

**TELECOMMUNICATIONS REGULATORY COMMISSION**

**JORDAN**

**TELECOMMUNICATIONS LAW**

**NO. (13) OF 1995**

\* Law No. 13 of 1995 has been amended by virtue of the Amending Law No. (21) of 2011

\*\* The original law was issued in the Official Gazette, No. 4072, dated 01.10.1995.

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**We, Al-Hussein I, King of the Hashemite Kingdom of Jordan,**

**In accordance with Article (31) of the Constitution**

**and upon the decision of both**

**the House of Notables and the House of the Deputies,**

**do hereby ratify the following law, and order its issuance and addition**

**to the laws of the State:**

## **TELECOMMUNICATIONS LAW**

### **NO. (13) OF 1995 AND ITS AMENDMENTS\***

**Article (1):**

This law is called “Telecommunications Law of 1995” and shall be put in effect as of the date it is issued in the Official Gazette. \*\*

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# **CHAPTER I**

## **DEFINITIONS**

Article (2):

Wherever the following words and phrases appear in this Law, they shall have the meanings assigned to them hereunder unless the context indicates otherwise:

**Ministry:**

Ministry of Information and Communications Technology (MoICT).

**Minister:**

Minister of Information and Communications Technology.

**Commission:**

Telecommunications Regulatory Commission (TRC) established pursuant to the provisions of this Law.

**Board:**

Board of Commissioners of the Commission.

**Chairperson:**

Chairperson of the Board.

**Telecommunications:**

Any conveyance, emission, reception, or transmission of signs, signals, sounds, images or data of any nature by means of wire, radio, photic or any other means of electronic systems.

**Telecommunications Service:**

A service which consists, wholly or partly, of the transmission, reception or routing of information on Telecommunications networks by means of any Telecommunications process.

**Public Telecommunications Service:**

A Telecommunications service provided for compensation to the Beneficiaries in general or a certain category thereof in accordance with this Law.

**Information Technology:**

Generation, manipulation and storage of information using electronic means.

**Radio Waves:**

Electromagnetic waves of frequencies lower than 3,000 gigahertz, propagated in space without artificial guides.

**Public Telecommunications Network:**

A Telecommunications system or a group of Telecommunications systems for the offering of Public Telecommunications Services to Beneficiaries in accordance with the provisions of this Law.

**Private Telecommunications Network:**

The Telecommunications system operated for the benefit of a single person or a single group of persons under common ownership to serve their own needs.

**Telecommunications Terminal Equipment:**

Telecommunications equipment employed by a Beneficiary to transmit, receive, route or terminate Telecommunications.

**Beneficiary:**

A person who benefits from Public Telecommunications Services using Telecommunications means.

**License:**

The authorization granted by the Commission or a contract or agreement signed by the Commission and a person to allow that person to establish, operate and manage a Public Telecommunications Network, or provide Public Telecommunications Services, or use Radio Frequencies pursuant to the provisions of this Law and the by-laws issued pursuant to it.

**Licensee:**

A person who has acquired a License in accordance with the provisions of this Law.

**Type Approval:**

Approval to use or import certain types of Telecommunications equipment and Telecommunications Terminal Equipment.

**National Table of Frequency Allocations:**

The table containing the division of the frequency spectrum into bands in such a way as to permit the use of such bands to provide different types of Telecommunication Services in line with the International Telecommunication Union's Table of Frequency Allocations.

**National Plan for Frequency Allocations:**

The plan that includes the technical standards established by the Commission for the use of frequency bands that exist in the National Table of Frequency Allocations, taking into consideration the requirements of national security in their use.

**Frequency Band Allocation:**

The entry in the National Table of Frequency Allocations of frequency bands for the purpose of their use in one or more space or terrestrial radio communications services or radio astronomy services under stipulated conditions.

**Assignment:**

The authorization given by the Commission for a Radio Station to use Radio Frequencies or a specific radio channel under conditions set by the Commission for this purpose.

**National Register of Frequency Assignments**

The special register containing all the information related to the channels and frequencies which are assigned to civilian Radio Stations and others.

**Radio Station:**

One or more transmitters or receivers or a combination thereof, including the supplemental equipment existing at a specific location, for the purpose of providing a radio communications, radio astronomy, or broadcasting service.

**Radio Frequencies / Radio Frequency Spectrum:**

Frequencies or spectrum of naturally propagated electromagnetic spectrum waves in the range of 3 (kilohertz) to 3,000 (gigahertz) which are utilized for the emission and reception of Telecommunications signals.

**Radio Communication:**

The transmission by radio of writings, signs, signals, images, or sounds of all kinds, including all instrumentalities, facilities, apparatuses, and transmission associated services such as the transmission, reception, or conveyance of communications.

**Broadcasting Emission:**

The emission of Radio Communications to be received by the public, directly or through the intermediary of satellite or terrestrial relay stations.

**Directory:**

Information related to subscribers to Public Telecommunications Networks services.

**Universality of Service:**

The provision of a minimum set of telecommunications and information technology services in areas and communities, and the facilitation of the provision and use of such services in accordance with the terms and conditions specified and modified as needed by the Commission.



# **CHAPTER II**

## **TASKS OF THE MINISTRY**

Article (3):

**The Ministry shall undertake the following duties:**

- a. To prepare the general policy of the telecommunications and information technology sectors in the Kingdom, coordinate with stakeholders in these sectors as circumstances require, submit such policy to the Council of Ministers for approval, and to set a biennial national strategic plan in accordance with this policy.
- b. To propose the policy related to the Universality of Services and submit the same to the Council of Ministers for approval, follow up the development of this policy for the purpose of expanding the scope of coverage of telecommunications and information technology services, both horizontally and vertically, in such a way as to meet the requirements of universal economic and social development in the Kingdom.
- c. To draw up plans that encourage investment, on a competitive basis, in the telecommunications and information technology sectors in the Kingdom, creating a proper atmosphere for the provision of services to Beneficiaries at just and reasonable prices, in accordance with the technological developments in these sectors.
- d. To strengthen the competitive position of the Kingdom internationally in the areas of telecommunications and information technology.
- e. To follow up the implementation of the Kingdom's commitments in international treaties in the telecommunications and information technology sectors.
- f. To foster the Kingdom's interests with states, regional and international organizations, unions, and commissions concerned with telecommunications and information technology; and to oversee the representation of the Kingdom in those forums in cooperation with the Commission, the ministries, and concerned parties.
- g. To promote the advancement of research and development in the areas of telecommunications and information technology.
- h. To encourage the setting of advanced education and training programs in telecommunications and information technology, including the use of the Internet, electronic commerce, and electronic transactions.
- i. To spread public awareness of the importance of the role of telecommunications and information technology to the economic and social development and advancement in the Kingdom.

