols, signals, texts, images, sounds, data, texts or information of any kind through electromagnetic waves in the Frequency Spectrum.

Transmission Service: Broadcasting radio and television programmes to the public free of charge, for payment or on the basis of subscription or any other basis, through the use of any type of Telecommunications Networks.

Terms of Service: General terms and conditions based on which the Service Provider provides the Telecommunications services to customers

in accordance with the provisions of this Law.

Universal service: The provision of Telecommunications services to the public in accordance with the policy of Universal Service approved in accordance with the provisions of this Law.

Client: The person subscribing or using Telecommunications services, whether these services are for its own use or for resale.

Service Provider: the person 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. It includes information providers or content provided by the Telecommunications Network.

Dominance: The dominance exercised by any person over the decisions of another person in any way, by enjoying an economic power which creates the authority to behave to a certain extent independently of competitors or customers, either directly through the ownership of shares or bonds, or indirectly through any contracts or agreements.

Dominant Service Provider: The Service Provider who enjoys a strong marketing or Dominance over a market or markets of the Telecommunications services in accordance with the provisions of Chapter IX of this Law.

Strong Position in the Market: The strong economic situation in the market for the Service Provider, which allows him to work independently of customers or competitors, or which allows him Dominance over the market or markets related to Telecommunications services, by working alone or together with others, all in accordance with the provisions of Chapter IX of this Law.

Telecommunications Facilities: Any facility, device, or other item used or which can be used in the transmission of Telecommunications services or in any process directly associated with the transmission of Telecommunications services.

Telecommunications Equipment: The equipment which can be linked directly or indirectly to a Telecommunications Network in order to send, transmit or receive Telecommunications services.

Interconnection: Physical and logical linking of the Telecommunications Networks used by the Service Provider itself or by a number of Service Providers, to enable the agents of the Service Provider to communicate among themselves or with customers belonging to another Service Provider, or enable them access to the services provided by another Service Provider.

Access: Access to Telecommunications Facilities or Telecommunications services between Service Providers, making these facilities, services, or both, available by the Service Provider for use by another Service Provider, according to specific terms and conditions, and on grounds of exclusive or non-exclusive rights to supply Telecommunications services, provided that the Access concept does not include, or will be applied to, the facilities or services for end users.

License: Individual or Class License issued pursuant to the provisions of Chapter III of this Law, or License to use the Frequency Spectrum, according to the provision of Chapter IV of this Law.

Licensee: The person holding a License in accordance with the provisions of this Law.

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

Class License: The License granted in accordance with the provisions of Chapter III of this Law to a defined group of Service Providers, which applies to any person within this category, without having to request this License.

Permit: Approval granted for using the frequency or the provision of Telecommunications service.

Frequency Spectrum: Spectrum of frequency that can be used in wireless Telecommunications according to the versions of the International Telecommunications Union.

License To Use The Frequency Spectrum: A License to use Frequency Spectrum, according to the plan, distributions, allocations and conditions set forth in Chapter IV of this Law.

Internet Protocol: Any set of Telecommunications protocols that define the standards of operational overlap, transmission and related systems within the Internet network, including the Transmission Dominance Protocol (TCP) and the protocol set (TCP/IP).

Frequency Band: Part of the Frequency Spectrum which begins with a frequency and ends with another.

National Plan For Frequency Spectrum: The plan which is prepared for the allocation and use of Frequency Spectrum to the concerned authorities.

Numbering: A pattern of serial numbers which defines a final point in the Telecommunications Network, and includes the information necessary to terminate calls to this final point.

Number Portability: Any service through which the Client can keep any current number without discomfort or any influence on the quality or availability of the service, when changing its position or moving from a Service Provider to another Service Provider.

National Numbering Plan: The plan prepared by the Secretariat-General for determining, allocating and distributing the numbers used in all Telecommunications services, or for any other purpose related to numbering.

International Rules: Any rules, instructions, orders, regulations, recommendations, guidelines, provisions, limitations, terminology, definitions or any other matters provided for in the agreements of the International Telecommunications Union and the Arab Union of Telecommunications, or any other agreements ratified by the State.

Chapter One: The Supreme Council of Telecommunications and Information Technology (I.C.T-Qatar)

Article 2

Objectives

In addition to the objectives the Supreme Council is charged to achieve in accordance with the provisions of Article 3 of the aforementioned Decree Law No. 36 of 2004, it shall also achieve the following objectives:

1. Developing the Telecommunications sector in order to promote national, social and economic development.
2. Improving the performance of the Telecommunications sector in the State, by encouraging competition and promoting reliance on Telecommunications services.
3. Encouraging the introduction of information technology and advanced and innovative Telecommunications to meet the needs of customers and the public.
4. Increasing the benefits to customers and protecting their interests.
5. Encouraging sustainable investment in the Telecommunications sector.
6. Relying as much as possible on market forces for the protection of the interests of customers and the public.
7. Determining and addressing non-competitive practices in the Telecommunications sector.
8. Establishing a fair, objective and transparent licensing system for the Service Providers.
9. Developing a system that meets the requirements of a fair competitive market through the promotion of Interconnection and related procedures between the Service Providers.
10. Promoting the right of universal use of Telecommunications services.
11. Adopting an effective accreditation system for the Telecommunications Equipment.
12. Maintaining the organization of the Telecommunications sector in line with international norms.
13. Ensuring the systematic development and regulation of the Telecommunications sector.

