



The Bylaws of the Telecommunications Act

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Chapter 1: General Provisions

Article 1:

The terms and expressions identified in Article 1 of the Telecommunications Act and Article 1 of the Statute of the Communications and Information Technology Commission shall have the same meanings stipulated in the Act and the Statute, wherever mentioned in these Implementing Regulations. Furthermore, the words and expressions below shall have the meanings assigned thereto:

- 1.1. **Access:** Extending telecommunication facilities by one service provider to another with the aim of providing telecommunications services.
- 1.2. **Aeronautical Service:** The wireless communication service that covers flight operations such as safety and navigation, among others, and may also include air-to-ground and ground-to-air communications.
- 1.3. **Affiliate:** With reference to service providers, any person controlling a service provider, or a person controlled by a service provider, or any other person controlled by the person controlling service providers.
- 1.4. **Amateur Wireless Services:** Wireless communication services wherein a wireless device is used for training, communication or technical research by individuals with a non-financial private interest in wireless technology.
- 1.5. **Individual License:** A license issued by the Commission entitling a service provider to personally provide telecommunications services in accordance with the terms of said license.
- 1.6. **Class License:** A telecommunications license issued by the Commission entitling all qualified telecommunications service providers within the class identified by the license to provide telecommunications services in accordance with the terms of said license.
- 1.7. **The Commission Acts:** These include the Telecommunications Act and its Bylaws, the Ordinance of the Communications and Information Technology Commission, and any bylaws adopted as per the Law, or any regulations relevant to the Commission functions.
- 1.8. **Dominance:** Any form of dominance resulting in the right to control, occurring directly – through the acquisition of stocks, bonds, etc. – or indirectly through an agreement or other arrangement.
- 1.9. **Decision:** A written document signed by the Minister, the Board, the Governor or the Commission or any other decision-making government authority in accordance with the Commission statutes.
- 1.10. **Confidential Information:** Any information classified as confidential in accordance with these Regulations and rules of procedure.
- 1.11. **Dispute:** Any dispute arising between service providers leading to disagreement over: (a) the interconnection terms and conditions, (b) quality of or access to

telecommunications services provided by one provider to another, and (c) any other subject falling under the Commission jurisdiction.

- 1.12. **Dominant Service Provider:** A service provider classified by the Commission as a dominant service provider as per Chapter 4 of these Regulations.
- 1.13. **Devices and Equipment License:** A license issued by the Commission regarding devices and equipment as per Chapter 12 of these Regulations.
- 1.14. **Vital Facility:** A facility connected to the telecommunications network, or a service provided exclusively or – usually – through a sole service provider or a limited number of providers, which cannot be effectively replaced by competitors due to economic or technical reasons.
- 1.15. **Act of Eminent Domain and Temporary Taking of Property:** An act promulgated by Council of Ministers Decision No. 1224 dated 01/11/1392 H, as per Royal Decree No. M/65 dated 16/11/1392 H.
- 1.16. **Fixed Telecommunications Service:** A wired or wireless communication service enabling connectivity between fixed ground stations.
- 1.17. **Foreign Service Provider:** A telecommunications service provider licensed or authorized to operate outside the Kingdom, but without a license from the Commission to provide the same services in the Kingdom.
- 1.18. **Harmful Interference:** The harmful impact of electromagnetic energy generated through any thermal emission, or electrical radiation or induction that harms the use or effectiveness of safety wireless communication systems, or significantly or frequently reduces or obstructs the usage or operation of telecommunications devices, wireless communication devices or radio-sensitive equipment.
- 1.19. **Current Operator:** Saudi Telecom Company.
- 1.20. **Interconnection:** The physical and regional connection of telecommunications networks used by the same service provider or another, to enable the users of service provider to communicate among themselves or with the users of another service provider, or to allow the usage of the facilities or services of another service provider. Interconnection is considered a specific type of accessibility adopted among service providers.
- 1.21. **Interconnection Guidelines:** Instructions issued by the Commission in accordance with Chapter 5 of these Regulations.
- 1.22. **Interfering Devices and Equipment:** Any machinery, equipment or devices causing or capable of causing interference in wireless communication.
- 1.23. **License:** Any license issued by the Commission, including telecommunications licenses, frequency usage licenses, numbering licenses or devices and equipment licenses, unless the context otherwise states.
- 1.24. **Licensee:** The person holding a license issued by the Commission.
- 1.25. **Maritime Service:** A wireless communication service that covers maritime operations including safety and navigation, among others, and may also include ship-to-shore and shore-to-ship communications.

