

UNOFFICIAL TRANSLATION

Telecommunications Regulatory Act & Amendments

CHAPTER ONE Definitions and General Rules

Article (1): In the application of this Act, the following terms and expressions shall have the meanings assigned to each of them unless the text otherwise requires:

1. **The Minister:**
Minister of Transport and Communications
2. **The Authority:**
Telecommunications Regulatory Authority described in the Act
2. **Repeated- The Chairperson:**
The Authority chairperson.
3. **The Company:**
Oman Telecommunications Company, (S.A.O.C)
4. **Telecommunications:**
Every conveyance, emission, transmission or reception of signals or symbols or signs or texts or visual and non-visual images or sounds or data or information of any nature by wire, radio, optical system, or other electro-magnetic or electronic systems.
5. **Telecommunications Network:**
Telecommunications system or group of integrated systems including the necessary infrastructure that permits telecommunication between and among defined network termination points including means to access the

World Wide Web (the Internet).

5 Repeated- Public Telecommunication Network:

A telecommunication system or a group of integrated telecommunications systems to offer public telecommunications services provided by the licensee to public including the network established by leasing a capacity from a Public Telecommunication Network infrastructure.

5 Repeated (1)- Private Telecommunications Network:

Telecommunications system or group of integrated systems operated for the benefit for one natural or legal person or for a group of persons with joint ownership for their own purposes including the network established by leasing a capacity from a Public Telecommunication Network infrastructure.

5 Repeated (2)- International Telecommunications Infrastructure:

Infrastructure providing international access across the borders of the Sultanate including maritime cables, satellites and other land systems crossing the borders of the Sultanate.

5 Repeated (3)- The infrastructure:

All facilities including buildings, lands, structures, equipment, cables, towers, columns, telecommunication lines, systems or programs used or are being used for providing telecommunications services.

6. Telecommunications System:

A system that permits the conveyance of signals or symbols or signs or texts or visual and non-visual images or sound or data or information of any nature between defined terminal points by wire or radio or optical and other electromagnetic or electronic means.

7. Public Telecommunications system:

A telecommunications system used wholly or partly in supplying public telecommunications services that a licensee provides to the public.

8. Telecommunications Equipment:

Equipment apparatus, parts, instruments, tools or any of their accessories used or intended to be used as a whole or in part in telecommunications or that are connected to a telecommunications system and the radio communications equipment and its parts.

8 Repeated- Terminal telecommunication Equipment:

Beneficiary's private telecommunication equipment that enables him to communicate through either a public or a private telecommunication network.

8 Repeated 1 - Radio telecommunication Equipment:

Equipment, apparatus or accessories used or prepared to be used in radio telecommunications.

8 Repeated 2- Tools:

Any devices, equipment or accessories used or prepared to be used in telecommunication services.

9. Telecommunications Services:

Services through which telecommunications are conveyed in whole or in part regardless of the systems or means used, other than broadcasting services¹.

10. Public telecommunications Services:

Services offered by a licensee either by establishing infrastructure for public telecommunications network or by hiring a leased capacity from other telecommunications public network infrastructure available to any one according to the provisions of this Act.

11. The definition of “Basic telecommunication public Services” was repealed by the Royal Decree NO 64/2007.²

12. Additional Public Telecommunications Services:

Telecommunications services available to any person, which depend on public telecommunications infrastructure in the conveyance, transmission, reception or termination of call (such as Resale services, public payphone, prepaid phone card, access to the

World Wide Web-the internet, and other value added services).

12 Repeated- Site Sharing

Every licensee's permission to another licensee to use sites in the utilities of telecommunications infrastructure such as telecommunication exchanges buildings, telecommunication equipment, buildings, telecommunication towers, ducts, pipes and cable channels etc.

12 Repeated 1: Leased Lines services:

Supply of a physical or virtual telecommunication link through part of a telecommunication system where such link is dedicated for the exclusive use of a particular licensee or beneficiary.

12 Repeated 2: Unbundling of the Local Loop:

The physical connection from the beneficiary site to the local exchange of a public telecommunication operator with the exception of the local exchange and access which are availed by a licensee from another licensee against a charge.

12 Repeated 3: Access Services:

Access by a licensee to another licensee network with the intent of being able to provide telecommunication services including the connection of telecommunication equipment using wires or radio; and access to any infrastructure including buildings, towers and cable and wire ducts.

12 Repeated 4: Resale Services:

Telecommunication services purchased by service supplier from the public telecommunications licensee and made available to another beneficiary besides the possible provision of additional services.

12 Repeated 5: Private Telecommunication Services:

Provision of telecommunication services for the interest of a natural or legal person or a group of persons having joint ownership for their private purposes, or the establishment or operation of a private telecommunication network infrastructure.

12 Repeated 6: The Licensee:

A natural or legal person who obtains the license in accordance with the provisions of this Act, whether the license is issued by a Royal Decree, a decision by the Minister or a decision by the Authority.

12 Repeated 7: Dominant Licensee:

The licensee with significant financial strength who can prevent the provisioning and continuation of effective competition in a particular service through his capability to act independently with a considerable degree in contrast to other competing licensees.

12 Repeated 8: The Operator:

Any natural or legal person granted a license to operate public or private telecommunication system according to the provisions of this Act.

12 Repeated 9: Public telecommunication Network Operator:

Any natural or legal person licensed to operate public telecommunication network pursuant to Article (21) of this Act.

12 Repeated 10: Operator of International Telecommunications Infrastructure:

An international carrier licensee that owns the international infrastructure which connects the sultanate with other countries and comprises the operational set up of landing, control and access (such as international maritime cable systems and satellite).

12 Repeated 11: Provider of services on the Internet:

- a. A provider of online services or network access, or the operator of facilities thereof.*
- b. With regard to transitory communications, an entity offering the transmission, routing or providing of connections for digital online communications, between or among points specified by the user, for material of the user's choosing, without modification of the content of the material as sent or received.*

13. Interconnection:

Technical, regulatory and financial criteria that permit the connection of two or more public telecommunications networks within the Sultanate to carry the telecommunications traffic from one network to be terminated in another telecommunication network, and that permit beneficiaries to communicate freely among themselves whatever the network they are connected to or belong to or the services they are using.

14. Broadcasting:

A radio communication using radio frequencies listed in the table of Frequency Spectrum in which the transmission is intended for

direct reception by any person. It includes sound or visual broadcasting.

15. Frequency Spectrum (Radio Waves):

A limited natural resource, of electro-magnetic wave frequencies of less than three thousand GHz which are propagating in space without artificial guide.

16. Radio Communication:

Conveyance, transmission or emission or reception of signals or symbols or signs or text or visual and non-visual images or sound or data or information of any nature through the radio waves.

16 Repeated – Distribution of Frequency Spectrum Bands: *Entry of frequency bands in the national table of frequency distribution to be used in one or more of the satellite, land or astronomic radio telecommunications services according to specific conditions.*

16 Repeated (1) –Allocation: *The permission given by the Authority to radio station or radio equipment to use radio frequencies or specific radio channel according to specific conditions and standards set by the Authority for this purpose.*

16 Repeated (2): The National Plan for Distributing Frequency Spectrum Bands: *The plan which includes the technical specifications approved by the National Frequency Spectrum Committee formed according to the provisions of this Act.*

16 Repeated (3): The National Register for the Allocation of Radio Frequencies: *A special register containing all information relevant to the channels and frequencies which were assigned for radio stations for civilian and other use.*

16 Repeated (4): The National Table for Distributing Frequency Spectrum Bands: *The table containing distribution of frequency spectrum to bands to be used for the provision of different types of telecommunications services in accordance with the frequencies distribution plans issued by the International Telecommunications Union.*

17. Radio Station:

One or more transmitters or receivers or a group of transmitters and receivers available in a specified location, including the necessary

auxiliary equipment for providing radio communication service or radio astronomy services or radio broadcasting.