Article 3

The Powers and Functions of the Council

The Board shall assume the following powers and functions:

1. Granting, modifying, renewing, suspending, revoking and determining the conditions and procedures for issuance of the Individual and Class Licenses.
 2. Determining the fees of the Individual and Class Licenses and the charges for the License To Use The Frequency Spectrum, and any other fees or expenses to be paid by the Service Providers.
 3. Adopting national plans for the Frequency Spectrum, numbering and adopting the Universal Service policy.
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Article 4

The Powers and Functions of the Secretariat-General

The Secretariat-General shall assume the following powers and functions:

1. Granting, modifying, renewing, suspending and revoking Class Licenses and Permits and Licenses To Use The Frequency Spectrum, and determining the conditions and procedures for their issuance.
2. Monitoring the compliance of Licensees with the terms of Licenses and Permits issued to them.
3. Developing and managing the Frequency Spectrum plan and other scarce resources, ensuring optimal use, and maximizing their revenues to the extent required by International Rules.
4. Developing and implementing the appropriate measures to prevent Service Providers carrying out anti-competitive practices.
5. Developing the necessary procedures for the adoption of Telecommunications Equipment or their types that are connected to the Telecommunications Networks in the State, including the accreditation of the equipment that had already been accredited by other organizations or countries.
6. Drawing up the terms of Interconnection and Access between Service Providers.
7. Drawing up and managing the National Numbering Plan, and allocating numbers to Service Providers.
8. Protecting the interests of customers, including the drawing up of rules for tariff regulation and standards of service quality, and monitoring the terms and conditions for providing Telecommunications services.
9. Implementing any Universal Service program.
10. Requesting information that will enable them to exercise their powers and perform their functions, including plans for developing the network or services, and financial, technical and statistical information, accounting records and other information.
11. Verifying compliance with the provisions of this Law and its implementing regulations, and the rules and decisions issued in the implementation procedure.

The Secretariat-General, in order to achieve this, may use the services of specialized agencies, and academic or technical institutions or qualified consultants, to help perform some tasks and functions and cooperate and coordinate with ministries and other government agencies, bodies and public institutions.

Article 5

Secretary-General

The Secretary-General shall undertake all the technical, administrative and financial tasks of the Supreme Council as well as issuing regulations, decisions, orders, rules, instructions and circulars related to the organization of the Telecommunications sector, as determined by this Law and its implementing regulations, or as authorized by the Supreme Council.

The Secretary General shall give the Council a detailed annual report on aspects of the activities of the Telecommunications organization sector.

Article 6

Transparency and Non-Discrimination

The regulations, decisions, orders, rules, instructions and circulars issued pursuant to this Law must be transparent and non-discriminating between all Service Providers and other participants in the market.

It is not discrimination to take any decisions in accordance with the provisions of this Law and its implementing regulations, which would have a different impact on any Service Providers or any other participant in the market, when it is attributed to the particular circumstances of the aforementioned.

Article 7

Conflict of Interest

None of the members of the Council, the Secretary-General or the staff of the Supreme Council may have any personal interest, direct or indirect, in the contracts concluded with or for the Supreme Council, the projects carried out, or Permits, works or activities which are issued in accordance with the provisions of this Law, or any other activities that are incompatible with the proper exercise of their responsibilities. In particular, the following shall be deemed prohibited personal interest in the application of the provisions of this Law:

1. The basic or participatory ownership of any kind of the Telecommunications Network operator, Telecommunications Services Provider, or the manufacturer or supplier of Telecommunications Equipment, provided that he possesses more than five percent (5%) of any class of shares, any ordinary shares or debt securities whose value exceeds that set in any circular issued by the Council.
2. Material benefit, or basic or participation ownership prohibited in accordance with the above item, which is transferred to any party concerned by virtue of this Article, as a result of a will or inheritance, or which becomes prohibited in accordance with any declaration made by the Board.

Conflict of interest, when realized according to the provision of any of the foregoing items, shall only cease if the material benefit or substantial or participatory ownership is reduced, to the extent set out in this Article, within three months from the date of transfer of the will or inheritance, or by the effective date of the pertinent declaration, as the case may be.

Article 8

All License fees of all kinds, and other fees and costs that the Service Providers shall pay, are from the funds realized by the Supreme Council

Chapter Three: Telecommunications Licenses

Article 9

License Requirements

No person may, without a License, exercise any of the following:

1. The provision of Telecommunications services to the public for a fee, direct or indirect, whether services are provided partly or as a whole. This includes the resale of Telecommunications services that are obtained from third parties, even if the beneficiary of this service is one person.
 2. Owning or operating a Telecommunications Network that is used to provide Telecommunications service to the public for a fee, direct or indirect.
 3. Owning or operating any other Telecommunications Network.
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Article 10

Types of License

Telecommunications Licenses shall be as follows:

1. Individual Licenses.
2. Class Licenses.

The Secretariat-General shall publish the instructions that set forth the Telecommunications services and related activities that require Individual or Class Licenses, as determined by the implementing regulations of this Law.

Article 11

License Provisions and Compliance

The Secretariat-General shall determine the fair and objective terms, conditions, procedures and standards required for the granting and renewal of Telecommunications Licenses in accordance with the provisions of this Law. The Secretary-General shall issue the relevant decisions, directives, orders and circulars, which shall be published in the Official Gazette.