- j. To provide the necessary facilities to allow the Commission and designated members of the armed forces and security departments to prepare the National Plan for Frequency Allocation and the National Register of Frequency Assignments, maintain these in the Ministry and prepare procedures for the coordination among these parties so as to ensure the optimal use of the of Radio Frequency Spectrum and to prevent harmful interference between frequencies assigned for civilian and military uses.
- k. To prepare draft laws in the areas of telecommunications and information technology in coordination with the Commission and present them to the Council of Ministers.
- l. To collect information that is available at the Commission and other government departments or private entities for the purpose of accomplishing the Ministry's duties.
- m. To work towards the elimination of impediments in the telecommunications and information technology sectors through coordination and cooperation with the Commission and other parties in such a way to assist the Ministry in performing its duties and responsibilities.

# **CHAPTER III**

## **THE TELECOMMUNICATIONS REGULATORY COMMISSION**

**Article (4):**

- a. A Commission called the "*Telecommunications Regulatory Commission*" answerable to the Minister shall be established in the Kingdom. It shall be a financially and administratively independent juridical personality, and, in such capacity, shall be entitled to own and dispose of movable and immovable property necessary to achieve its objectives, enter into contracts with third parties, and take all legal actions, including the right to litigate, and appoint the civil public prosecutor or any other attorney as its representative in judicial proceedings.
- b. The Commission shall enjoy all exemptions and facilities enjoyed by ministries, governmental entities, and official public sector organizations

**Article (5):**

The Commission shall have its headquarters in Amman, and shall be entitled to set up offices anywhere in the Kingdom.

**Article (6):**

The Commission shall undertake the following duties and responsibilities:

- a. To regulate telecommunications and information technology services in the Kingdom in accordance with the established general policy so as to ensure the provision of high quality telecommunications and information technology services to Beneficiaries at reasonable prices; and, by so doing, to make possible the optimal performance of the telecommunications and information technology sectors.
- b. To establish the basis for regulation of the telecommunications and information technology sectors, in accordance with the established general policy, in such a way that services meet the needs of the comprehensive development in the Kingdom in accordance with instructions issued by the Board for this purpose.
- c. To specify the minimum level of service quality which must be committed by licensees to meet the needs of Beneficiaries. This shall be done in consultation with licensees and shall be without the imposition of any specific technological solutions on them.

- d. To protect the interests of Beneficiaries and monitor the actions of persons and licensed parties to ensure that the conditions of Licenses are observed, including specified service standards, service quality, and prices; and to take the necessary legal actions in front of those who violate these conditions.
- e. To stimulate competition in the telecommunications and information technology sectors, relying on market forces, and so regulating them as to ensure the effective provision of telecommunications and information technology services and to ensure that its regulation is sufficient and effective to forbid or curtail illegal competitive practices or prevent any person with a dominant position in the market from abusing his position, and to take all necessary actions in this regard.
- f. To participate in the representation of the Kingdom in meetings, conferences, negotiations, and symposiums , and other international forums having to do with telecommunications and information technology.
- g. To encourage self-regulation by the telecommunications and information technology sectors.
- h. To establish and adopt the conditions and criteria for the granting of licenses for Telecommunications networks and services and for the use of Radio Frequencies.
- i. To manage the Radio Frequency Spectrum and to regulate the use of all terrestrial, maritime, aeronautical and space frequencies, including:
  - 1) Preparing and maintaining the National Table of Frequency Allocations.
  - 2) Preparing the National Plan for Frequency Allocations and the National Register of Frequency Assignments, in collaboration with the concerned parties in the military and Security entities.
  - 3) Maintaining the civilian portion of the National Plan for Frequency Allocations and the National Register of Frequency Assignments, and publishing them to the public.
- j. To regulate access to telecommunications networks and conditions of interconnection therewith in accordance with instructions issued by the Commission for this purpose, approve the interconnection agreements referred to in Paragraph (e) of Article 29 of this Law, and ensure that these agreements do not violate those instructions.

- k. To establish technical rules and standards for the connection of wire line or wireless equipment, including Telecommunications Terminal Equipment with the Public Telecommunications Networks, and to set the regulation procedures for importing such equipment into the Kingdom, taking into consideration the bases prescribed in the effective Standards and Metrology Law.
- l. To grant Type Approvals and to regulate the import and usage of Telecommunications Terminal Equipment required for individual and private uses, or for use in specific zones, and to monitor such usage.
- m. To gather information related to the telecommunications and information technology sectors in order to prepare and publish reports, pamphlets, and guidelines for Beneficiaries, as well as to prepare media programs required to increase the public awareness of the importance of these sectors and the extent of their positive impact on the economic and social development in the Kingdom.
- n. To issue an annual report describing the Commission's activities and achievements, technology developments, any variables in the established general policy relating to telecommunications services, and the future plans of the Commission, and to publish this report.
- o. To reassess the need for the adjustment of the level of regulation of any Telecommunication Services, or a specific type or a group thereof, taking into consideration competition factors and any other reasons, and to refer the same to the Board for approval.
- p. To propose draft laws dealing with the telecommunications and information technology sectors, refer them to the Ministry, and prepare the by-laws and establish the instructions related thereto.
- q. Any other tasks entrusted to it pursuant to the legislations in force.

**Article (7):**

**The Commission shall consist of:**

- 1) The Board of Commissioners.
- 2) The Executive Body.

## **Article (8):**

- a. The Commission shall be administered and supervised by a Board, known as the (Board of Commissioners), which shall be composed of five full-time members appointed by a resolution of the Council of Ministers, upon nomination by the Prime Minister based on the recommendation of the Minister, provided that there be amongst them distinguished experience in the field of Telecommunications. The Chairperson and Deputy Chairperson shall be named in this resolution.
- b. The term of the membership of the Board shall be four years, renewable for a similar term, with the exception that in the first Board formed in accordance with this article, two of the members shall have terms of two years. No membership shall be terminated before the expiry of the term for any reason except in accordance with the provisions of this Law.
- c. The Chairperson and the members of the Board, before the exercise of their duties, shall make the following oath before the Prime Minister:

*“I swear by Almighty God that I will be loyal to the King and country, that I will respect the prevailing laws and by-laws , and that I will perform the duties and responsibilities with which I am charged with honour, honesty, and devotion.”*
- d. The Minister, with the approval of the Prime Minister, may select two persons to represent specific, related governmental entities to participate in meetings of the Board, but without having the right to vote.
- e. The tasks and authorities of each commissioner will be specified in regard to supervision of departments of the executive body of the Commission, in accordance with instructions established by the Board for this purpose.
- f.
  - 1) Until the Board of Commissioners described in Paragraph (a) of this Article is appointed, the existing Board of Directors will continue to exercise its authorities in accordance with Article (12) of this Law, as well as any other powers stipulated in its provisions.
  - 2) In addition, the existing Director General of the Commission will exercise the authority of the Chief Executive Officer of the Commission according to Article (16) of this Law.