17 Repeated – Universal Service: *The minimum limit of public telecommunications services in residential areas covered by the licensed public network, with which the licensees comply in accordance with the license conditions and applicable amendments and as per the provisions of this Act.*

17 Repeated (1): License: *The permission granted to a natural or legal person to establish, operate, manage telecommunications system or telecommunications network or to provide telecommunications services or use specified radio frequencies for specific uses in accordance with the provisions of this law and the regulations and decisions issued in execution thereof.*

17 Repeated (2): Class (I) License:

Issued by a Royal Decree depending on utilizing one of the Sultanate's Natural resources.

17 Repeated (3): Class (II) License:

Issued by decision of the minister and depends on infrastructure of class (1) operator and requires utilization of a national resource.

17 Repeated (4) – Radio License: *License to a radio station or radio equipment including equipment and auxiliary parts.*

18. Beneficiary:

A person who is provided with or who requests to be provided with the telecommunications services by the licensee.

19. Public Payphone:

A service that makes available to any person a means to have access to a voice telephone service by using coins or prepaid or credit and debit cards.

19 Repeated – The Message: *All electronic content whether in the form of symbols or signs or signals, or visual or non-visual photos or sounds or data or information in any form that is transmitted or*

broadcasted or sent or received via telecommunications system.

19 Repeated (1): The Directory: *The data of the beneficiaries of public telecommunications networks services.*

19 Repeated (2): Type Approval: *Approving the use of specific types of telecommunications equipment and telecommunications terminal equipment in the Sultanate and allowing its manufacturing or importation or dealing in the Sultanate.*

19 Repeated (3): International Telecommunications Service: *Telecommunications service between the Sultanate and the other countries through the licensed international telecommunications gateways for the purpose of carrying and terminating the service to the beneficiary.*

Article (2): The provisions of this Act shall be applicable to all types of telecommunications including the frequency spectrum bands distributed for military and security uses, with the exception of other telecommunications networks that are used by the said parties³.

Article (3): The Minister shall set the general policy for the telecommunications sector and present it to the Council of Ministers so as to endeavor the following:

- i. Developing the telecommunications sector with the object to expand the scope of provision of telecommunications services to cater for the needs of economic and social development.
- ii. Preparing the telecommunications universal service requirements pursuant to Article (38) of this Act, and in accordance with the Government's economic and social policy.
- iii. Encouraging investment in telecommunications industry in coordination with the competent bodies.

- iv. Introducing competition in telecommunications services in accordance with the exigencies of the state general policy.
- v. Safeguard and developing the Sultanate's interest in the field of telecommunications with states, international and regional organizations, unions and specialized committees.

Article (4): The Minister shall perform the following functions:

1. To decide the principles for determination of the tariffs of services which the beneficiaries are obliged to pay and forward them to the Council of Ministers for endorsement.
2. To propose cases where the Government shall impose Royalties on the licensees of telecommunications services, and the principles for imposing such Royalties in coordination with Ministry of Finance prior to its endorsement by the Council of Ministers.
3. *Cancelled by Royal Decree No 64/2007.*
4. To supervise the representation of the Sultanate before the regional and international organizations, unions and committees specialized in the field of telecommunications, in coordination with the ministries and the concerned Government bodies. The Minister may, in writing, authorize the Authority in this regard.
5. To prepare draft Laws related to telecommunications.

Article (5): It is not permissible to monitor telecommunications means or its content or inspect it or reveal its confidentiality or delay it or confiscate it or intercept it or take advantage of it without a prior

order from the concerned court, unless there is a breach of public order or morals or infringement of the rights of others, without prejudice to the aforementioned law of Penal Procedures.

Article 5 Repeated : *The Authority may, in non urgent cases and before issuing the regulatory decisions directly influencing the telecommunications sector, announce conditions or specifications or professional criteria or technical specifications it intends to add to these decisions, and those concerned may present their opinions about it.*

The Authority shall issue the rules and measures of these consultations alongwith the schedule of presenting them in a manner that guarantees informing all those concerned.

Article 5 Repeated (1): *The ministries, state administrative units, authorities, public establishments, and all legal persons may benefit from the Authority's services in a way that achieves its intended purpose against payment of the prescribed fees.*

None of these bodies is permitted to discharge of any of these services for another body by relinquishing, hiring or benefiting from.

Apart from the registration fees, the military and security bodies determined by the National Security Council shall be excepted from the provisions of this Article⁴

Article 5 Repeated (2): *The telecommunications networks licensees shall abide by the laws, systems, regulations related to the environment protection and the local decisions issued by the municipalities.*

Article 5 Repeated (3): *The concerned employees of the Authority designated by a decision from the Minister of Justice in agreement with the Minister, shall have judicial authority with regards to violations committed within their jurisdictions and related to the provisions of this Act, regulations, and implementing decisions, and shall be able to enter all places, estates, planes, vessels, ships, and boats, and access systems, stations, equipment, and any*

⁴ This paragraph has been added by Royal Decree No. 59/2008

connected systems or licensed services with the purpose of inspecting it and check all registers, licenses, permits, certificates, and any other documents that must be issued, and they have the right to obtain any required information or data, and they may seek the assistance of Royal Oman Police to implement this.

Article 5 Repeated (4): *The Authority shall decide the easement rights necessary for the implementation of the licenses it issues on lands and estates against a fair compensation. To facilitate this, the Authority may allow the licensees to:*

- 1. Visit lands, estates and premises and carry out any works on them.*
- 2. Construct and maintain any premises, estates, fixtures or equipment.*

CHAPTER TWO

The Authority

Section One

Establishment and Objectives of the Authority

Article (6) The Authority shall be a body corporate with financial and administrative autonomy. It shall have the right to own immovable and movable property necessary to achieve its objectives. Its property shall be considered as public property.

The aforementioned system for the collection of taxes, fees and other amounts due to the units of the state administrative apparatus shall be applicable on the collection of fees and other amounts due to the Authority.

The Authority shall not be subject to the provisions of Financial Law or Regulations of the public organizations and establishments, or to any other laws or regulations applicable to the public organizations and establishments.

The Authority shall be represented by its Chairman in its relations with third parties and before the judicial body.

The Authority may establish branches all over the Sultanate⁵.

Article 7: The Authority basically aims to accomplish the following:

1. To ensure the provision of telecommunications services all over the Sultanate with reasonable prices particularly the following services: emergency services, public payphone, directory service, operator assistance services, marine services and rural areas services.
2. To encourage the use of telecommunications services with the aim to facilitate the access to the global markets and information.
3. To use telecommunications services with the aim of encouraging the

visible and non-visible exports such as accountancy, auditing, engineering and consultancy services.

4. To ensure the optimal use of frequency spectrum.
5. To safeguard the interests of beneficiaries and dealers with respect to the prices of equipment and the rates, quality and efficiency of telecommunication services.
 - i. To ascertain the financial capability of the licensees.
 - ii. To promote entry into commercial activities in relation to telecommunications services and equipment and to facilitate entry into the markets thereof via providing suitable conditions enabling new licensees to compete in order to establish an effective competitive environment.
 - iii. To develop the economic competence in the performance of licensees engaged in the commercial activities related to telecommunications.
 - iv. To prepare suitable conditions for competition among the licensees to ensure the provision of world standard telecommunications services at reasonable costs and prices, and to take necessary actions to enable the service providers to compete abroad.
 - v. To encourage research and development in the telecommunications sector.

Section Two

Functions of the Authority

Article (8): Without prejudice to the provisions of Article (9) of this Act, the Authority shall perform all the functions related to telecommunications and take all the necessary actions and measures to achieve its goals competently, effectively and regularly in a transparent manner without discrimination. The Authority may authorize in writing, an employee of its choice to perform some of its functions to ensure the accomplishment of its business, particularly in the following:

1. To regulate the telecommunications sector in accordance with the approved general policy in such a way as to ensure optimal performance of the sector in conformity with the programs prepared by the Authority for this purpose, and implement Government policy in relation to the universal service, all in consistence with the provisions of this Act.
2. To prepare the necessary programs and plans to develop the general policy of the telecommunications sector.
3. ***Cancelled by the Royal Decree No 64/2007 .***
4. To determine the telecommunications systems and services that can be undertaken by a telecommunications or radio license.
- 4 ***Repeated: To prepare the national numbering plan and to supervise its implementation.***
5. ***Cancelled by the Decree No. 64/2007.***
6. To issue special approvals for the use of telecommunications equipment for which no specifications or standards have been determined.