The Secretariat-General shall have the power to monitor the extent of compliance, and scrutinize the Licensees with regard to the terms of their Licenses. The Secretary-General shall implement the work of this Dominance.

The Licensee who has an Individual License may only relinquish it to others with the approval of the Board. Regarding the category Licenses and Licenses To Use The Frequency Spectrum, they may only be waived after the approval of the Secretary-General.

Non-Renewal, Modification, Suspension and Revocation of Licenses

The Council shall, based on the proposal of the Secretary-General, have the right not to renew, modify, suspend or revoke the Individual Licenses. The Secretary-General shall have the same right regarding the Class Licenses, in any of the following circumstances:

1. Repeated violation of the provisions of the Law, its implementing regulations, rules, decisions, and orders implementing it or any of the terms of the License.
2. Non-payment of the fees prescribed for the License or for its renewal, or any other financial amount in accordance with the provisions of this Law and its implementing decisions.
3. Death, or the expiration of a legal licensed person for any reason.
4. Assignment of the License without the consent of the Council or the Secretary-General.

The Secretariat-General, in the event that the License is not renewed, or is modified, suspended or revoked, shall take appropriate measures to mitigate the negative impact that may ensue on the service and customers.

Chapter Fourth: Frequency Spectrum

Article 13

Frequency Spectrum

The Frequency Spectrum shall be a limited natural resource that is owned by the State, and the Supreme Council shall be the body responsible for organizing and managing all affairs relating to its use.

Article 14

Procedures for the Management of the Frequency Spectrum

The Secretariat-General shall be entrusted with the management, allocation and distribution of frequencies in the Frequency Spectrum, systematically and effectively in accordance with the provisions of this Law and the relevant international norms. To this end, it may perform the following:

1. Drawing up and maintaining the National Plan For Frequency Spectrum, and managing, distributing and allocating frequencies in accordance with that plan.
 2. Monitoring the implementation of the use of radio frequencies and Frequency Spectrum according to the National Plan For Frequency Spectrum, pertinent distributions and allocations and applicable License terms, and the preparation of the National Register for Frequencies wherein all information relating to frequencies, distribution, allocation and use are recorded.
 3. The formation of and supervision over committees and over any committee or committees existing to coordinate the uses of frequencies, including civil, non-civil and commercial uses. The Secretariat-General may issue the regulations and rules necessary for the establishment and operation of these committees.
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Article 15

Licenses To Use The Frequency Spectrum

No person may operate any Telecommunications device or use frequencies until obtaining a License to Use the Frequency Spectrum, or a Permit to use the frequencies

Article 16

The Obligations of Licensees Using The Frequency Spectrum

The Licensee shall use the Frequency Spectrum according to the conditions set forth in this Law, its implementing regulations, rules and orders, in accordance with the conditions set forth in the License granted to him.

The Secretariat-General may monitor the use of Frequency Spectrum, detect the use of unlicensed frequencies and verify the commitment of Licensees with the terms of the License

Article 17

The Conditions of Non-renewing, Modifying, Suspending or Revoking the Licenses To Use The Frequency Spectrum

The Secretary-General may not renew, modify, suspend or revoke the issued Licenses to Use the Frequency Spectrum, in any of the following circumstances:

1. Repeated violation of the provisions of the Law, its implementing regulations, rules, decisions, and orders relating to it or any of the terms set out in the License.
2. Misusing the licensed frequencies or using them other than for the allocated purposes.
3. Non-payment of the fees prescribed for the License or for its renewal, or any other financial amount in accordance with the provisions of this Law and its implementing regulations.
4. Death or the expiration of the legal licensed person for any reason.
5. Assignment of the License without the consent of the Secretary-General.

The Secretariat-General, in the event that the License to Use the Frequency Spectrum is not renewed, or is modified, suspended or revoked, shall take appropriate measures to mitigate the negative impact that may ensue on the service and customers.

Chapter Five: Interconnection and Access

Article 18

The Rights, Obligations and Conditions of Interconnection and Access

The Secretariat-General shall determine the rights, obligations and conditions for Interconnection and Access, and shall oversee and monitor compliance. Each licensed Service Provider shall have the rights and obligations regarding Interconnection and Access as follows:

1. The right to engage in discussions, on the basis of good faith, with another Service Provider to reach an agreement on Interconnection and Access.
1. The right to Interconnection and Access to services or facilities of another Service Provider, according to the terms of Interconnection and Access.
1. The obligations set forth in Article 24 of this Law regarding the Dominant Service Provider for reasons of Interconnection and Access.

1. Abiding by the rules of Interconnection and Access as provided for in Article 21 of the Law.

1. The obligation to provide Interconnection and Access to services or facilities of another Service Provider, according to the terms of Interconnection and Access.

1. The obligations set forth in Articles 20, 22 and 24 of this Law, including those regarding Access to information and technical equipment, and related to requests for Interconnection and Access.

1. The obligations contained in or attached to the reference offer for Interconnection and which are specified by the Secretariat-General, in the case of a Dominant Service Provider and for the reasons of Interconnection and Access in accordance with the provisions of Article 24 of this Law.

1. Any obligations or requests for a Dominant Service Provider regarding Interconnection and Access as specified by the Secretariat-General, related to their charges, calculation of costs or the requirements of accounting separation in accordance with the provisions of Articles 24, 25 and 33 of this Law.