- 1.26. **Mediation:** Wherein the Commission assigns a representative to conduct friendly discussions and negotiations between the parties of a dispute in order to reach a suitable agreement.
- 1.27. **Merger:** The direct or indirect acquisition or ownership by one or more persons, whether by purchasing or leasing any shares or assets, by consolidation or otherwise, causing control or influence on all or any part of any establishment, company, competitor, supplier or otherwise.
- 1.28. **Mobile Telephony Service:** A wireless communication service that enables telecommunications between portable wireless devices, including:
- a. Fixed telephone devices.
 - b. Fixed wireless devices.
 - c. Space stations.
 - d. Other portable wireless devices.
- 1.29. **National Frequency Record:** The register containing complete information on frequencies, as highlighted in Article 80 of these Regulations.
- 1.30. **National Telecommunications Record:** The register containing all information, decisions and licenses issued by the Commission, as highlighted in Article 22 of these Regulations.
- 1.31. **Number:** The number, code or other symbol used by the service provider to offer telecommunications services, in order to identify telecommunications facilities and connect between transmission and reception locations, or identify the type of transmission provided by the service.
- 1.32. **Numbering License:** A license to use numbers, issued by the Commission, as highlighted in Chapter 11 of these Regulations.
- 1.33. **Switching Operators:** Any service a user may utilize to keep any current number easily and without affecting the quality or availability of the service upon changing locations or switching from one service provider to another.
- 1.34. **Person:** A natural or legal person, including any governmental authority or shareholding company, or a limited or joint liability company, or other types of companies and individual establishments.
- 1.35. **Public Payphones:** Phones made available to the public in exchange for payment, either in the form of coins, smart cards, credit cards, pre-paid cards or otherwise.
- 1.36. **Public Telecommunications Network:** The telecommunications network used to provide telecommunications services to the public.
- 1.37. **Wireless Devices:** Any device, machine, or group of machines that may be used for wireless communication, including telecommunications services, radio services or otherwise.
- 1.38. **Wireless Communication:** Any transmission, broadcast or reception of signs, signals, written messages, images, sounds or information of any kind via electromagnetic waves in the frequency spectrum.

- 1.39. **Wireless Inference Service:** It uses wireless communication to identify the position, speed or other attributes of objects or natural phenomena, or to acquire related information, through the propagation characteristics of radio waves.
- 1.40. **Frequency Usage License:** The license issued by the Commission as per Chapter 10 of these Regulations.
- 1.41. **Radio-Sensitive Equipment:** Any devices, machinery or equipment affected or likely to be affected by radio transmissions in terms of usage or operation.
- 1.42. **Number Change Notification Service:** Any free method that notifies callers that the number of the previous user has changed.
- 1.43. **Reference Interconnection Offer:** This term shall have the meaning assigned to it under Article 41 of these Regulations.
- 1.44. **Registrant:** A person having registered their name with the Commission to participate in a procedure before the Commission in accordance with the rules of procedure.
- 1.45. **Rules of Procedure:** A set of procedural rules issued by the Commission to identify its operational procedures and published in accordance with its statutes.
- 1.46. **Service Provider:** Any person licensed by the Commission to: (1) provide telecommunications services to the public, and (2) operate a network used by that person or another person to provide telecommunications services to the public, or both.
- 1.47. **Tariff:** Fees, or financial or non-pecuniary compensation received by or paid to the service provider in exchange for the use of telecommunications services or facilities.
- 1.48. **Telecommunications Devices:** Wired and wireless devices, radio-sensitive equipment, interfering devices and equipment, and any other equipment, devices, products, tools, machinery or otherwise that: (1) are connected to the telecommunications network or (2) may, when used, affect the technical capacity to provide telecommunications services.
- 1.49. **Telecommunications Facilities:** Any facility, device, equipment, software, service or otherwise that is used or may be used in telecommunications or in any other related activities.
- 1.50. **Telecommunications License:** Individual or class license.
- 1.51. **Transmission Systems:** Any wired or wireless system, fiberoptic, electromagnetic system or similar technical systems used in telecommunication, including distribution cabins, poles, cable ducts, towers, masts and other structures necessary for such equipment.
- 1.52. **Telecom Marketing:** The use of the telecommunications network to advertise and promote a product or a service.
- 1.53. **Service Terms:** The general terms and conditions based upon which a service provider offers his services to users. They are listed in a document drafted and adopted in accordance with Chapter 8 of these Regulations. Once the Commission approves such terms and conditions, they – in addition to these Regulations and the adopted tariff – become binding to both the service provider and the affiliated users.