6. Repeated: *To issue certificates of approval of type of telecommunications equipment permitted to be used in the Sultanate including equipment used by military bodies in civilian purposes.*

7. To prepare the proposed amendments to telecommunications or radio licenses pursuant to the provisions of this Act, and to take the necessary actions for the implementation thereof immediately upon their endorsement .

8. To take actions to implement the obligations arising from international treaties in the field of telecommunications to which the Sultanate is a party, and the resolutions issued by international and regional organizations in which the Sultanate is a member, all in coordination with the concerned bodies.

9. To prepare standard forms of telecommunications and radio licenses.

10. To set the terms, conditions and technical specifications and standards for the Telecommunications Equipment for the purpose of achieving interconnection between terminal telecommunication equipment, telecommunications network, or interconnection in particular between the telecommunications equipment of the licensees and the telecommunications systems, and to take the necessary actions to publish such specifications and standards immediately upon approval.

10 Repeated: *To organize, allocate and manage the domain names to access the World Wide Web (Internet).*

10 Repeated 1: *To set the terms, conditions relevant to implementing the telecommunications public policy and in particular the prevention of all forms of dominance and monopoly in utilizing the frequency spectrum and service provision.*

10 Repeated 2: *To set the terms and technical measures in distributing the bands of frequency spectrum.*

10 Repeated 3: *To set the service rates in the absence of competition in accordance with the principles approved.*

10 Repeated 4: *To set the terms and conditions that determine the quality of service requirements with which, the licensees are to comply.*

10 Repeated 5: *To set the technical, regulatory and financial terms and conditions organizing the interconnection services and resale between licensees.*

10 Repeated 6: *To set the rules organizing the beneficiary's ability to retain his private telecommunication number in case of changing the service provision contract.*

10 Repeated 7: *To set terms and conditions for issuing of bills for public telecommunications services provided by licensees.*

10 Repeated 8: *To set the terms, conditions and procedures regulating the promotional offers of telecommunications services.*

10 Repeated 9: *To set the conditions for ensuring the security of beneficiaries' private data and ensure its confidentiality and privacy.*

11. To set the necessary specifications to be complied with in manufacturing telecommunication equipment and encryption equipment, conditions for exporting and importing or re-exporting and usage.

12. To monitor the licensees' compliance with the license conditions.

13. Cancelled by the Royal Decree NO. 64/2007.

14. To take the necessary measures to determine the acts or events which prevent competition in the telecommunications sector.

15. To prepare necessary programs to raise awareness on the importance of telecommunications sector and the impact of development of the sector on the development plans.

16. To prepare lists of the technical terms used in the telecommunications sector, and take necessary steps for their publication.

17. To provide opinion on the matters related to the telecommunications industry.

18. To investigate the complaints filed by the beneficiaries or licensees or any other person, and take the necessary measures in that regard.

19. To coordinate with the concerned ministries, government units, chambers of trade and industry, unions, and other organizations operating in the field of telecommunications.

***19 Repeated:** To participate in regional or international organizations, unions, specialized committees meetings relating to telecommunications sector, and represent the Sultanate in telecommunication in accordance with clause (4) of Article (4) of this Act.*

The Authority may assign experts and consultants and entrust them with tasks relating to the discharge of its functions in return for a financial reward as determined by the Authority⁶.

Article (9): The Authority shall perform the following functions in the field of frequency spectrum, in addition to the specializations stipulated in

the provisions of this Act and the international treaties to which the Sultanate is a Party, and without infringing the prescribed functions of the Royal Omani Society for Wireless Amateurs, or the decided procedures in the areas of meteorology or maritime or air navigation,⁷:

1. To classify types of radio stations and prescribe the nature of service rendered by each type.
2. To determine a location for each station and approve the call sign for each station⁸.
3. To assign the range of frequency spectrum to various types of services and allocate a frequency for each station and determine the terms, conditions and other related technical specifications.
4. To assign equipment and tools specifications used in relation to the external effects and the purity and sharpness of emission from each radio station and the equipment contained therein.
5. To set the necessary measures to prevent harmful interference between radio stations, and prevent the usage of non-standard equipment and tools which may cause this interference.
6. To determine the appropriate areas for radio stations services while giving regard to the optimal frequency usage.
7. To monitor frequency spectrum in order to prevent interference that is harmful to the licensed radio stations or equipment.

8. To issue licenses for the operation of radio stations, or to provide radio telecommunication equipment to permit the use of non standard transmitting equipment, according to the conditions and for the period as specified by the Authority.
9. To maintain a database for all radio stations and radio communications equipment in the Sultanate.
- 10. *Cancelled by Royal Decree No. 64/2007.***

Section Three

Formation and Management of the Authority

Article (10): The Authority shall comprise of odd number of Full-Time Members, of not less than 3 but not more than 5 except the Chairperson who shall not be full-time. They shall be appointed by a Royal Decree.

Members shall be recognized and distinguished individuals who are efficient, competent, experienced and highly qualified in the following fields:

1. Telecommunications.
2. Economy.
3. Finance and accounting.
4. Law.

with at least one of them in the telecommunications field.

The period of appointment for each Member shall be 5 years renewable. Vacant member seat shall be occupied within 3 months by the same procedure. The Chairperson shall nominate one of the Members to replace him in his absence, or if he is not able to participate.

The Members shall be responsible for the functions of the Authority and the achievement of its objectives.

The Council of Ministers shall determine the rules and basis of determining the remuneration and financial allowances for each Member.

Article (10) Repeated : *The service term of a Member of the Authority shall be terminated by one of the following reasons:*

- 1- *Elapsing of term period, unless renewed.*
- 2- *Resignation.*
- 3- *Being sentenced in a dishonorable crime.*
- 4- *Loss of any of the appointment conditions.*
- 5- *Dismissal.*

The dismissed Member, after being notified by a note explaining the reasons for his dismissal, may defend himself. The dismissal decision shall provide reasons.

Article (11): The Authority Members shall be entrusted with managing and organizing the affairs of the Authority and to take the necessary measures to achieve the objectives for which it was established, in particular the following :

1. To propose the general policy of the telecommunications sector, and to prepare programs and plans necessary for development thereof, in coordination with the concerned bodies.
2. To decide the regulations which organize the business of the Authority, whether in relation to the organizational structure, or personnel system, or pension or retirement scheme or the financial and administrative affairs or others of the Authority without having to abide by Government rules and regulations, in coordination with the concerned parties.
3. To form sub-committees to perform specific functions and duties.
4. To take measures to secure necessary loans for the Authority, after the approval of Council of the Ministers.
5. To prepare the Authority's draft annual budget, final accounts and annual report on its activities that includes the progress achieved in telecommunications services, and the Authority future plans prior to their endorsement.

6. Determine the following:
- a) *The annual fee imposed on those licensed to provide Telecommunications Services at a percentage not exceeding 1% of the gross annual turnover. Where there is a deficit in the budget, it should be financed from the Public Treasury.*
 - b) Initial fees charged for issuing licenses for the first time.
 - c) *Fees charged for the renewal of the licenses for provision of Telecommunications Services.*
 - c) **Repeated:** *Fees charged for the management of frequency spectrum.*
 - d) Any fees or other amounts charged by the Authority for services that it provides.
7. To prepare principles for determining service tariffs that the beneficiaries should abide by which are proposed to be included in the licenses, subject to provision of Clause (1) of Article (4) of this Act.
8. To seek assistance from universities and other research centers or bodies, in study and research of any subjects that fall within the jurisdictions of the Authority.
9. To set the rules regulating the maintenance of the licensees' registers, relating to their accounts and distribution of costs of licensed services.
10. To prepare reports requested by the Minister.

Section Four

The Financial Rules of the Authority

Article (12): The fiscal year of the Authority shall start on the first day of January and shall end on the thirty-first day of December of each year.