Article 19

The Tasks and Duties of the Secretariat-General in the Field of Interconnection and Access

The Secretariat-General shall assume the following tasks and duties in the field of Interconnection and Access:

1. Promoting the appropriate, effective and low-cost Interconnection between the Telecommunications Networks, and promoting the Access of the Service Providers to the service facilities of the other Service Providers, to ensure the operational continuity of the Telecommunications services which begin or end in the State and to promote the growth of competitive markets for the Telecommunications services.

1. Establishing an open, transparent and commercially viable organizational structure that aims to facilitate regulatory procedures and eliminates or mitigates the effects of other barriers to entry into the Telecommunications market.

1. Facilitating negotiation between parties to reach agreements on Interconnection and Access.

1. Ensuring that the convention on Access and Interconnection meets the requirements of this Law and its implementing regulations and any regulations, rules or orders applicable to Interconnection and Access.

1. Determining which Service Provider is deemed a Dominant Service Provider in any

Telecommunications market regarding Interconnection and Access.

Identifying the additional commitments on Interconnection and Access that apply to the Dominant Service Providers.

Article 20

Interconnection Negotiations

Each Service Provider shall, on receipt of a written request from another Service Provider for Interconnection or Access, proceed to negotiate in good faith with the applicant in order to reach an agreement on Interconnection or Access for:

1. Linking their respective networks.

1. Providing Access to the Telecommunications Facilities including the main offices and other locations of the devices, emergency, towers, columns, lines of Telecommunications and underground facilities, wherever necessary and reasonable to enable the Service Providers to provide the same to their customers.

Article 21

Controls of Interconnection and Access

No Service Provider is obliged to enter into any agreement for Interconnection and Access based on conditions that would, in its reasonable opinion, cause physical damage or harm to any person or property, cause material injury to its network and Telecommunications Facilities or adversely affect the performance of any of them, or the Telecommunications services he is providing, or which are not reasonable in the light of the technical or economic data available.

Article 22

Breach of the Obligation to Negotiate in Good Faith

The following acts and practices shall be deemed a breach of the obligation to negotiate in good faith on Interconnection and Access:

1. Hindering or disrupting negotiations or failing to make reasonable efforts to resolve the existing differences.
 1. Refusing to provide data on the services or Telecommunications Networks of the Service Provider or its facilities which are required to arrange Interconnection and Access processes.
 1. Influence in any way the ability of the Service Provider to communicate with the Supreme Council.
 1. Refusing to amend the terms of Interconnection and Access, without reasonable justification to suit the changes in this Law or any regulations, rules or orders.
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Article 23

Identification of the Dominant Service Providers

The Secretariat-General may, for purposes of Interconnection or Access, decide to deem any Service Provider as a Dominant Service Provider in one or more Telecommunications markets, according to the competition policy and the principles and procedures set forth in Chapter IX of this Law.

Article 24

The Obligations of the Dominant Service Provider Regarding Interconnection and Access

In addition to the provisions of Article 20 of this Law, the Dominant Service Provider must respond to any reasonable request for Interconnection and Access to its Telecommunications Network, whenever technically feasible.

In similar circumstances, it must apply the same terms to all Service Providers for obtaining Interconnection or Access.

It must also be committed to provide Interconnection and Access to all Service Providers using the same conditions and quality with which it provides its own connection services or those which belong to its subsidiaries.

Article 25

The Rights and Obligations of the Dominant Service Providers

In addition to the provisions of this Chapter, the implementing regulations, rules and instructions issued in this regard shall set forth the rights and obligations of the Dominant Service Providers, including the following:

1. Any requirements for obtaining prior approval from the Secretariat-General on the prices of Interconnection and Access, on calculating the

cost or the accounting separation between the various costs.

1. Any requirements relating to the preparation of a reference offer and the content of the offer.

1. Any requirements relating to the deposition and publication of Interconnection and Access agreements.

Chapter Six: Tariff Regulation for the Dominant Service Providers

Article 26

Identification of the Elements of Tariff Offers

The Secretariat-General shall have the authority to define the elements necessary to provide tariff offers, and adopt and disseminate the same with regards to Telecommunications services. It may develop other rules for organizing prices and tariffs, including the application of any programme to restore balance in prices or define their ceilings.

Article 27

Tariff Regulation for the Dominant Service Providers

The provisions regulating tariffs, as provided for in the following Articles, shall apply to the Service Providers who are classified by the Secretariat-General as Dominant Service Providers in one or more of the markets of Telecommunications service, according to competition policy, and the rules and regulations set forth in Chapter IX of this Law.

Article 28

Presentation of Tariff Offers and their Pre-Approval

The Dominant Service Providers shall submit to the Secretariat-General tariffs offers, rates and fees for Telecommunications services in the markets where they have been classified as Dominant Service Providers and obtain pre-approval.

The Secretariat-General may exempt the Dominant Service Providers from providing their tariffs and obtaining a prior approval, if it considers that the competitive market forces alone are enough to protect the interests of customers, and the elimination of dangers harmful to competition.

Article 29

Extra Fees

The tariff of the Telecommunications services provided by the Dominant Service Providers must be based on the cost of providing the service effectively, provided that the tariff does not contain any extra duties resulting from the position of Dominance enjoyed by the Service Provider. The Secretariat-General may issue substantiated resolutions to amend the tariff if it considers it is not commensurate with the cost of providing the service, provided that the ruling declares the new amount.