- 1.54. **Quality Control:** A means of ensuring that the devices and equipment used in providing telecommunications services work in accordance with the technical specifications applied per the basic intended usage and in line with the telecommunications networks the devices and equipment are authorized to connect to or interact with.
- 1.55. **Universal Service Delivery:** The services identified in the Universal Service Policy.
- 1.56. **Universal Access Delivery:** The services identified in the Universal Access Policy.
- 1.57. **Universal Service Provider:** A service provider granted a “Universal Service Provider” status by the Commission.
- 1.58. **Universal Service and Universal Access Plan:** The plan submitted to the Commission by the Current Operator, a service provider or any other person, illustrating the means by which the Current Operator, the service provider or the other person, as the case may be, shall expand the universal service or universal access in any region in the Kingdom.
- 1.59. **Universal Access and Universal Service Policy:** The policy adopted by the Ministry following a proposal by the Commission for the provision and development of universal service and universal access.
- 1.60. **Hacking:** Unauthorized access or breach by any means and by any person, service provider or user to any part of the telecommunications network or its contents, for any goal or purpose, regardless of whether or not such breach results in any sabotage or disruption.
- 1.61. **Hacker:** Any person, service provider or user who performs a hacking operation for any reason whatsoever.
- 1.62. **Hacking Sources:** Locations and points from which the hacking can occur, including but not limited to: communication points, public payphones, internet cafes, Internet access media (cards, disks, magnetic tape, etc.).

Article 2:

2.1. Where these Regulations require that any action be taken in writing, it may be done electronically.

2.2. Contrary to what has been stated in the Law, any document shall be considered issued by the Commission in the following circumstances:

- (a) If presented for examination and review in the Commission offices.
- (b) If it is announced to the public on an ongoing basis via the Commission website.
- (c) In circumstances identified by the Commission, any document is published if:
 1. It is published in the Official Gazette.
 2. Its summary has been published in a newspaper of wide circulation in the Kingdom.

2.3. Where required by these Regulations to send a document to the Commission email address, and such email is inactive, the document must then be delivered to the Commission in person.

2.4. Where the context so requires in these Regulations, terms in the singular form shall have the same meaning as terms in the plural form, and vice versa.

2.5. The Commission may, if its statutes require the authorization or prohibition of a certain activity for a certain person, issue a decision identifying persons related to the aforementioned person, or the concerned establishments upon which such authorization or prohibition applies.

Article 3:

3.1. The Commission, the Board and the Governor shall take any suitable procedures and issue any regulations or decisions in accordance with the Commission statutes, in such a way as to assist in the proper implementation of such statutes.

3.2. The Commission, in performing its functions and duties under its statutes, may raise a report regarding any incident, including the identification of any violation of its statutes.

3.3. The Commission, in performing its functions under its statutes, may request any person meeting its prescribed conditions to perform any task required of them or prevent them from performing any task prohibited to them in accordance with any of its statutes.

3.4. The Commission may require any service provider to supply, install and maintain any technical requirements and capabilities or otherwise in the service of public interest.

Article 4:

The Board may delegate the Governor or any Commission's member to perform any of its functions, with the exception of:

- (a) Issuing, amending, suspending or revoking landline and mobile phone licenses.
- (b) Adopting implementing regulations.