Article (13): The Authority shall have an independent budget. The Authority shall submit its projected budget to the Council of Ministers for approval.

Article (14): After the approval of State Audit Institution, the Authority shall engage one or more legally licensed accounts auditor.

Article (15): The Authority shall submit its audited final accounts to the Council of Ministers for approval within three months of the end of the fiscal year.

The accounts auditor shall submit his report to the Chairperson of the Authority, with copies to the Council of Ministers.
The executive regulation shall determine the rules for publishing the final accounts.

Article (16): *The Authority's resources shall consist of the following:*

1. *Amounts collected in application of the provisions of this Act.*
2. *Any other resources decided by the Council of Ministers.*

These resources shall be used to finance expenses listed in the Authority's annual budget after being approved by the Council of Ministers.

The Authority may accept sponsorship by telecommunications companies and establishments of the events that it organizes in accordance with its jurisdictions, and may donate the proceeds of the fees stipulated in clause 6d of Article 11 of this Act to charitable foundations and establishments.

Article (17): *Where the number of licenses is specified pursuant to Article (21) of this Act, the Authority shall immediately deposit the proceeds of the fees set forth in Para (B) of Article (11) of this Act to the Public Treasury when net collected fees exceeds one hundred thousand Rial*

Omani after deducting the expenses and costs incurred by the Authority in the process of issuing the licenses and having them endorsed by the Council of Ministers.

After the approval of its final accounts, the Authority shall also deposit the proceeds of the fees, as described in clause **(6 Repeated c)** of Article (11) of this Act to the public treasury, after deducting the expenses and cost incurred by the Authority in the process of managing and monitoring the frequency spectrum, and approving them by the Council of Ministers⁹.

Article (18): The Authority may borrow from local operating banks to face budget deficits. The revenue surplus should be transferred to the following year budget to be used in paying the amounts of loans or finance its new budget, provided that the General Treasury shall bear the costs incurred by the Authority in the process of carrying out the functions delegated to it by the government outside its annual plan approved by the Council of Ministers.

The General Treasury shall bear the capital costs and expenditures spent on the establishment of the Authority.

Article (19): The Authority shall be exempted from all taxes and fees.

CHAPTER THREE

Provision of Telecommunications Services and Telecommunications Equipment

Article (20): No person is permitted to either establish or operate a Telecommunications system, nor provide telecommunications services, unless after obtaining a license pursuant to the provisions of this Act, unless it is decided to exempt him pursuant to the regulations issued for this purpose.

Article (21):

1-Establishment or operation of public telecommunications network, or international telecommunications infrastructure or offering public telecommunications services or international access services shall be by way of a "Class One" license issued by a Royal Decree based on a proposal by the Minister after the approval of the Authority. The Minister shall raise his proposal within two weeks of the Authority's approval of the application. The Decree shall determine the duration of the license; the license shall not include any terms or conditions which grant licensee is exclusive rights.

In the event of the Minister's disapproval of the license application, he shall notify the applicant and the Authority on which ground he rejected the application within the specified period.¹⁰

2. The provision of public telecommunication services that depend on using the capacity of telecommunication network of Class 1 license and the provision of additional public telecommunication services which require exploiting the national resources (numbering), without exploiting any natural resource of the Sultanate shall be through Class Two license issued by a decision of the Minister based on a proposal of the Authority after its approval. The decision shall determine the duration of the license which is not to exceed 10 years.

¹⁰ This paragraph has been amended by Royal Decree No. 59/2008

The Authority may renew this license under the same conditions for a period not exceeding two thirds of the original duration. If the period is more, the renewal shall be as per new conditions and by a Royal Decree for Class One license and by a decision of the Minister for Class Two license. The Authority may, by the same procedure, amend or reduce the duration of the license whenever public interest requires.

3. Establishing or operating private telecommunication services or offering these services by establishing or operating an infrastructure of a private telecommunications network not connected to the public network or by exploiting the capacity of public telecommunication network, shall be through Class Three License issued by a decision of the Authority for a period not exceeding 5 years.

4. Radio license shall be issued for a period not exceeding five years, subject to the rights of the licensee to provide Class One public telecommunications services .

It is not permitted to include in any of the licenses in this article, any terms or conditions that grant the licensee exclusive rights.

The Authority may, in accordance with the public interest, limit the number of public telecommunications services licenses and Class Three licenses that are issued for a specific type of telecommunications systems or services, in order to achieve the following:

1. To ensure the efficient management and use of frequency spectrum.
2. To specify a particular period to ensure that sufficient capacity of telecommunications numbers are available for use in the Numbering Plan.

In case of limiting the number of licenses, the Authority shall announce these licenses in accordance with the procedures set by it at least one month prior to the date fixed for the submission of bids.

The Authority shall evaluate the bids technically and financially in accordance with the announced technical and financial standards.

Article (22): Applications for obtaining the telecommunications licenses shall be made on the standard forms prepared by the Authority for this purpose. Applications shall not be considered unless the prescribed deposits and fees have been paid.

The Authority shall, when considering these applications, regard the provisions of this Act and in particular the following:

1. The sufficiency of competency, expertise and capabilities of the applicant.
2. The applicant's satisfaction of the conditions set by the Authority.
3. The protection of the interests of the beneficiaries, other licensees and service providers.
4. Achieving competition among the applicants to provide telecommunications services.
5. The promotion of research, development of the telecommunications services or provision of new types thereof.
6. *Cancelled by the Royal Decree NO 64/2007.*
7. Encouragement of investment in telecommunications sector.

A decision on the application shall be made within a period not exceeding two months from the date of its satisfactory submission in fulfillment of all necessary procedures and documents, or within a period not exceeding four months of the date of its submission. In case of rejecting the application, the applicant shall be notified of the reasons for the rejection.

Article (23): Without prejudice to the provision of Article (21) Telecommunications Licenses issued pursuant to the provisions of this Act, shall be renewed at the request of the licensee.

The Authority may refuse the renewal in the following two cases:

1. If it has reasons to justify to the non-renewal of the license, provided that the licensee is notified of these reasons prior to the commencement of the last quarter of the term of the license.
2. If the licensee breaches a condition of the license, provided that the Authority had notified him promptly after becoming aware of this breach, and the licensee did not express any objections or representations within two months from the date of such a notification, or the objections or representations made were found to be inaccurate.

Article (24): A license of "Class One or "Class Two" may be amended by the agreement of both parties. The Authority may amend this license at anytime, acting solely, if public interest requires.

Otherwise, the Authority may amend licenses subject to the following:

- i. When the specified period elapses for licenses which may not be amended before their period has elapsed.
- ii. When 3 years elapse between each amendment and the one following it.
- iii. The licensee is notified of the amendment one year before it is made and is consulted during that year.

A license of "Class Three" or a radio license may be amended or revoked by a substantiated decision, in view of the public interest.

Article (25): In case a license is not renewed or revoked, the licensee shall be under obligation to cease performing the activity specified in the license, and refund the amounts payable by him as a result thereof to beneficiaries and others, within the time frame to be determined by the Authority in accordance with the details contained in the License.

The Authority shall have, in case of non-renewal or revocation of

“Class One” or “Class Two” license, shall have the right to supervise the operation and management of the telecommunications system on its own or through third party on or a temporary basis, in a manner that ensures continuity of provision of the services to the beneficiaries.

Article (25 Repeated): *Licensees of public telecommunication services shall achieve the equality in the use of telecommunication numbers for the licensees providing similar public telecommunication services without discrimination in accessing phone numbers, directory service and operator assistance services without any unreasonable delay in communication.*

Article (25 Repeated 1): *Dominant public telecommunication services licensee shall have to treat the other public telecommunication licensees with the same level of treatment and with no discrimination as with its own branches and companies in which it has a principal percentage of capital.*

Article (25 Repeated 2): *Licensee of public telecommunication services is obliged to specify rates of licensed services, conditions of services for the beneficiaries, and shall announce them immediately and permit their provision to any interested person.*

Article (26): *Cancelled by the Royal Decree NO 64/2007.*

Article (27): The licensee shall undertake to prepare regulations approved by the Authority establishing the procedures for dealing with complaints filed by the beneficiaries of public telecommunications services.