## **Article (9):**

- a. 1) No member of the Board, their spouses or first-degree or second-degree relatives, may have a direct or indirect interest in investments in the telecommunications and information technology sectors throughout the term of his membership on the Board.
- 2) Each member of the Board, before assuming the powers of his work, must submit a declaration in writing to the effect that there is no interest between him and the investors in the telecommunications and information technology sectors, and must inform the Board of any such interest that has developed or may develop during the term of his membership on the Board. Failure to do so shall be subject to legal liability.
- b. If any Board member violates the provisions of Paragraph (a) of this Article, he shall be prosecuted, as the case may require, for the crime of utilizing office or committing a breach of trust, and he shall be obliged to repay all the amounts received by him as a result of this violation, in addition to the compensation payable by him to any party who has suffered damage there from.

## **Article (10):**

- a. The membership of the appointed Board member shall be terminated for any of the following reasons:
  - 1) Resignation.
  - 2) Expiry of the term of membership.
  - 3) If he fails to attend three consecutive sessions or six non-consecutive sessions throughout the year without a reason acceptable to the Board.
  - 4) If the conditions of Paragraph (a) of Article (9) of this Law is confirmed.
  - 5) If he forfeits any condition of membership.
  - 6) If he is convicted of a crime or an offense against morals and honour.
  - 7) If he becomes incapable, either physically or mentally, to perform the duties assigned to him as a member of the Board.

- b. The Council of Ministers shall appoint an alternative member on the Board to complete the term of the member whose membership has, or has been, terminated, within a maximum period of one month therefrom.

**Article (11):**

The salaries, allowances, and other financial rights of the Chairperson and members of the Board shall be specified in the decree of appointment.

**Article (12):**

- a. The Board shall exercise all the necessary authorities to carry out the duties entrusted to the Commission by virtue of this Law, including the following:
  1. To study plans and proposals concerning the implementation of the general policy in the telecommunications sector, as approved by the Council of Ministers.
  2. To establish programs and issue instructions and decisions, and to take the necessary actions for this purpose.
  3. To grant licenses for the following:
    - To build, operate, and manage Public Telecommunications Networks and to provide Telecommunications Services to Beneficiaries, or
    - To build, operate, and manage Public Telecommunications Networks,
    - To provide Telecommunications Services to Beneficiaries. The above does not include the grant of licenses for business operation, profession practice, performance supervision, content approval and regulation related to any information activity via the means of Broadcasting Emission Service

The above does not include the grant of licenses for business operation, profession practice, performance supervision, content approval and regulation related to any information activity via the means of Broadcasting Emission Service.
4. To renew, modify, or cancel any of the licenses mentioned in Paragraph (3) of this Article in accordance with this Law and by-laws issued pursuant thereto; to monitor the performance of their terms, and to announce the grant of these licenses by the means the Board deems proper.

5. To grant the licenses for the use of the allocated and assigned Radio Frequencies.
6. To approve the Commission's policies, particularly those related to encouragement of competition, prevention of monopoly, and the Allocation and Assignment of Radio Frequency Spectrum and the provision of services.
7. To establish the bases for determining rates and rents for Telecommunications Services offered to Beneficiaries by Licensees, in line with the state of competition in offering of services and service levels, and monitor the compliance of Licensees as may be necessary.
8. To set the rates and rents of Telecommunications Services offered to beneficiaries in the case where competition is absent or weak because of the dominance.
9. To follow up the imposition of penalties on those violating license conditions or the provisions of this Law.
10. To prepare recommendations concerning the appropriation of land for the use of Licensees pursuant to the provisions of this Law and legislations in force.
11. To consider complaints submitted to the Board by the Beneficiaries against Licensees, as well as complaints submitted by Licensees, and to take the necessary actions concerning them; with the exception of disputes having to do with financial obligations resulting from the implementation of valid agreements.
12. To appoint such consultative committees as may be necessary to assist the Commission in the discharge of its duties.
13. To adopt the technical specifications and standards for connecting Telecommunications Terminal Equipment and other equipment, either wire-line or wireless, to Public Telecommunications Networks, as well as approve the procedures for bringing such equipment into the Kingdom, and publish these specifications and standards in the Official Gazette and any other media.
14. To adopt a national numbering plan for Public Telecommunications Services, to assign numbers for these services and their providers, on the basis of objectivity, transparency, and impartiality.

15. To adopt a list of the technical terms used in the Telecommunications sector and the meanings assigned to them in the Kingdom, and to publish these in the Official Gazette and other media.
  16. To propose the by-laws and issue the instructions necessary to implement the universal service policy with regard to telecommunications and information technology services.
  17. To set the returns the Commission shall receive for licenses and permits.
  18. To set the returns or rents the Commission shall receive for the services it renders.
  19. To approve the Commission's annual estimated budget and to submit it to the Minister for presentation to the Council of Ministers for approval.
  20. To approve the annual report issued by the Commission, the balance sheet, final accounts, and the assessment review report mentioned in Paragraph (o) of Article (6) of this Law; and to submit them to the Minister for presentation to the Council of Ministers.
  21. To approve the organizational structure and job descriptions of the executive body of the Commission.
- b. The Board may delegate in writing to the Chairperson or any member of the Commission any authority granted to the Board by this Law and the by-laws issued pursuant thereto.

### **Article (13):**

In the course of conducting the tasks and duties entrusted to the Board pursuant to the provisions of this Law, it may:

- a.** Enter into contracts or cooperate with specialized organizations, scientific or technical Institutions in order to perform certain functions and tasks of the Commission.
- b.** Entrust some of the technical tasks of the Commission to other governmental departments which have the technical and administrative capabilities necessary therefore.

### **Article (14):**

- a) The Board shall meet at least once a month upon a call by its Chairperson or his Deputy in his absence, and the meeting shall be legally valid if attended by a majority of members, provided the Chairperson or his Deputy shall be present. The Board shall pass its resolutions by the majority of votes of Board members at least. Any dissenting member shall record his signed dissent in the minutes of the meeting.
- b) Two members of the Board may request in writing from the Chairman to call for the Board to convene in order to discuss specific matters. In this case, the Board must be called for a meeting within a maximum period of seven days from the date of receipt of the request.
- c) The Board may form one or more technical and consultative committees to offer advice to it or to the Commission, and the Board may decide to dispense rewards to the members of these committees who are not employees of the Commission.
- d) The Chairperson shall select one of the employees of the Commission as the secretary to the Board, to prepare the agenda of the Board, record the minutes of the sessions, keep records of the Board's activities, and perform any other duties or tasks assigned to him by the Board.

### **Article (15):**

The Chairperson is the Chief Executive Officer of the Commission and shall represent it before all other parties and departments; the Deputy Chairperson shall exercise his duties in his absence.