Article 30

Approval of the Temporary Tariff

The Secretariat-General may issue an interim decision to adopt any temporary tariff until the completion of its evaluation, and it may amend that decision or make it final or revoked.

Article 31

Compliance with the Tariff

No Dominant Service Provider may apply or change any tariff, rates, fees or any other payment that violates the tariff approved by the Secretariat-General. Any contrary agreement or arrangement between the Service Provider and any Client shall be prohibited.

Article 32

Cost Studies

The Secretariat-General, at its expense, may assign any Dominant Service Provider to prepare or participate in a study on the cost of services provided, if the Secretariat-General deems that such a study is necessary to prevent any conduct that is harmful to competition or that is necessary to regulate the tariffs and prices.

Article 33

Accounting Practices

If the Secretariat-General sees that some accounting practices or accounting separation, between the different types of activities and services, represent an effective and necessary tool to prevent conduct that is harmful to competition, or to regulate the tariffs and prices, it will be entitled to ask 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 for each type of activity or service, or make an accounting separation between the different types.

Chapter Seven: Numbering Plan

Article 34

National Numbering Plan

The Secretariat-General shall develop and maintain a National Numbering Plan and shall manage the distribution and allocation of numbers, E-addresses, capabilities and associated resources and control their use in accordance with the terms of Licenses, and take action to enforce compliance. The National Numbering Plan must be in accordance with the International Rules. The Service Providers must ensure that the allocation, distribution and use of numbers and email addresses given to them, and related capabilities and resources, are compatible with the National Numbering Plan, regulations, orders, rules and declarations related to them.

Article 35

Practicing Numbering

The distribution and allocation of numbers shall not gain any proprietary rights or private rights other than the right of use for the Service Provider or its customers, whether the distribution or allocation is in return for or without charge. The Secretariat-General may, where appropriate, re-distribute and allocate the numbers to the Service Providers. Furthermore, any Service Provider may change the number assigned to any customer on reasonable grounds and in accordance with the orders, decisions and circulars issued by the Secretariat-General in this regard. In the cases where the customer has obtained the number for a charge, the Service Provider shall be obliged to refund or compensate it fairly. The Secretariat-General may issue the orders, rules, decisions and circulars governing the distribution and allocation of numbers and re-distribution or allocation of the same, including the rules governing the collection of any fee or charge for receiving those numbers.

Article 36

Plans for the Application of Number Portability and Selection of Service Providers

The Secretariat-General, after consulting the concerned Service Providers and relevant parties, may issue the necessary decisions on the development of a plan for Number Portability and Service Provider selection. The development plan must include the Service Providers' obligations in the operational and financial aspects of the facilities and systems necessary to implement this plan.

Chapter Eight: Universal Service Policy

Article 37

Application of Universal Service Policy

The Secretariat-General shall be responsible for the application of any Universal Service policy, including the following:

1. Definition of the rights and duties of the Service Providers in the application of Universal Service initiatives.
 1. Identification of means of funding for any Universal Service initiatives.
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Article 38

The Obligation of the Service Provider to Provide Universal Service

Service Providers shall comply with the regulations, decisions and orders issued by the Secretariat-General to implement the Universal Service, including the obligations related to funding.

Article 39

Universal Service Fund

The Council, after the adoption of the Universal Service policy, may establish a fund called the Universal Service Fund to support the costs of providing Universal Service. A decision shall be issued by the Secretary-General for regulating the fund, defining its powers, its procedures of payment and the Service Providers' obligations to contribute to it.

Chapter Nine: Competition Policy

Article 40

Development and Application of Competition Policy

The Secretariat-General shall develop and apply the competition policy and the related regulations in the Telecommunications sector and in the Telecommunications markets defined in the State. To this end, it shall do the following:

1. Review the state of competition in the Telecommunications markets in the State, exercise its powers, functions and authorities to promote competition in the provision of Telecommunications services.
 1. Update the competition policy and its related regulations to reflect the state of competition in those markets, provided that the aim of relying on market forces is consistent with protecting the interests of the customers and the public.
 1. Determine the criteria to be applied in the classification of Service Providers who have a Strong Position in the Market or who enjoy a Dominant position in specific Telecommunications markets, and the application of that criteria in any classification process.
 1. Control and prevent the misuse of the market power or Dominant position and anti-competitive practices, as defined under this Law.
 1. Determine the appropriate procedures and arrangements to address the misuse of market power and behavior specified as non-competitive, and apply the same to promote competition and to protect the interests of customers and the public.
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Article 41

The Prohibition of Anti-Competitive Practices

Service providers shall be prohibited from exercising non-competitive practices. Service providers who are classified as enjoying a Strong Position in the Market, or who are Dominant in a market or several markets of Telecommunications in the State, shall undertake not to abuse their market power or Dominance in those markets or anything related to them. The Secretariat-General may determine whether the conduct of any of the Service Providers constitutes an abuse of the market power, or an abuse of Dominance, or any other non-competitive practice. If the Secretariat-General decides that abuse has occurred it may take such action as it sees fit.

Article 42

Categories of Strong Position in the Market

The Secretariat-General shall classify the Service Providers and determine the extent of the strong or Dominant position they enjoy in the market. Before classification, it shall do the following:

1. Identify the markets of the relevant products and services, including the geographical area or region.
1. Determine the criteria and methodology to be applied in determining the degree of market power, or the other standards of the Strong Position in the Market or Dominance in the relevant markets.
1. Undertake an analysis of the markets of relevant products and services through the application of the relevant criteria and methodology.