The Authority determines the way according to which regulations are published or perused.

The Authority may notify the licensee to reconsider the regulations and amend them.

Article (27 Repeated): *The Authority may oblige the dominant licensee to offer access to its network elements for other licensees of public telecommunication services in accordance with unbundling principles, and with the terms and conditions issued by the Authority at cost based prices with no discrimination and with transparency¹¹.*

Article (28): *Cancelled by the Royal Decree No 64/2007.*

CHAPTER FOUR
Use of Frequency Spectrum

Article (29): The provisions set forth in this chapter, and the provisions of Article (9) of this Act shall be applicable to any telecommunications system that uses frequency spectrum, or radio communications equipment, or radio station located on the land of the Sultanate or its territorial water including aeroplanes, ships, boats, and vehicles¹².

Article (30): No person may establish or operate a system or equipment using frequency spectrum, or provide telecommunications services or broadcasting services, except after being licensed by the Authority pursuant to the provisions of this Act, unless it has been decided to exempt him pursuant to the regulations issued for this purpose.

The issuance of such license shall be subject to the following:

1. Approval of Committee of Private Radio and Television Establishments for the broadcasting services or the television transmission. The provisions of Article (22) of this Act shall be applicable with regard to obtaining this license.
2. Approval of the Minster for the maritime or aeronautical navigation or meteorological activities.

The provisions of the first and third paragraphs of Article (22) set forth in this Act shall be applicable with regard to obtaining this license.

When issuing the decision to grant the license, the Authority shall take into consideration the National Plan for distributing the bands of frequency spectrum specified in clause (10 Repeated 2) of Article (8) of this Act.

Article (31): A radio license shall include the following:

1. Location determined for the radio station, the purpose of its use, mode of its operation, the number of persons responsible for its management and operation and the required expertise and qualifications of such persons, and the radio communications equipment permitted to be installed and used at the station.
2. Conditions and specifications of the radio communications equipment, and the location and field where they shall be used; the purpose and mode of operating the equipment and number of persons needed to manage and operate them.
3. A requirement that the radio station and its equipment must comply with technical specifications and general conditions contained in the international treaties that the Sultanate is a party to.
4. The specific term of the license, subject to paragraph (4) of Article (21) of this Act.

5. Any other conditions, including fees or amounts to be collected pursuant to this Act.

Article (32): The renewal of the radio license shall be in accordance with the provisions of article (23) of this Act. The Authority, by a substantiated decision and for reasons of public interest, may amend the license or revoke it before the end of its duration at the request of the licensee or due to his violation of any of the license conditions or for reasons of public interest.

The radio licenses shall be renewed automatically unless the licensee demands to cease or revoke it.

The Authority may, by a substantiated decision, either amend or revoke the license before the end of its duration if the public interest so requires or on account of the licensee's violation of any of conditions of the license.

The license shall be deemed revoked in case of its revocation or the expiry of the duration according to the basis of which the radio license was issued.

Article (33): A committee for the allocation of the frequency spectrum bands shall be set up by a resolution of the Council of Ministers designating the committee chairman and members as representatives of the Ministry of Defense, Security bodies, Ministry of Information and Ministry of Transport and Communications.

The Committee shall be responsible to study the present and future needs and uses of the spectrum, and the allocation of its bands for various military, security and civilian purposes.

The Authority may send a representative to attend the meetings of the Committee but without having a vote in issuing resolutions or recommendations.¹³

¹³ This Article has been amended by Royal Decree No. 59.2008

Article (34): Neither the licensee, nor his employees or his agents, should use a secret language or signal or a code in radio messages and conversations, without the written approval of the Authority. Moreover, the licensee should not operate or use a radio station or radio communication equipment for any purpose other than those specified in the license.

The licensee shall be absolutely and fully responsible for any damage in case of operation of a telecommunications system using frequency spectrum.

Article (35): *Cancelled by the Royal Decree NO 64/2007.*

Article (36): No any anchored ship that arrives in Omani ports or coasts, and no any aeroplane that lands on its airports is allowed to use their own radio station for any purpose – other than maritime or air navigation – without obtaining a radio license. Also no any foreign vehicle is allowed to use radio stations without obtaining such license, with the exception of rescue or emergency operations.

The Minister shall take the necessary measures to notify the government of the concerned country with a report on the acts that take place on any foreign aeroplane or on board of any ship or vehicle which are in contravention of the provisions of this Act.

Article (37): In cases of emergency, the Minister may temporarily seize estates, establishments, telecommunications networks, systems and equipment for the purpose of using them in the way he deems suitable. The owner or possessor shall hand over the equipment decided to be temporarily seized to the Authority without prejudice to the owner or the possessor's rights to compensation.

CHAPTER FOUR REPEATED

The World Wide Web Service Provider (The Internet)

Article (37 Repeated): *The Internet service provider shall comply with the procedures issued by the Authority for the provision of the service to the beneficiaries.*

Article (37) Repeated 1: *The Internet service provider shall maintain the confidentiality of the services provided to the beneficiaries, and shall not compromise or uncover it or uncover any of the beneficiary's data unless based on an order from a competent court.*

Article (37) Repeated 2: *The Internet service provider shall not be held accountable for the mistakes made by the beneficiaries, except in the following cases:*

- a. If the provider assisted the beneficiary in making a violation or caused damages to others, or facilitated it for the beneficiary to do so.*
- b. If another person filed a complaint and did not follow the procedures determined by a resolution issued by the Authority within the time frame specified by the Executive Regulation.*

Article (37) Repeated 3 *The Internet service provider shall be responsible for any violations to copyrights and other related rights pursuant to the provisions of this Act; law of intellectual property rights, regulation and decisions issued in implementation thereof.*

Article (37) Repeated 4: *The Authority shall provide to the public an approved and accurate database comprising of sufficient details to access the registrants in the domain name registry through direct access to the Internet.*

Article (37) Repeated 5: *The Authority may set the rules and procedures regulating the provision of services through the Internet, according to which the financial and technical conditions and the other necessary conditions to*

perform this service and its measures are determined.

CHAPTER FIVE

Universal Service, Competition, Prevention of Conflict of Interest and Realization of National Security Requirements

Section One

Universal Service

Article (38): The Minister, in the course to achieve the economic and social objectives of the telecommunications sector and after presentation to the Counsel of Ministers, shall decide the following:

1. To expand the telecommunications services and networks in defined areas according to their geographical location, or number of inhabitants; and to establish public telecommunications centers including the installation of public payphones in these areas.

Repeated 1: *To specify the basic public telecommunications services which the licensee is obliged to provide to any requesting beneficiary at a reasonable price as decided by the Authority in the service areas.*

2. *To provide maritime telecommunications services.*
3. *To provide telecommunications services to persons with special needs.*

The Authority shall be notified of the requirements of the universal service specified in this clause, which shall be funded by the Public Treasury pursuant to the provisions of the last paragraph of Article (39) of this Act.

Article (39): The Authority shall float the services and works stated in Article (38) of this Act in a public tender to be handled according to the same terms and regulations issued by the Authority.

If no one bids for the tender, the Authority shall delegate the provision of the

services or the implementation of the works mentioned above to the company. In this case, the Public Treasury shall pay the Company the net cost of providing the services or implementing the works, plus a return calculated on the basis of the yield to redemption of medium term Government bonds plus an additional 2%.

Section Two Competition Rules

Article (40): The licensee shall not perform any conduct, take an action or omit to take an action that could prevent or restrict competition in relation to any commercial activity connected to telecommunications, if he performed a conduct, took an action or omitted to take an action in the course of providing telecommunications services or operating telecommunications system, and that action or the omission therefrom was connected to the provision of the telecommunications services or the operation of the telecommunications system.

The conduct, the action or the omission therefrom, shall be considered preventing or restricting competition if it took any of the following forms:

1. Abuse of the licensee, alone or in participation with others, of a dominant position in the market, or a substantial part thereof.
2. Making an agreement with others to prevent competition in the manner specified in the executive regulation of the Act.
3. Providing certain concerned parties with facilities capable of preventing competition in the market, in respect of goods or services.
4. Making changes in the market structure that are conducive to preventing or restricting competition, in particular mergers in the telecommunications sector.