**Article (16):**

- a) The Chairperson shall assume the following tasks and authorities:
1. To execute the Board's decisions.
  2. To supervise the executive body of the Commission, to follow up its financial and administrative affairs, and to coordinate the work between the Commission and any other concerned party.
  3. To propose the organizational structure of the executive body of the Commission and to make available the human and technical resources necessary for the Commission to perform its duties.
  4. To sign contracts and agreements approved by the Board.
  5. To prepare and submit the Commission's annual supposed budget to the Board.
  6. To prepare and submit to the Board the annual report of the activities of the Commission, its balance sheet, and final accounts for the previous fiscal year.
  7. To follow up the implementation of the review report prepared by the Commission in accordance with the provisions of Paragraph (o) of Article (6) of this Law.
  8. Any other authority accorded to him by the by-laws issued pursuant to the law or delegated to him by the Board.
- b) The Chairperson may delegate any of his authorities stipulated in this Law and the by-laws issued pursuant to it to his Deputy, any member of the Board, or any employee of the Commission, provided that such delegation shall be specific and in writing.

**Article (17):**

The Commission shall have its own executive body of officers and employees, whose appointment or contracts, employment conditions, salaries, allowances, remuneration, rights, duties and all other matters shall be determined pursuant to a by-laws to be issued for this purpose.

**Article (18):**

**The Commission's financial resources shall consist of the following sources:**

- a. The returns of the issuance and renewals of licenses and permits.
- b. The rents and revenues charged by the Commission for the services provided by it.
- c. The proceeds of the fines imposed pursuant to the provisions of this Law.
- d. The grants received by the Commission with the approval of the Council of Ministers.
- e. The funds assigned for it in the general budget of the State.
- f. Any other resources approved by the Council of Ministers.

**Article (19):**

- a. The Commission shall have its independent budget, which, with its final accounts, shall be agreed by the Board and approved by the Council of Ministers.
- b. The Commission's fiscal year shall start on the first of the month of January and shall end on the thirty-first of the month of December of the same year.
- c. Subject to approval by the Council of Ministers, the Board shall appoint a chartered auditor to audit the Commission's accounts. Such auditor shall submit his report to the Board to be submitted by it to the Council of Ministers.
- d. Surpluses realized by the Commission shall accrue to the State treasury.
- e. The Commission's funds and rights with third parties shall be considered state-owned funds, and shall be collected pursuant to the provisions of the State Funds Collection

Law in force. For purposes of applying the provisions of this Paragraph, the Chairperson shall perform all the authorities vested in the Administrative Governor and the State Funds Collection Committee stipulated in the said Law.

# **CHAPTER IV**

## **LICENSING OF TELECOMMUNICATIONS NETWORKS**



**Article (20):**

The establishment, operation, and administration of Public Telecommunications Networks, as well as the provision of Public Telecommunications Services, are not permitted unless a license has been obtained in this regard in accordance with the provisions of this Law.

**Article (21):**

Subject to the provisions of Article 22 of this Law, Private Telecommunications Networks may be established and operated without a license from the Commission, except for the license required for the use of Radio Frequencies.

**Article (22):**

The Commission may issue instructions specifying types of private networks, including guidelines and technical conditions related to their establishment and operation. The Commission may stipulate that its prior approval should be obtained for the establishment of certain types of these networks, when found to be necessary.

**Article (23):**

Private Telecommunications Networks may be connected to each other or to a Public Telecommunications Network pursuant to a written agreement between the owners or operators of these networks, as circumstances may require, and in accordance with instructions issued by the Commission incorporating the guidelines and technical conditions necessary for the connection. The Commission may stipulate that its prior approval be obtained for the connection of certain types of these networks, when found to be necessary.

**Article (24):**

A person who owns, operates, or manages a Private Telecommunications Network may not provide Public Telecommunications Services by means of that network.

### **Article (25):**

- a) The Council of Ministers, upon a recommendation by the Minister based on a commendation by the Board, may decide to license the establishment, operation, and management of Public Telecommunications Networks, or the provision of Public Telecommunications Services, whether throughout or in part of the Kingdom . In such case, the Board shall publish its desire to license through the means it deems fit together with the instructions related to the procedures of and criteria for the selection of licensees, depending on the nature of the service to be provided.
- b) In implementing the provisions of Paragraph (a) of this Article, the Board shall declare its desire to license by the way it deems fit, including the following:
  - 1. Announcing the desire to license the service by public tender, in accordance with the bases and conditions approved by the Board.
  - 2. Allowing the submission of applications for the licensing of a new service by whoever meets the conditions approved by the Board.
  - 3. Proposing to licensees to offer new services within the Kingdom.

### **Article (26):**

In addition to the technical and any other conditions, the following matters shall be observed in the procedures of license granting:

- a) All those wishing to obtain a license shall be given the opportunity to submit their proposals or applications if they meet the conditions specified by the Commission.
- b) The proposal or application shall be based on the undertaking to provide the service to all of those wishing to obtain it within a reasonable period and at fair rates.
- c) The components of the proposal shall be based on fair and lawful competition with holders of previous licenses.

**Article (27):**

- a. The applicant for a license should enclose with the application the following documents:
- 1) Acceptable statements illustrating the technical and administrative ability of the applicant to provide the service.
  - 2) Acceptable statements illustrating the financial ability of the applicant and the funding sources of the project.
  - 3) Bases of pricing of the proposed services and the method of their calculation.
  - 4) Types of the proposed services, the geographical area to be covered, and the technology used in the service.
  - 5) Any other statements or documents prescribed by the Board.
- b. In accordance with instructions the Board issues for this purpose, it may exempt from providing any of the documents mentioned above in Paragraph (a) of this Article if the Board determines that such documents are not necessary to specific licenses.

**Article (28):**

The Board shall have the right to decide to exclude any licensees if it deems that their participation in the competition over the new licenses would lead to an anticompetitive condition in the market.

**Article (29):**

The license shall be issued by virtue of a resolution by the Board, provided that a contract of an administrative nature is drawn up including the following terms and conditions in addition

to any other conditions stipulated in this Law, or the By-Laws issued pursuant thereto, or any exceptions determined by the Board:

- a. The returns payable to the Commission for the licenses, their duration, the returns of their renewal and any other lump sum or periodical returns or financial rights which must be paid by the licensee.
- b. The Licensee's commitment to submit the information and data relevant to the subject matter of the license, which are required from time to time or periodically by the Commission, and the Commission staff shall be entitled to verify the genuineness of the said information.
- c. The Licensee's commitment to abide by any instructions issued by the Board or the Chairperson in implementation of the general policy of telecommunications, including the conditions of subscription contracts drawn up between the Beneficiaries and the licensee.
- d. The Licensee's commitment to provide the necessary financial guarantees to reimburse the amounts due to subscribers, such as fees and deposits, in case the license is revoked.
- e. The Licensee's undertaking to enter into interconnection agreements with other licensees in accordance with the stipulations of Paragraph (j) of Article (6) of this Law; in addition to his undertaking to prepare and publish the conditions required to connect and use any equipment or device to his network, provided that such conditions are in agreement with the instructions or decisions issued by the Commission in this regard.
- f. The Licensee's undertaking to provide free of charge emergency telecommunications services to the Beneficiaries in accordance with the arrangements and limits to be determined by the Commission in cooperation with the parties concerned.
- g. The Licensee's commitment to offer the necessary facilities to the competent parties to implement the judicial and administrative orders related to tracing the telecommunications specified in those orders.
- h. The Licensee's undertaking to provide the service to applicants or Beneficiaries on equal footing and without discrimination, except for national security requirements or what is considered as tolerance for operational, social or humanitarian reasons.
- i. The Licensee's commitments to announce in advance the rates of the services and the methods of their collection.