The decisions that classify the Service Providers as having a Strong Position in the Market or Dominance shall define the markets of relevant products and services, the standards, and the methodology and circumstances relied upon to justify this classification. The Secretariat-General may consult the Service Providers, customers or any of the other stakeholders when identifying any market, analyzing or classifying the market forces in accordance with the provisions of this Article. The implementing regulations, other regulations, rules and issued orders shall define the standards, methodologies and processes for the classification of market forces.

Abuse of Dominance

Dominant Service Providers are prohibited to engage in activities or acts that constitute an abuse of dominance. The following acts and activities, in particular, shall be considered as abuse of dominance:

- 1- Failure to supply Interconnection or Access services or facilities to other service providers within a reasonable period of time from the time requests for such services had been presented. Excluded are cases when failure to supply any of such services is justified;
- 2- Failure to supply Interconnection or Access related services or facilities to other service providers on the same terms the service provider provides such services and facilities to its own facilities or those of its subsidiaries or affiliates. Excluded are the cases where the differences in the terms of services are justified;
- 3- Bundling up a number of telecommunications services in one package so that a competitor service provider has to obtain such package as a pre-require for providing any of such services from Dominant Service Provider;
- 4- Providing an offer on more preferential terms and conditions and in a manner not based on differences in costs where a competing service provider is to acquire a service that is not required of him;
- 5- Monopolising the use of scarce facilities or resources of exclusive use, with the effect of denying a competing service provider from using such facilities or resources or from enjoying its right of Access.
- 6- Supplying competitive telecommunications services at prices below long-term incremental costs or any other cost criteria specified by the General Secretariat;
- 7- Using revenues or transferring a part of the cost of a specific telecommunications service to subsidise another telecommunications service supplied by same service provider, except where such subsidy is approved by the General Secretariat;
- 8- Failure to meet Interconnection service obligations;
- 9- Performing any acts that have the effect of substantially reducing competition in any telecommunications market, in particular any of the following acts:
 - a. reducing the margin of profit available to a competitor that requires a set of telecommunications services from 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. failure 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 Dominant Service Providers of information related to interconnection or other telecommunications facilities or services provided by competing service providers with the purposes of competing with them.

Article 44

The Prohibition of Unjustified Discrimination

The Dominant Service Providers shall provide the conditions and quality of a standard service for all customers, including the tariff fee. The Secretariat-General may decide otherwise if differing conditions were justified objectively based on a difference in the conditions of service supply, including the various costs, traffic volumes or the lack of available facilities or resources. This shall be applied to customers who receive service for resale to their own customers and end-users. The Dominant Service Provider shall submit to the Secretariat-General sufficient justification for the existence of any discrimination, and must cease discrimination when receiving a notification from the Secretariat-General.

Article 45

Other Non-Competitive Practices

No person shall participate in any practices that prevent competition or lead to a drop in the Telecommunications markets, in particular, the agreement between two or more Service Providers to determine the rates and conditions of service in the Telecommunications markets, distribution of employment opportunities and contracts, or sharing of Telecommunications markets among them.

Article 46

Treatment of Non-Competitive Practices

If the Service Provider carries out non-competitive practices or the Dominant Service Provider abuses its Dominance, the Secretariat-General may issue any decisions to remedy anti-competitive practices or abuse of Dominance, and is entitled to do the following:

1. Oblige the persons concerned to stop the work or activity that causes this practice, or make specific changes in the work or activity to eliminate or mitigate its negative impact on competition.
 2. Oblige the concerned Service Providers to submit periodic reports to the Secretariat-General to determine the extent of their adherence to its decisions.
 3. Refer the violator to the prosecution authority with a view to initiating criminal proceedings.
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Article 47

The Powers of the Secretariat-General in the Transfer of Dominance

The Secretariat-General shall review the proposals for the transfer of Dominance over the Service Providers. The Secretariat-General, upon reviewing the proposals for the transfer of Dominance, shall have the right to approve the transfer, grant conditional approval or reject the transfer. When deciding to approve the transfer, grant conditional approval, or reject, the Secretariat-General shall take into account the effects of the proposed transfer on the Telecommunications markets in the State, particularly its effects on competition in those markets and the related interests of customers and the public.

Chapter Ten: Consumer Protection

Article 48

Preparation and Development of Consumer Protection Policy

The Secretariat-General shall prepare a policy for consumer protection in accordance with this Law, or any other related laws.

Article 49

The Application of Consumer Protection Policy

When applying the consumer protection policy, the Secretariat-General shall carry out the following powers:

1. Control the conditions of service between the Service Providers and customers.
2. Determine and develop the applied standards of the quality of the service.
3. Follow up and prevent abusive and misleading trade practices.
4. Ensure the availability of effective procedures to resolve customer disputes.
5. Review the conditions of competition in any markets for Telecommunications services that are determined by the State, review and update the consumer protection policy and related regulations to reflect the state of competition in those markets with the purpose of relying on market forces to protect the interests of customers. The Service Providers must abide by the rules, conditions, standards and practices relating to the policy of consumer protection.