The Authority, shall after the approval of the Minister, issue rules pertaining to the conducts or acts or omission that could prevent or restrict competition.

The Authority shall issue the rules regulating the licensee's maintainance of records that show the financial transfer between its works and the works of its branches and take the necessary actions to handle the subsidy.

Article (41):The Authority shall have the function of deciding whether the conduct, action or omission therefrom, is conducive to preventing or restricting competition, through the application of the provisions of Article (40) of this Act, subject to the provisions of regulations and decisions issued for the purpose of introducing competition in the telecommunications sector, and the general principles included in the license.

Before issuing a decision in this regard, the Authority shall undertake to carry out the investigations it deems necessary, and to request any information or data from the licensee, or to summon any person to express his point of view on the subject. Before issuing the decision, the Authority shall inform the licensee of the reasons for issuing the decision, and of the measures he has to take to avoid its issuance.

The Authority shall notify the licensee of the decision it issues in this regard. It may also notify any other competent person, and take the necessary measures to remedy the reasons of the breach at the expense of the offender.

Section Three

Prevention of Conflict of Interests

Article (42): The Chairperson of the Authority, any of its members or employees shall not have any interest, direct or indirect related to investment in the telecommunications sector, for the duration of their membership or employment in the Authority. Each one of them shall submit an annual declaration to the Authority of any interest that arises or may arise in the telecommunications sector for any of them or their spouses or any of their relatives up to the third degree, or of any other interest that is in conflict with their positions or jobs.

In any of the above cases, the member or employee should notify the Chairperson of the Authority and should step aside from looking into the matter.

Article (43): Members of the Authority or its employees may not, during their employment with the Authority, undertake any employment, any consultancy service or similar job in the telecommunications sector in the Sultanate outside the scope of functions and duties they perform for the Authority. None of them may perform such a job or service within one year of leaving the job or the employment except after the approval of the Council of Ministers for the members, and the approval of the Authority for the employees.

Any employer may not employ or entrust any work or service to any of the Authority's members or employees in violation of the preceding paragraph of this Article.

Section Four

Realization of National Security Requirements

Article (44): Each licensee operating a telecommunications system or providing telecommunications services, shall undertake to provide, at his/its own cost, all the technical facilities such as telecommunications equipment, apparatus, systems and programs within its licensed telecommunications network which enable the security bodies to access its network in

realization of National security requirements. The provision of services should evolve time with the technological advancement. The licensee shall, in case of changing its network systems, incur the cost of upgrading the equipment used by the security bodies affected by such change pursuant to the decisions issued by the Authority in accordance with the provisions of the prevailing laws.

The Ministry of Finance shall meet the costs for all the requirements of the links necessary to connect the equipment of the security bodies including all the services and equipment used to realize the purposes of national security with the licensee's Telecommunications Network in accordance with the decisions of the National Security Council.¹⁴

Article (45): In case of a natural disaster or exceptional public emergency accidents, the Minister may call upon all the telecommunications services and networks of any Licensee, and its employees who operate and maintain these services and networks, for the purpose of combating such disasters and accidents.

¹⁴ This Article has been amended by Royal Decree No. 59/2008

CHAPTER SIX
***Interconnection and Access,
Reselling, Site Sharing, and Unbundling of the Local Loop***

Article (46): A Licensee of Public telecommunications services has the right of interconnection, and shall negotiate and enter into agreements with other licensees when requesting interconnection between its network and any other network in a public telecommunications system.

A licensee has the right to share sites and right to access licensed public telecommunications services, and shall negotiate and enter into agreements with other licensees when requesting to share sites or access to their networks, as specified in the Executive Regulation, provided that the Authority approves these agreements.

If negotiations do not result in reaching an agreement within three months, the licensee may present the matter to the Authority for a decision that shall be binding upon all parties.

The Authority shall, with the approval of the Minister, issue regulations organizing the rules on the grounds of which disputes that arise on interconnection agreements, site sharing and access to public telecommunications are settled.

Article (46) Repeated: *A Public Telecommunication Services Licensee decided by the Authority as having dominance in a specific public telecommunications service shall advertise an Interconnection Reference Offer after the approval of the Authority within three months of the decision of the Authority classifying the licensee as dominant. The advertised offer period shall be in accordance with the period determined by the Authority. The offer shall include a full list of the basic services of interconnection, conditions and technical criteria and prices of each service. The Authority shall determine these conditions, criteria and prices if it declines the conditions, criteria and prices specified by the licensee. The Authority's decision issued in this respect shall be valid from the date of its issue unless another date is specified by the Authority.*

In all cases, conditions and prices shall be reasonable without discrimination pursuant to the rules, regulations and

conditions set forth in the Executive Regulation.

46 Repeated (1): *The dominant licensee of public telecommunications services shall provide, when requested by any other licensee of public telecommunications services, access to its telecommunications network with fair and reasonable conditions. The Authority, if necessary, may oblige the dominant licensee to provide public telecommunications services to offer access to the pipes, in accordance with the rules and conditions issued by the Authority for the regulation of access including the system related to the access reference offer.*

If the Authority views that the offered prices and conditions regarding the access by the dominant licensee as unreasonable or unjustified, it may determine the prices and conditions it deems suitable, and these shall be subject to the same conditions and measures regulating the Interconnection Reference Offer.

46 Repeated (2): *Licensees shall have the right to access and use any public telecommunication service licensed to be provided in the Sultanate and across its borders. The operator of international telecommunications infrastructure for the international marine cable systems in the Sultanate shall allow the public telecommunications service licensees in the Sultanate to access its services with reasonable prices and without discrimination, in accordance with the standards and rules issued by the Authority.*

46 Repeated (3): *No person is permitted to deploy on land or operate any maritime cable in the Sultanate connecting it directly or indirectly with any foreign country or connecting any part of it with another part through a cable, unless he is issued a licence by a Royal Decree. The provision of this article shall not apply to maritime cables the two end parties of which both fall within the continental borders of the Sultanate.*

46 Repeated (4): *Licenses of Land deployment or maritime cable operation shall be revoked by a Royal Decree; if this procedure was necessary to protect the rights of cable deployment or operation in other countries or it was necessary to maintain*

both the rights and interests of the Sultanate or its subjects in other countries or it safeguards the country's security.

46 Repeated (5): *The Authority may prevent the deployment of any cable by land or sea, and may remove any cable deployed or operated unless it is issued with a license pursuant to the provisions of this Act.*

46 Repeated (6): *The licensee of public telecommunications services shall provide interconnection, site sharing, access, leased lines, and unbundling of the local loop services to any other licensee of public telecommunications services at reasonable prices and without discrimination, in accordance with the rules and procedures issued by the Authority.*

46 Repeated (7): *Class One licensee of public telecommunications services may rent a capacity in other public telecommunications systems in order to establish its own network. Class Two and Three licensees shall have the right to share sites and access wire and wireless public telecommunications services according to the Executive Regulation.*

The Authority shall guarantee the access and use of public telecommunications offered in the country or across its borders to the licensees at reasonable prices and without discrimination. The Authority shall issue the rules, measures and procedures regulating this service.

46 Repeated (8): *The licensee shall enter into a contract with any licensee of public telecommunications services submitting an application, in accordance with the conditions, measures, and prices set by the Authority within a period not more than thirty working days.*

46 Repeated (9): *A Licensee of public telecommunications services that obtains information from another licensee during or after the negotiation process regarding interconnection and access arrangements, shall not use such information for any other purpose or disclose it in any way or use it for its advantage or give it to any other party or person that may stand to gain a competitive advantage.*

Article (47): *A licensee in a public telecommunications system may not*

enter any property, albeit temporarily, except after obtaining the written approval from the property owner, or with permission from the Public Prosecutor in case of owner refusal. The Licensee may remain in the property for the duration of time necessary to achieve any of the following objectives:

1. To conduct the necessary land survey or obtain the necessary information on the property.
2. To determine the extent of the suitability of the property for realising the purposes in the license.
3. To supply, install, erect or maintain the telecommunications facilities or services.
4. To remove anything that obstructs or prevents the erection of constructions or making use thereof in the best possible way.