- j. The Licensee's undertaking to cooperate with the Directory service in accordance with the instructions issued by the Commission.
- k. The extent of the licensee's right to rent out or resell services.
- l. Cooperation with all other license holders in order to facilitate the provision of services to Beneficiaries.
- m. The Licensee's commitment to provide the licensed service to applicants thereof within a reasonable period of time and to arrange to cover the whole geographical area assigned to him with the licensed service.

**Article (29 bis):**

Every Licensee shall conclude interconnection agreements with other Licensees as required by the license of each of them; these agreements shall address all the technical, operational, administrative, financial, and commercial terms and conditions that will ensure the flexibility required for implementation by the involved, taking the following into consideration:

- a. Preparation of the agreements in accordance with the instructions issued by the Commission pursuant to Paragraph (j) of Article (6) of this Law.
- b. Inclusion in the agreements of the conditions of their termination, revocation, and amendment procedures as well as the procedures to be followed in the case of breach by either party.
- c. Approval by the Commission is a prerequisite for these agreements to become effective.

# **CHAPTER V**

**FREQUENCY MANAGEMENT**

**AND**

**LICENSING**

**Of**

**THEIR USE**

### **Article (30):**

The Frequency Spectrum is a national resource, the use of which shall be regulated by the Commission in accordance with this Law. The Commission shall prepare the tables, plans, and registers necessary for this purpose as stipulated in this Law, and the portion assigned for civilian use shall be published to the public.

### **Article (31):**

- a. Subject to the provisions of Paragraph (b) of this Article, no person may use any electromagnetic waves below 3,000 gigahertz transmittable in space without obtaining a license thereto in accordance with conditions specified by the Board.
- b. The Jordanian Armed Forces and Security Departments, in coordination with the Commission, may use Radio Frequencies allocated and assigned for their use without a license, provided that no interference is caused thereby to other Radio Frequencies. The military and security bodies may also use other Allocated frequencies, provided that they obtain the approval of the Commission thereto and comply to the same licensing conditions applied on other Licensees, and provided that they do not cause any harm to other users of Radio Frequencies. In this case, they will be exempted from licensing fees.
- c. Subject to the provisions of any other law that requires the acquisition of a license to operate broadcast services, operators of these services, including radio, television, satellite broadcasting, and reception equipment, must obtain licenses to use the Radio Frequencies assigned by the Commission.

### **Article (32):**

Based on the representation of the Minister that is based on the recommendation of the Board, the Council of Ministers may authorize the use of public tendering to grant licenses to use the Radio Frequency Spectrum in cases where this method will serve the public interest, provided that the revenues expected from this method shall not be the sole or main reason for the determination of this interest.

**Article (33):**

- a. A committee called the “Consultative Committee for Frequencies” shall be formed under the chairmanship of a representative of the Commission, who is to be selected by the Board, and shall include the following as members:
  - 1) A representative of the Armed Forces to be nominated by the Chairman of the Joint Chiefs of Staff, and another representative of the Security Departments to be nominated by the head of the concerned department.
  - 2) Four members having experience and expertise in the subject, to be selected by the Board on the recommendation of the Chairperson of the Board.
- b. The committee shall give advice to the Commission on the Allocation of Radio Frequencies, taking into consideration any commercial, governmental, and security current uses, as well as the new technologies that may be used.
- c. The committee shall convene upon a call by its chairperson, or its vice-chairperson in the case of the chairperson’s absence. Its meeting shall be valid if attended by a majority of its members, provided that the chairperson or vice-chairperson is one of them. The committee shall adopt its recommendations by unanimous or majority vote of those present; in the event of a tie, the vote of the chairperson shall be considered a casting one.
- d. The chairperson of the Board shall appoint one of the employees of the Commission to act as a secretary to the committee. The secretary shall prepare the agenda of the committee’s meetings, record its minutes, keep its documents and transactions as well as follow up all administrative matters assigned to him by the chairperson.

**Article (34):**

After seeking the opinion of the Consultative Committee for Frequencies, the Board shall set a plan for the Assignment of Radio Frequencies, and shall review and amend such plan whenever necessary. The plan shall take into consideration the National Table of Frequency



Allocations, the National Plan for Frequency Assignment as well as the policies and objectives related to future uses of the Radio Frequencies in the Kingdom.

**Article (35):**

Subject to the exceptions stipulated in Article (36) of this Law, no Radio Station may be possessed or used on the territories of the Kingdom, or on board a vessel or aircraft registered in the Kingdom, unless a License is obtained thereto in accordance with the provisions of this Law; nor may a Radio Station be entered into the Kingdom, unless its entry is allowed by the Commission.

**Article (36):**

- a. The Jordanian Armed Forces and Security Departments shall be excluded from the provisions of Article (35) of this Law.
- b. The Board has the right to exclude the following parties from the provisions of Article (35) of this Law:
  - 1) Foreign vessels and aircraft, land transportation and transit services passing through Jordanian territorial waters, skies or territories or landing at its seaports or airports.
  - 2) Foreign embassies, on condition of reciprocal treatment and the acquisition of a renewable permit.

**Article (37):**

- a. The Licensee should abide by the use of the Radio Frequencies, as well as the conditions and standards on the basis of which the License was given, including the following:
  - 1) The frequencies of radio spectrum Assigned to him.
  - 2) The type and specifications of both the antenna and the Radio Station.
  - 3) The authorized geographical area for the mobile equipment.
  - 4) The site where the antenna shall be erected.
  - 5) Qualifications of the person operating the Radio Station.
  - 6) Any other technical conditions that may assist in the effective use of the frequencies.

- b. The Commission shall monitor the use of the Radio Frequencies Assigned to the Licensee.

# **CHAPTER VI**

## **RENEWAL, AMENDMENT AND CANCELLATION OF LICENSES**

**Article (38):**

A specific period of validity shall be set for the Public Telecommunications Network License or the License for the use of the frequencies, and it shall be renewed pursuant to instructions issued by the Commission.