Article 50

Consumer Protection Regulations

The Secretariat-General shall determine the rules that regulate the drawing-up, development and application of the consumer protection policy, in the following matters:

1. The practice of Service Providers regarding the issuance of invoices and retention of documents and papers relating to the services provided.
2. The Terms of Service delivery, its adoption, publication and posting.
3. The procedures for Service Providers to resolve disputes and complaints of the customers.
4. The provision of telephone directories, directory services and service centres.
5. The exploitation of Telecommunications services in the promotion of products and other goods.
6. The requirements of service quality, quality control and quality compliance.
7. Access to the Clients' premises and property.
8. The responsibility of Service Providers for the services and mandates they provide, and the limits of that responsibility.

Article 51

Fair Practices

The Service Provider must provide the Client, before its subscription to the service, or before assuming any commercial obligations towards the Service Provider, with the Terms of Service and any other terms and conditions and all tariffs, prices and costs applicable to any Telecommunications service. The Service Providers may impose on the Client only the service fee specified for the selected Telecommunications, or the fee specified for Telecommunications Equipment requested by the Client. The Client shall not be responsible for paying any fee for any service or equipment for communications it did not request.

Article 52

Protection of Customer Information

The Service Providers in managing their networks, facilities and related systems, shall take into account the rights of privacy of the Client. It is their responsibility to maintain the information and data of the Client and the Telecommunications in their possession, and they shall provide adequate protection for the same. The Service Provider may not collect, use, retain or announce any information of any customer except with its consent or as permitted by Law. The Service Providers must ensure that the information submitted is accurate, complete and valid for the purpose of use. The customers shall have the right to request correction or deletion of any information relating to them. Nothing in the provisions of this Article shall prevent the relevant authorities from obtaining any confidential information or communications relating to the customers in accordance with this Law.

Chapter Eleven: Access to property

Article 53

Access Procedures

The Secretariat-General shall develop the rules necessary to facilitate Access to private and public property, in order to install, operate and

Chapter Twelve: Accreditation of the Criteria for Telecommunications Equipment

Article 54

Definition and Accreditation of the Criteria for Telecommunications Equipment

The Secretariat-General shall define the technical standards and specifications for the Telecommunications Equipment, their types, accreditation requirements and the procedures to be applied to those standards and specifications, according to the provisions of this Law, and any other relevant Laws.

Article 55

The compliance of the Service Providers and Suppliers with the Telecommunications Equipment Standards and Accreditation and Certification Requirements

The Service Providers and suppliers of Telecommunications Equipment shall undertake that all the Telecommunications Equipment used, imported, manufactured or supplied in any way for use in the State shall be consistent with the standards of equipment, International Rules, and certification requirements established by the Secretariat-General

Article 56

Definition of Equipment Standards

The Secretariat-General, in exercising its powers regarding the definition and accreditation of equipment standards and adoption, shall carry out the following:

1. Set forth the technical standards or specifications for the Telecommunications Equipment or their types.
2. Define the technical standards or specifications for the Telecommunications Equipment or their types which are set by the other authorities or bodies concerned with standards, in order to be approved and adopted in the State.
3. Create or identify the test systems and facilities to accredit the use of Telecommunications Equipment or their types.
4. Identify the appropriate international and regional regulations or testing facilities for the accreditation of Telecommunications Equipment or their types and approval of the use.
5. Approve the accreditation of other certifications of Telecommunications Equipment by the other competent authorities or bodies, and consider the same as sufficient for using this equipment, in accordance with the International Rules.

The Secretariat-General may, whenever it is necessary to avoid any damage or interference with the work of Telecommunications Networks, issue an order prohibiting the manufacture, import or use of certain Telecommunications Equipment or their types. The Secretariat-General shall ensure that the technical standards and specifications and the requirements for mandatory accreditation are compatible with the approved technical requirements for the electrical equipment, wireless Telecommunications devices and products designed for use in the State.

Article 57

Management of Criteria

The Secretariat-General shall keep records of accredited and prohibited Telecommunications Equipment. It shall make one or more declaration indicating the applicable standards and specifications required and the bodies responsible for test and measurement, the foundations for issuing the certification, accreditation of Telecommunications Equipment or their types and the adopted procedures and practices

Article 58

Telecommunications Equipment Used before Enforcing the Law

The Telecommunications Equipment approved before enforcing the provisions of this Law, installed or connected to a public Telecommunications Network, shall be certified and approved for use in the State, unless the Secretariat-General has decided that they interfere with the work of any Telecommunications Network, equipment or facilities, or pose a public danger.

Chapter Thirteen: National security and cases of public emergency

Article 59

The Obligations of Service Providers

The Service Providers must comply with the requirements of the security authorities in the country especially with the requirements of maintaining national security and adhere to the guidance of government agencies in cases of public emergency. They must also observe the implementation of the orders and instructions issued by the Secretariat-General on the development of a service network or mechanism to meet those requirements.

Article 60

Compensation and Recovery of Expenses

The Service Providers may request and recover any expenses resulting from the execution of orders and directives issued in accordance with the provisions of the preceding Article. Such a claim may not be based on loss of income, expenses, or indirect damages resulting from any period of suspension of service.

Chapter Fourteen: Settlement of Disputes

Article 61

Settlement of Disputes by the Secretariat-General

The Secretariat-General shall settle the disputes that arise among the Service Providers and between them and others. The decision issued by the Secretariat-General regarding the dispute shall be final and enforceable. No case regarding the dispute may be accepted until a decision is issued by the Secretariat-General or until the passage of sixty days from the date of it being submitted, whichever is earlier. The implementing regulations shall govern the rules and procedures related to the dispute.