The licensee shall before entering a property pursuant to the provisions of the previous paragraph, notify the owner in writing specifying the exact purpose for entry. This notification shall either be announced to the owner himself or to the owner at place of his residence.

The licensee shall enter the property if it appeared that any of the telecommunications systems constructions poses a danger to persons or properties.

In all cases, the licensee shall take the necessary measures to prevent damage to the property, and to remove all refuse and debris, and restore things to what they used to be, and pay suitable compensation for any damage that might have happened to the property or its contents.

Article (48): Encryption shall not be used in telecommunications or between computer networks without a license from the Minister. The license

shall determine the persons who may operate and the conditions of operating, fees imposed for issue of license and the controls of keeping the encryption key. All that shall be in accordance with the manner determined in the Executive Regulation of the Act.

Article (49): The Authority may expropriate properties that obstruct the execution of telecommunications projects of public interest, pursuant to the Act of expropriation of property in public interest issued by the Royal Decree no. 64/78.

Article (50): Any interested party may contest decisions issued pursuant to the provisions of this Act and the regulations issued in execution thereof, before the Administrative Court, in the cases and dates and by following the procedures specified in the law of the Administrative Judiciary Court issued by the Royal Decree No. 91/99.

Article (51): The Executive Regulation of the Act shall include in particular, the following:

1. The areas in which the members of the Authority perform their functions and duties.
2. Rules and procedures to be followed in convening the meetings of members of the Authority, the replacement of a member if absent or unable to attend, and issuing of the recommendations and the resolutions.
3. Rules regulating the notifications that the members and employees of the Authority are under obligation to file pursuant to the provisions of Article (42) of this Act, dates specified for filing them, and the consequences of failure to file them in these specified dates.

4. Detailed procedures for submitting the necessary applications for obtaining the licenses, procedures for consideration of those applications by the Authority and the completion of necessary information thereof in the specified dates.
5. Terms and conditions that are contained in the license, and amount of fines to be levied on the licensee in case of breach of these terms and conditions.
6. Rules, conditions, technical specifications and procedures to be followed by the Authority in the examination and inspection of the telecommunications equipment for the purpose of connecting them together or the telecommunications equipment for the purpose of connecting them with any telecommunications system, and issuing of the necessary technical specifications for this purpose.
7. Issuing certificates on the results of inspection and examination of systems and telecommunications equipment in light of the technical criteria decided by the international organizations and approved by the Authority, and cases of modification or revocation of these certificates and the fees it charges for the examination or inspection or for issuing or modification of certificates.
8. Specifying the rules regulating the use of all telecommunications services.
9. Standards and technical criteria to organize the Numbering and National Domain Names plans, and issue the terms and rules required to settle disputes among services beneficiaries, and charge the fee for the reservation, allocation, and reallocation of numbers or Domain Names to beneficiaries. The Authority may recover the numbers allocated to

them during the allocation period against refund of the fees pursuant to the rules established by the Authority.

9. Repeated: *Scope and extent of easement rights in pursuant to the rules decided in this respect, provided that the Regulation will comprise of the following provisions:*

a. To allow the licensees to carry out all road works necessary for the performance of their licensed activities after coordination with the owners of affected properties and the competent bodies.

b. To oblige the licensees to observe traffic rules and take the necessary arrangements and measures to protect the public, the public and private property, restore roads to their original condition in accordance with the Omani standard specifications and compensate all those affected by the said works.

c. To determine the cost of repairing the lines being damaged and compensate for such damages.

10. Rules, conditions and procedures regulating maintaining registers by the Authority, and the recording therein in particular the recording of the telecommunications licenses, radio licenses and certificates issued giving the result of examination or inspection of the equipment, in application of the provisions of clause (6) of this Article, and the judicial verdicts and decisions issued in this regard.
11. Cases of exemption from entering in the records of the registers specified in the preceding clause, the rules regulating their perusal, and the fees to be imposed for the perusal or obtaining the required data.
12. Means followed by the Authority and the obligations imposed on the licensee for the purpose of performance appraisal.

13. *Cancelled by the Royal Decree NO 64/2007.*

**SECTION FIVE “REPEATED”
Penalties, Revision, Dispute Resolution**

Article 51 Repeated: Where a violation of the provisions of this Act, the regulations and decisions in implementation thereof is proven, the Authority may take one or all of the following procedures according to the size of the violation:

1. Suspend the license granted to the licensee for three months.
2. Revoke the violation at the expense of the violator.
3. Reduce the licensed services of the licensee by one service per violation.
4. Reduce the license duration for a period not exceeding half of the license period.
5. Collect a financial fine not more than one million Omani Riyals for each violation.
6. Take custody of the seized equipment, devices, and instruments and hold them until the dispute is settled by a final court order.
7. Cancel the license.

The fine shall be doubled in case of repetition or the violator pays up to two times the value of the damage, whichever is higher.

Article 51 Repeated (1): *The person concerned may request the Authority to review its decision within a month of the date of informing him based on reasons that were not considered by the Authority upon issuing the decision or the procedure.*

The Authority shall decide on the request within thirty working days of its submission. The rejection of the request shall be justified, a ‘no reply’ within the said period shall be implicitly considered rejection of the request.

The Authority shall issue rules determining how review requests submitted by the concerned on decisions and procedures of the Authority shall be handled and the submission deadlines and ruling procedures.

Article 51 Repeated (2): *If a dispute arises between the licensees in the interpretation of the provisions of this Act, its implementation or the interpretation of the terms of their mutual agreement or its implementation, this dispute shall be brought before the Authority which may ask any of its parties to submit documents and data it deems required to settle the dispute. The Authority's decision issued regarding the dispute shall be considered final and binding to the parties.*

Parties to the dispute may request review of the Authority's decision within thirty days of the date of being notified of the decision. Not filing a grievance within this period shall be considered as acceptance of this decision.

In all cases, the dispute may not be brought before the judiciary except after the Authority issues a decision or ninety days elapse since the date of bringing the dispute before the Authority, whichever is earlier.

Article 51 Repeated (3): *The Authority may conciliate in the disputes of registering Internet Domain Names in the Sultanate pursuant to the provisions of this Act and the applicable rules. The Authority shall apply the Trade mark Law when conciliating the Domain Names disputes that conflict with the Trade Mark Law.*

Article 51 Repeated (4): *If a violator files a request for conciliation before legal action is taken to question him, the Authority may conciliate with him provided he pays the cost of revoking the violation and the costs and expenses incurred by the Authority in addition to 10% of its value as*

administrative expenses.

The Authority's right to take appropriate procedures to question the violator shall not be considered forfeited in case the conciliation is rejected.

Article 51 Repeated (5): *An adjudication authority vested with the power to settle any dispute arising between the Authority and any licensed operator shall be formed of three adjudicators. Either party shall appoint an adjudicator, within fourteen days of the licensee's notification to the Authority of its wish to bring the dispute before an adjudication authority; the two adjudicators are to appoint the third adjudicator to be the chairperson of the adjudication authority, within fourteen days of notifying them of the appointment.*

The chairperson of the adjudication authority shall have the competence and the expertise in the area of dispute brought before the Authority.

Bringing the dispute before the adjudication authority shall not result in stopping the decision or the procedure unless this Authority decides so. In this regard, the aforementioned adjudication law in civil and commercial disputes shall apply.

CHAPTER SEVEN

Penalties

Article (52):

1. Without prejudice to any harsher punishment stipulated in the Omani Penal Code or any other Act, any person who deliberately destroys or causes damage to the telecommunications infrastructure including public payphones shall be punished with imprisonment for a period not exceeding three years, and with a fine not exceeding fifty thousand Omani Riyals, or with one of the two penalties.

The penalty shall be doubled in case of repetition.