**Article (39):**

- a. Subject to the provisions of Paragraph (b) of this Article, the Board may decide to amend one or more of the licensing conditions. Such amendment shall be made according to the following procedure:
  1. The Board shall notify the Licensee in writing of the amendment, its reasons and the period set for its implementation. The Licensee may submit his objection to that amendment within the period set by the Board.
  2. The Board shall invite the objector to discuss and hear the reasons of his objection; it consequently may decide either to approve the amendment, or postpone its enforcement or accept the objection.
- b. The amendment of the licensing conditions shall not be restricted to a single Licensee with the exclusion of others, if the reasons calling for such amendment are available too in the licensing conditions of the other Licensees.

**Article (40):**

The Board may cancel the License entirely or for a specific service or in a specific area if the Licensee commits a violation of the License conditions or the provisions of this Law or the By-Laws issued pursuant to it, or the instructions of the Board, or causes harm to others and fails to correct his situation within 30 days of a written warning by the Chairperson, or if he exceeds 30 days not carrying out the Commission's instructions without a reason that is acceptable to the Board.

**Article (41):**

The license shall be cancelled if the Licensee fails to pay the set returns for renewal of the License on the due date.

**Article (42):**

The License shall be cancelled ipso facto when the licensee is liquidated, declared bankrupt or incapacitated.

**Article (43):**

A Licensee whose License has been cancelled in accordance with the Law shall not be entitled to claim any compensation or recover any returns paid for obtaining the License, renewing it, or for any other reason.

**Article (44):**

The Licensee shall refrain from accepting new subscriptions as from the date of his notification of the cancellation of the License. Moreover, effective from the date of cancellation of the License, he shall not continue working except as necessary for the transfer of the subscribers to another Licensee upon a written approval of the Commission.

**Article (45):**

A person whose License has been cancelled may not apply for a License before the lapse of at least two years from the cancellation of his License.

**Article (46):**

The decision to cancel the License shall not prevent the right of those harmed by the Licensee's violations to claim damages, or the right of subscribers to claim compensation or reimbursement of the fees due to them.

**Article (47):**

The License is personal and non-transferable. The Board shall have the right to approve the transfer of the License to another person in accordance with the set conditions and returns.

# **CHAPTER VII**

## **TYPE APPROVALS AND AUTHORIZATION OF TELECOMMUNICATIONS EQUIPMENT**

**Article (48):**

- a. The Commission shall set technical rules and standard specifications applicable to Telecommunications and Telecommunications Terminal Equipment to ensure that they do not cause damage to telecommunications networks or services or to public health and safety, or the environment. When setting such rules and specifications, the Commission shall coordinate with other bodies that set specifications in the Kingdom, including the Jordanian Institute for Standards and Metrology, and shall publish them in the Official Gazette and in two local daily newspapers and other media so as to make them available to interested parties.
- b. No person who provides Telecommunications services, supplies Telecommunications equipment or sells them may use, supply or sell any telecommunications equipment that does not comply with the technical rules and standards set by the Commission.

**Article (49):**

The importer or anyone wishing to import Telecommunications equipment of which the specifications have not been announced may apply to the Commission for its approval prior to the importation of such equipment, provided that his application be supported by the manufacturing company's manual indicating their specifications, In coordination with the concerned parties.

**Article (50):**

The manufacturing of any Telecommunications equipment prepared to be marketed in the Kingdom shall be subject to the standard specifications approved by the competent parties.

**Article (51):**

Based on the recommendation of the Chairperson, the Board shall issue the instructions that specify the conditions and procedures for obtaining the approval for the entry into the Kingdom of Telecommunications equipment and Telecommunications Terminal Equipment, as well as for their use, retention, and sale.

# **CHAPTER VIII**

## **CONTROL OF LICENSEES AND PROTECTION OF BENEFICIARIES**

**Article (52):**

Everyone licensed to offer a Public Telecommunications Service shall set up a special section for receiving complaints of Beneficiaries and subscribers, and shall strive to avoid the causes of the complaints if they are related to the standard, quality or method of the service.

**Article (53):**

Subject to the provisions indicated in Item (7), Paragraph (a) of Article (12) of this Law, the Licensee may not increase the rents or prices of his services except after the publication of the new fees or prices in two daily local newspapers within at least one month, provided that these rents or prices will not exceed what is stated in the conditions of the licensing agreement, or the instructions and decisions issued by the Commission. In all cases, the Licensee shall inform the Commission of any changes he makes to those rents or prices.

**Article (54):**

If the Commission receives any complaint regarding a default on the part of the Licensee, or of a dispute between the Licensee and the Beneficiaries concerning the standard of service, or the violation of the conditions of the License, the Commission may investigate the reasons of the complaint and make the decision it deems proper. Such decision shall be considered final and binding on the Licensee.

**Article (55):**



The licensee shall submit to the Commission an annual report in which he indicates the available technical, administrative and financial aspects that guarantee providing the licensed service to the Beneficiaries at the required standard.

**Article (56):**

Telephone calls and private Telecommunications shall be considered confidential matters which may not be violated, under legal liability.

**Article (57):**

In coordination with the Licensee, the Commission may set rules and procedures to be followed in dealing with annoyance complaints when received by the Licensee, as well as set the procedures for verifying such complaints and the necessary measures to decrease nuisance calls in general.

**Article (58):**

- a. A Telecommunications service may not be withheld or cancelled for Beneficiaries unless the Beneficiary has caused material damage to the network during his use of the service, has used the Telecommunications service in a way that violates effective legislations or public morals, or has defaulted on payment of due fees and rents despite being warned in writing.
- b. Under no circumstances may a Telecommunications service be withheld from a Beneficiary as a consequence of financial, administrative, or technical disputes between Licensees, except in accordance with the procedures outlined in the interconnection agreements executed in accordance with Paragraph (e) of Article (29) and Article (29bis)) of this Law.

**Article (59):**

The Commission shall verify the Licensees' compliance with the License conditions and the provisions of the Law, and may take any actions it deems appropriate for this purpose, including:

- a. Conducting a physical on-site inspection of network locations and Telecommunications equipment.
- b. Examining the Licensee's technical records and ensuring that sound and accurate systems are being used for issuing invoices.
- c. Ensuring the standard of service provided to Beneficiaries and their complaint.
- d. Reviewing the Licensee's records of maintenance and defects to ensure the efficiency of the service management.

**Article (60):**

- a. The concerned bodies in the Commission shall adjudicate the complaints rendered by Beneficiaries against Licensees, as well as the complaints rendered by Licensees against other Licensees.
- b. The specialized Commissioner shall be responsible for concluding a settlement, drawing up guidelines for negotiations between the disputants, or to adjudicate the dispute himself or by means of one or more persons he appoints for this purpose. His decision shall be implemented immediately upon issuance, and objections to the decision will be permitted before the Board within thirty days of the date of issuance; otherwise the decision will be considered final.