Chapter Fifteen: The Authority to Inspect, Verify and Control

Article 62

Provision of Information

The Secretariat-General may request the Service Providers or others to supply information necessary for the exercise of its powers. The information must be provided in the form, manner and time determined by the Secretariat-General. Any person required to provide information shall inform the Secretariat-General of any reasons which prevent this, and may request that the information provided may not be disclosed, in whole or part, because of its commercial nature or confidentiality.

Article 63

The Authority to Inspect, Verify and Control

The employees of the Supreme Council, who shall be invested with the power of judicial control based on a decision from the prosecutor in agreement with the President of the Council, shall have the power to investigate and prosecute the crimes committed in violation of the provisions of this Law. They will have the authority to enter relevant places and have Access to records and documents, as well as checking equipment and Telecommunications systems and any other related things and requesting the data and clarifications they deem necessary.

Chapter Sixteen: Offences and Sanctions

Article 64

Without prejudice to any severer penalty provided for in any other law, the offences set forth in the following Articles shall be punished based on the penalties indicated.

Article 65

Whoever intentionally causes the disruption of Telecommunications or intentionally damages for this purpose some of the buildings or facilities allocated to the Telecommunications Networks, infrastructure or their Telecommunications lines, or makes all or part of them unfit for use shall be punished with imprisonment for not less than one year and not more than five years and with a fine of not less than fifty thousand (50,000) Riyals and not more than 500,000(five hundred thousand) Riyals. If any of the acts referred to in the preceding paragraph are as a result of negligence or lack of precaution, the punishment shall be imprisonment for not more than three months and a fine of not more than fifty thousand (50,000) Riyals, or either one of the penalties. In all cases, the court shall compel the person who committed such act(s) to pay the value of the damage, or the cost of restoration, without prejudice to the right to compensation, if required.

Article 66

Whoever intentionally commits one of the following acts shall be punished with imprisonment for a period not exceeding one year and with a fine not exceeding fifty thousand (50,000) Riyals, or with either of the penalties:

1. Using one of the Telecommunications Facilities or obtaining one of its services without payment of the costs prescribed.
2. Accessing a Telecommunications Network or facility or a system associated with it by penetrating the security measures with the purpose of

obtaining data or Telecommunications service.

3. Wiretapping Telecommunications not intended for the public with technical means, intercepting radio waves which are intended for others, interfering with radio waves which are intended for others or other purposes which are contrary to this Law.
 4. Causing damage to, repealing, intercepting, altering or discontinuing the work of any Telecommunications Network or tool, or tampering with it in any way.
 5. Possessing, producing, selling or providing for the purpose of usage or importation, or distributing or providing a device in any other way, or password in the computer, Access code or any similar data that allows Access to a facility or network from Telecommunications, or a system linked with it, with the intent of committing any of the crimes provided in the previous four items of this Article.
 6. Using or allowing the use of a Telecommunications Network with the purpose of the disturbance, excitement or abuse of any person.
 7. Using any Telecommunications service or facility in a manner that leads to a violation of the provisions of this Law or other laws.
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Article 67

Whoever violates a provision in any of Article 9, paragraph 3 of Article 11, and Articles 15 and 16 of this Law or violates any of the licensing or Permit conditions shall be punished with imprisonment for a period not exceeding one year and with a fine not exceeding one million) (1,000,000) Riyals.

Article 68

Whoever commits, without obtaining a License, one of the following acts shall be punished with imprisonment for a period not exceeding one year and with a fine that not exceeding twenty thousand (20,000) Riyals:

1. Importing or manufacturing one of the of Telecommunications devices with the purpose of marketing the same.
2. Acquiring, installing or operating any wireless Telecommunications devices.

Punishment shall be imprisonment for not less than two years and not exceeding five years if the import or manufacturing or acquisition is for the purpose of violating national security. The court shall in all cases order the confiscation of the equipment and devices used in committing the crime.

Article 69

Whoever, while performing its duty in the field of Telecommunications or as a result of the same, commits one of the following acts shall be punished with imprisonment for a period not exceeding one year and a fine not exceeding 100,000 (one hundred thousand) Riyals, or with either penalty:

1. Disclosing, publishing or broadcasting any information about an institution operating in the field of Telecommunications where this would lead to unfair competition between the establishments operating in this area.
2. Disclosing, publishing, broadcasting or recording the content of a Telecommunications message or part thereof without a legal basis.
3. Hiding, changing, hindering or modifying any Telecommunications message or any part thereof that might have reached that person.

Disclosing any information concerning the users of Telecommunications Networks or concerning their outgoing or incoming Telecommunications, without a legal basis.

Article 70

Whoever violates any of the provision of Articles 18(4)#(8) and Articles 22, 24, 28, 31, the last paragraph of Article 34, Articles 38, 41, 43, 44, 45, the last paragraph of Article 49, and Articles 51, 52, 55, 59 and 62 of this Law shall be punished with imprisonment for a period not exceeding two years and with a fine not exceeding 100,000 (one hundred thousand) Riyals or either punishment.

Article 71

Whoever, being responsible for the actual management of the violator shall be punished with the same penalties prescribed for the acts committed in violation of the provisions of this Law if it is proved that the same were committed with his knowledge, or if his breach of the duties imposed by that management has contributed to the crime.

Article 72

The penalty shall be doubled in the case of recurrence. Any of the crimes specified in this Law committed within three years from the date of implementing the penalty preceding it shall be deemed recurrent.