2. Any person by reason of his fault, carelessness or negligence destroys or causes damage to the telecommunications infrastructure including public payphones, shall be punished with imprisonment for a period not exceeding one year, and with a fine not exceeding one thousand Omani Riyals, or with one of the two penalties.

The penalty shall be doubled in case of repetition.

The court shall impose on the convicted person in the two cases the payment of the value of repairing the damage.

Article (53): A punishment with imprisonment for a period not exceeding two years, and with a fine not exceeding fifty thousand Omani Riyals, or with one of these two penalties shall be inflicted upon any person:

1. Who establishes or operates or assists or incites another person to establish or to operate a telecommunications system or offer telecommunications services without obtaining a license, or by using telecommunications equipment or systems not approved by the Authority pursuant to the provisions of this Act.
2. Any person caught possessing or using any radio communications equipment without obtaining a radio license pursuant to the provisions of this the Act.

In all cases, the court shall order to confiscate the items seized.

Article (54): *Cancelled by the Royal Decree NO 64/2007*

Article (55): A punishment with imprisonment for a period not exceeding one year, and with a fine not exceeding five thousand Omani Riyals, or with one of these two penalties shall be inflicted upon any person:

1. Who intercepts, without the written approval of the Authority, any telecommunications other than those permitted by law.
2. Who connects any telecommunications system or equipment to a telecommunications system that has been issued with a license that does not permit such connection, or by using technical methods not approved by the Authority in application of the provisions of this Act.

Article (56): *Cancelled by the Royal Decree No 64/2007.*

Article (57): A punishment with imprisonment for a period not exceeding one year, and with a fine not exceeding five thousand Omani Riyals, or with one of these two penalties shall be inflicted upon any person:

1. Who obtains any telecommunications service from a licensed telecommunications system using fraudulent means or technical means not approved by the Authority, or possesses any thing that could be used to obtain them with the intention to avoid payment of the fees payable for the targeted service.

2. Who supplies or sells programs or equipment or any other items that could be used to obtain the service referred in clause (1), using fraudulent means or technical means not approved by the Authority with the intention to avoid payment of the fees payable for the targeted service.

3. Anyone who violates the technical specifications for telecommunications equipment that are specified in accordance with clause 6 of Article (51) of this Act.

4. Anyone who violates the provisions of clause 8 of Article (51) of this Act. In all cases, the penalty shall be doubled in case of repetition.

Article (58): *Cancelled by the Royal Decree No 64/2007 .*

Article (59): *Cancelled by the Royal Decree No 64/2007.*

Article (60): *Cancelled by the Royal Decree No 64/2007.*

Article (61): A punishment with imprisonment for a period not exceeding one year, and with a fine not exceeding one thousand Omani Riyals, or with one of these two penalties shall be imposed upon the following:

1) Any person who uses telecommunications equipment or facilities with the intention to forward a message that he is aware of as untrue, or that could harm the safety of any person, or the efficiency of any service.

2) Any person who uses telecommunications equipment or media in cases other than the cases permitted by the Authority, or in cases of performing the duties of a job, with a licensee, with the intention of:

- A) Obtaining information about the content of the message or its sender or addressee, if whoever uses these media or equipment or whoever acts on his behalf, is not authorized by the Authority for operational reasons, to receive such information.
- B) Disclosing the confidentiality of any data related to the message content or its sender or the addressee, that might have come to his knowledge by reason of using these media or equipment, whether by him or by any other person, with the exception of the cases where divulging the confidentiality of the data is permitted pursuant to the provisions of this Act or any other Law.

In all cases, the penalty shall be doubled in case of repetition.

- 3) Any person who knowingly sends, through telecommunications system, equipment or media, a message that is contrary to public order or good morals.
- 4) Any natural or legal person owning, managing or supervising a website if he incites or agrees to the publication of the messages stated in item 3 of this article through the Telecommunications Network or assists in it by a positive or a negative act.¹⁵

Article (62): *Cancelled by the Royal Decree No 64/2007.*

Article (63): *Cancelled by the Royal Decree No 64/2007.*

Article (64): *Cancelled by the Royal Decree No 64/2007.*

Article (65): A punishment with imprisonment for a period not exceeding one year, and with a fine not exceeding five thousand Omani Riyals, or with one of these two penalties shall be inflicted upon any person:

- 1) Who uses telecommunications equipment for the purpose of causing harmful interference, unless this interference was the result of a force majeure, or a state of emergency.
- 2) Who violates the provisions of Articles 37 Repeated 37 Repeated 1 and 37

¹⁵ This Article has been amended by Royal Decree No. 59/2008

Repeated 2 of this Act.

Article (66): Any person who violates the provisions of the Executive Regulation of this Act, or the decisions issued in execution thereof shall be punished with imprisonment for a period not exceeding six months, and with a fine not exceeding five thousand Omani Riyals, or with one of the two penalties.

The penalty shall be doubled in case of repetition.

Article (67): Any member of the Authority, who violates the provisions of Article (42) or Article (43) of this Act, shall be punished with a fine not exceeding fifty thousands Omani Riyals.

Any employee, who violates the provisions of the aforementioned Articles in the previous paragraph of this Article, shall be punished with a fine not exceeding twenty thousand Omani Riyals.

Any business owner, who violates the provisions of the aforementioned Articles of the first paragraph of this Article, shall be punished with a fine not exceeding one hundred thousand Omani Riyals.

Article (68): Any licensee, who violates the obligations imposed by the Executive Regulation of this Act pursuant to clause (12) of article (51) of this law, shall be punished with a fine not exceeding ten thousand Omani Riyals.

The penalty shall be doubled in case of repetition.

Article 68 Repeated: *Anyone who publishes or spreads the contents of any communication via the telecommunication network or a telephone message that he came across by virtue of his job or recorded it without legal grounds shall be punished with imprisonment for a period not exceeding six months and a fine not exceeding two thousand Omani Riyals, or with one of these two punishments.*

The punishment shall be doubled in case of repetition.

Article 68 Repeated (1): *Anyone who intercepts, obstructs, alters or omits the contents of a message via the telecommunications network*

or the telecommunications equipment or encourages others to do so, shall be punished with imprisonment for a period not exceeding six months and a fine not exceeding five hundred Omani Riyals, or with one of these two punishments.

The punishment shall be doubled in case of repetition.

Article 68 Repeated (2): *Anyone who conceals a message that he must transmit via the telecommunications network to another person, or refused to transmit messages he was requested to transmit by the licensee or the Authority, or copied or revealed a message or tampered with the data related to any of the beneficiaries including the undisclosed telephone numbers or sent messages, shall be punished with imprisonment for a period not exceeding six months and a fine of not exceeding one thousand Omani Riyals, or with one of these two punishments.*

The punishment shall be doubled in case of repetition.

Article 68 Repeated (3): *Anyone who uses or helps to use unlicensed means to communicate, or licensed means but does not pay the prescribed fees shall be punished with imprisonment for a period not exceeding one year and a fine of not exceeding one thousand Riyal Omani, or one of these two punishments.*

The punishment shall be doubled in case of repetition.

The court may, on the request of the Authority, oblige the violator to pay an amount of not less than two doubles of the due amounts for that service.

Article 68 Repeated (4): *A legal person shall face criminal questioning if any crime stated in this Act is committed in his name or for his account or by using his equipment or network, and that was a result of an action or serious negligence or approval or concealment by any of the board members or directors or any other officials or one of those who act in this capacity.*

The legal person shall be punished with double the fine prescribed for that crime in accordance with the provisions of this Act.

This is without prejudice to the criminal responsibility of the natural persons pursuant to the provisions of the Law.

Article 69: *Cancelled by the Royal Decree NO 64/2007 .*

CHAPTER EIGHT

Temporary and Transitional Provisions

Article 70: *Cancelled by the Royal Decree NO 64\2007.*

Article (71): Without prejudice to the provisions of this Act, it is not permitted to amend valid licenses except after the approval of Class One licensee.

Article (72): Pending the issuance of the Royal Decree appointing the members of the Authority pursuant to the provisions of Article (10) of this Act within a year of the date of its provisions coming into force, the Minister shall issue a decision to formulate a provisional committee to perform the duties and functions of these members.