**Article (61):**

A Licensee operating a Public Telecommunications Network shall be obliged to prepare a Directory regarding all the information related to such network and its subscribers, and shall provide the Directory service to those wishing to benefit therefrom in accordance with the instructions issued by the Commission.

# **CHAPTER IX**

## **SEIZURE AUTHORITY**

**Article (62):**

The Chairperson, or any person authorized by him in writing, shall have the right to enter any place suspected of containing unlicensed equipment or networks, or equipment used for jamming telecommunications networks, or where activities contrary to this Law or to the By-Laws issued in pursuance thereof are being conducted. They shall be entitled to search the place, with the exception of residences where a permission must be obtained from the competent Public Prosecutor prior to entry therein. In any case, the employee conducting the search shall fill in a report thereon and submit the same to the Chairperson.

**Article (63):**

- a. The Commission's employees authorized to seize violations shall be considered as judicial seizure officers, and the reports prepared by them shall be valid until proven otherwise, provided that the seizure conditions stipulated in the Penal Trial Code Law in force are observed.
- b. Civil and Military Authorities as well as Public Security Forces shall extend to the Commission's employees every possible assistance to perform their work in seizing violations.

**Article (64):**

- a. The Commission employees may seize any Telecommunication sets or equipment that are unlicensed, illegal or used in an unlicensed activity, against a receipt in writing indicating the type and specifications of the equipment, and deliver these equipment to the Commission.
- b. Seized equipment that are ineligible for licensing shall be confiscated, while equipment that can be licensed shall be retained until they are licensed.

- c. If the seized equipment are not licensed or their owner fails to claim them within six months from the date of their seizure, the Board may issue a resolution to confiscate the same.
- d. The Board shall decide upon the method of disposing of the confiscated equipment.
- e. The confiscation of illegal equipment shall not prevent imposition of other penalties stipulated in this Law or in any other law.

**Article (65):**

- a. The Commission shall have the right to trace the source of any radio waves to ascertain the licensing of that source, without this being considered as breach of the confidentiality of communications or violation of the provisions of the laws in force.
- b. The contents of the communications intercepted while tracing their source under Paragraph (a) of this Article shall not be spread or publicized. Any employee who spreads or publicizes the content of those communications shall be subject to the penalties provided by Law.

**Article (66):**

Subject to the provisions of the other laws, and with the exception of the crimes stipulated in Articles (71-79) of this Law, the Board may conduct a compromise settlement in cases of violation of the provisions of this Law before initiating Public Prosecution, by substituting, wholly or partially, the penalties and fines stipulated in this Law with a pecuniary fine not less than double the determined fine which shall be paid directly to the Commission.

# **CHAPTER X**

## **APPROPRIATION**

**Article (67):**

- a. If the establishment of Public Telecommunications Networks requires fixing poles or erecting towers or laying ground cables or spreading aerial wires through private lands or real properties, agreement thereon shall be concluded with the owner. If it is impossible to come to terms with the owner, the Licensee may submit the plans to the Commission indicating thereon the trespasses that will occur on private properties.
- b. If the Commission finds that those works are necessary for the establishment of the network and that their execution through the private lands or real property would not prevent their exploitation or their use by their owners, the Board may issue a resolution allowing the Licensee to execute said works, provided that the former situation shall be restored and a fair compensation, assessed by experts chosen by the Commission, shall be paid to the owners of those real properties, or as assessed by the court upon the request of either party

**Article (68):**

If the establishment of Public Telecommunications Networks requires acquisition of real property by the Licensee and the owner refuses to sell him that real property or part thereof at a fair price, the Licensee shall have the right to request the appropriation of that real property or the part thereof necessary for the establishment of the network, according to the following procedures:

- a. To submits an application to the Commission requesting that the necessary legal actions be taken to have the ownership of that real property or the part thereof transferred to him, justifying his application by technical reasons.
- b. If the Board finds, upon the recommendation of the Chairperson, that such real property is necessary for the establishment of the network and that there are no other technical

solutions, it shall recommend to the Council of Ministers to approve the appropriation of that real property or the part thereof necessary for the benefit of the Licensee, as the establishment of the network is a " public utility project" in the sense intended for it in the Appropriation Law.

- c. If the Board decides to recommend to the Council of Ministers to approve the appropriation of that real property, it shall instruct the licensee to deposit the amount the Board deems to be a fair compensation for the appropriated real property, pursuant to the assessment of one or more experts entrusted by the Commission with the task of assessing the real property or the part thereof to be appropriated.

#### **Article (69):**

The Licensee shall, in coordination with the Commission, agree with the Ministry of Public Works or Greater Amman Municipality, or other Municipalities or Government Institutions, on arrangements and compensations related to the laying of ground or aerial networks on roads, streets, squares and public squares under their administration.

#### **Article (70):**

If a tree or group of trees obstruct the spreading of aerial wires of a Public Telecommunications Network and it was impossible to reach an agreement with the owner, the Licensee may request the Commission to issue an order to their owner to remove them, if he so wishes, or to allow the Licensee to remove the same in consideration for a fair compensation to be paid by the Licensee as stated in this Law.



# **CHAPTER XI**

## **CRIMES AND PENALTIES**

**Article (71):**

Any person who spreads or discloses the content of any communication through a Public or Private Telecommunications Network or a telephone message which came to his knowledge by virtue of his post, or records the same without any legal basis, shall be punished by imprisonment for a period not less than one month and not exceeding one year, or by a fine not less than (JD100) and not more than (JD300), or by both penalties.

**Article (72):**

- a. Any person who intentionally sabotages Telecommunications installations or deliberately causes damage thereto shall be punished by imprisonment for a period not less than three months and not exceeding two years, or by a fine not less than (JD200) and not more than (JD5000), or by both penalties. The penalty shall be doubled if his act causes break down of the Telecommunications traffic.
- b. Any person, who, negligently, causes the destruction of or damage to the Telecommunications installations, shall be punished by imprisonment for a period not exceeding three months or by a fine not more than (JD100), or by both penalties.

**Article (73):**

Any person who destroys a Telecommunications equipment assigned for public service shall be punished by imprisonment for a period not less than one month and not exceeding one year, or by a fine not less than (JD50) and not more than (JD200), or by both penalties.

**Article (74):**

Any person who uses or assists in using illegitimate means to conduct Telecommunications without paying fees shall be punished by imprisonment from one month to three months, or by a fine from (JD100) to (JD1000), or by both penalties.

**Article (75):**

- a. Any person who originates or forwards, by any Telecommunications means, threatening or abusive messages, or messages contrary to public morals, or forwards false information with the intent to spread panic shall be punished by imprisonment for a period that is not less than one month and not exceeding one year or by a fine of not less than (JD300) and not more than (JD2000), or by both penalties.
- b. Any person who provides or contributes to the provision of Telecommunications services in violation of public order or public morals shall be punished by the penalties stipulated in Paragraph (a) of this Article in addition to the application of the provisions stipulated in Article (40) of this Law.

**Article (76):**

Any person who intercepts, obstructs, alters or strikes off the contents of a message carried through the Telecommunications networks or encourages others to do so shall be punished by imprisonment for a period not less than one month and not exceeding six months, or by a fine not more than (JD200), or by both penalties.

**Article (77):**

Any person who withholds a message he is obliged to transmit through Telecommunications networks to another person, or refuses to transmit messages he has been asked to transmit by the Licensee or the Commission, or copies or reveals a message or tampers with the information related to any subscriber, including unpublished telephone numbers and sent or

received messages, shall be punished by imprisonment for a period not exceeding six months or a fine not more than (JD1000), or by both penalties.

**Article (78):**

- a. Any person who establishes, operates, or manages a Public Telecommunications Network for the purpose of providing Public Telecommunications Services in contradiction to the provisions of this Law, shall be punished by imprisonment for a period not less than three months, or by a fine not less than (JD 5000) and not more than (JD25000), or by both penalties.
- b. Any person who establishes, operates, or manages a Private Telecommunications Network in contradiction to the provisions of this Law shall be punished by imprisonment for a period not less than one month and not exceeding three months, or by a fine not less than (JD 2000) and not more than (JD5000), or by both penalties.

**Article (79):**

Any person who uses a Public or Private Telecommunications Network in an illegal way or connects his network with another Telecommunications network without having the right to do so, or hinders the delivery of services from other Telecommunications networks, or endangers the national interests shall be punished by imprisonment for a period of not less than one month and not longer than six months, or a fine of not less than (JD2000) and not more than (JD5000), or by both penalties.

**Article (80):**

- a. Any person who deliberately makes any action to intercept, interfere with, or interrupt Radio Waves Assigned to others shall be punished by imprisonment for a period not less than six months, or by a fine not less than (JD5000) and not more than (JD25000),

or by both penalties.

- b. Any person who deliberately uses Radio Waves without a license shall be punished by imprisonment for a period not less than one month, or by a fine not less than (JD2000) and not more than (JD5000), or by both penalties.

**Article (81):**

Any person, who enters Telecommunication equipment in contradiction to the provisions of Article (35) of this Law shall be punished by imprisonment for a period not exceeding one month or by a fine not less than (JD100), and not more than (JD500).

**Article (82):**

Any person who imports or trades in Telecommunications equipment that is not in compliance with technical standards, or bears inaccurate information which is against the provisions of Articles (48), (49), (50), and (51) of this Law shall be punished by imprisonment for a period of not less than one month and not exceeding one year, or by a fine not less than (JD100) and not more than (JD2000), or by both penalties.

**Article (83):**

Any person who keeps or operates a Radio Station in contradiction to the provisions of this Law shall be punished by imprisonment for a period not less than one month and not exceeding six months, or by a fine not less than (JD100), and not more than (JD500), or by both penalties.

**Article (84):**

In addition to the penalties stipulated in Articles (78) and (79) of this Law, the competent court may, pursuant to a request by the Commission, decide to bind the offender to pay an amount not less than double the fees payable for licensing that service if it were licensed, in the form of civil liabilities in favor of the Commission.

## **CHAPTER XII**

### **FINAL PROVISIONS**

**Article (85):**

The preceding Articles shall not prevent the right of any person suffering harm from any violation of the provisions contained in these Articles to claim for damages and personal rights. .

**Article (86):**

- a) The Board, with the approval of the Council of Ministers, may establish in the Commission a fund that enjoys financial independence and has its special account.
- b) The purpose of this fund shall be to increase the universality of telecommunications and information technology services in the Kingdom and to contribute to the expansion and development of the infrastructure of these services where actually needed for areas of collective habitation.
- c) The composition of the financial sources of the fund shall be the following:
  - 1) Amounts assigned to it by a decision of the Council of Ministers, upon the recommendation of the Board, from the returns provided for in Paragraph (a) of Article (18) of this Law.
  - 2) The support provided to the fund by the Licensees on the issuance or renewal of their licenses.
  - 3) Any other source agreed upon by the Board.

- d) All matters pertaining to the work organization of the fund, its management, control and expenditure shall be specified in a special By-Law that shall be drawn up for this purpose.

**Article (87):**

If the Licensee violates the conditions of the License or refrains from providing the service, the Board may, by virtue of a justified decision, assume supervision of the operation, or assume the management of the licensed Telecommunications network for the period the Board deems proper.

**Article (88):**

Neither the Licensees nor the persons suffering harm shall be entitled to claim compensation for any damages resulting from the measures taken pursuant to the provisions of Article (87) of this Law.

**Article (89):**

By virtue of a resolution by the Council of Ministers, the Telecommunications Corporation (TCC) shall be registered as a public joint-stock company, the whole shares of which shall be state-owned. It shall be registered with the Companies Controller pursuant to the provisions of the Companies Law in force and shall be granted the necessary License to establish, manage and operate Public Telecommunications Networks by virtue of a licensing agreement drawn up between the Commission and this company.

**Article (90):**

- a. All Licensees or those permitted to own and operate Telecommunications networks or to use Radio Waves shall adjust their states of affairs with the provisions of this Law within a maximum period of six months from its effective date. Licenses and permits granted pursuant to the provisions of the Laws in force prior to the effective date of this Law shall be valid until their expiry date.
- b. As of the effective date of this Law, the Commission shall become the legal successor of the TCC in all matters related to the regulation of the Telecommunications sector, the issuance of licenses or permits for the operation of Telecommunications networks or the use of Radio Frequencies, and the transactions and documents related to the valid licenses and permits shall be transferred thereto.

**Article (91):**



- a. The Council of Ministers shall issue the By-Laws necessary for the implementation of the provisions of this Law, including the By-Laws related to the Commission's works and activities, the Financial By-Law, the Supplies By-Law, the Employees' By-Law and their Saving and housing Fund.
- b. Pending the issuance of the By-Laws stipulated in Paragraph (a) of this Article, the By-Laws issued under the laws in force or those repealed by this Law shall remain in force in as much as the provisions of those By-Laws are not in contradiction with the provisions of this Law.

**Article (92):**

Each of the following shall be repealed:\*

- a. The Radiotelegraphy Law of 1934 and the amendments thereto.
- b. The Telecommunication Corporation Law No. (29) of 1971 and the amendments thereto.
- c. Any provision in any other legislation to the extent that it contradicts with the provisions of this Law.

**Article (93):**

The Prime Minister and Ministers are entrusted with the implementation of the provisions of this Law.

\* *Article (92) has been amended by virtue of the Amending Law of the Telecommunications Law No. (6) of 2000, which was published in the Official Gazette, NO. 4416, dated 01.03.2000, where Paragraph (B) was added thereto.*