Article 5:

Providing Commission with Data and Information*:

* **Previous version of Article 5, amended by Ministerial Decision No. 1 dated 01/01/1435 H:**

5.1. The Commission may ask the service provider to provide – at the expense thereof – any information it deems necessary for the implementation of any of its statutes, in the form of periodic reports and using any means it deems necessary.

5.2. If The Commission believes a person other than the service provider has any information it deems necessary for the implementation of its statutes, it may ask such person to provide – at the expense thereof – any information it deems necessary for the implementation of any of its statutes, in the form of periodic reports, or any other form or means identified by the Commission, without prejudice to the confidentiality procedures stipulated in the Rules of Procedure.

5.1. The Commission may ask the service provider or any other person to provide – at the expense thereof – any data or information it requires for the implementation of any of its statutes, within the period it identifies and using any means it deems necessary. This includes, but is not limited to, the provision of online systems or terminal devices in locations identified by the Commission, to enable its acquisition of such data or information.

5.2. Parties required to supply data or information to the Commission as per paragraph (5.1) shall do so, while ascertaining the accuracy and validity of such information.

5.3. Without prejudice to the confidentiality of the information, the Commission may inform the public of any information it receives.

Article 6:

Disconnection of Telecommunications Facilities:

6.1. If the Governor considers that there is a risk of imminent damage to a communication network or a person, or a frequency is being used in violation of any Commission statutes, decisions or issued licenses, he may, following a previous notice to the person causing the damage, require the service provider to disconnect any of his telecommunications facilities from other facilities, in circumstances where he deems the procedure necessary to prevent the violation of any Commission statutes, or any license or decision issued as per these Regulations.

6.2. Without prejudice to the provisions of paragraph (6.1), the Governor may request the disconnection of any telecommunications facility at a specific time or within a given time period. If there are any terms related to compensation or otherwise, the Governor may take the appropriate and fair measures regarding same.

Article 7:

Inspection and Seizure*:

5.3. Without prejudice to the confidentiality procedures stipulated in the Rules of Procedure, the Commission shall notify the public of any information it receives within the framework of the procedures at hand.

5.4. The Commission may issue a decision requiring any person to provide information needed as per paragraphs (1) and (2) of this Article.

5.5. If the person in Article 5.4 is a licensee, he shall submit the required information within the timeframe identified in the aforementioned decision. If unable to do so, he must immediately notify the Commission and clarify the reasons for same, while mentioning alternatives to the requested information, if any.

5.6. The Commission may accept the alternative information, and shall also be entitled to ask the licensee to submit the originally requested information at a later time identified by it.

*** Previous version of the article on Inspector Appointment, amended by Ministerial Decision No. 1, dated 01/01/1435 H:**

6.1. The Governor, in implementing any provisions of the Commission statutes or decisions taken in accordance with such statutes, and without prejudice to the laws of the Kingdom, may appoint any person

7.1. The Governor or his representative may appoint or assign any person to carry out inspections and enter any headquarters or premises owned or used by the licensee, to ensure implementation of the Commission statutes and decisions and detect violations, if any.

7.2. If an inspection of a headquarters or a location other than what has been indicated in paragraph (7.1) is required to ensure the implementation of the Commission statutes, it shall be carried out in coordination with the concerned authorities if the law or order so requires it.

7.3. The inspector must be allowed to perform his duties upon presenting the inspection card or a nomination letter by the competent person at the Commission, and may not be prevented from carrying out his tasks. In case of prevention or hindrance, the inspector shall document same in a report so that necessary action may be taken.

7.4. The Commission may perform inspections at the time it deems appropriate and without previous notice.

7.5. The inspector, to the end of performing his tasks, may take any necessary action, including:

- a) Examine and inspect any devices, equipment, tools, connections, systems, databases, data, records or facilities used in communications and information technology.
- b) Acquire originals or copies of any licenses, permits, certificates, registers, documents or other information requested by him.
- c) Seize any documents, records, devices, equipment, tools, connections or any other items, to be used as evidence to prove a violation, to be seized and documented in a special record.

in the capacity of an inspector and assign to them – in coordination with the concerned authorities if the law so requires it – the task of entering any headquarters used by a licensee or any such premises the Governor reasonably believe to contain evidence concerning a violation or breach of the Commission statutes, decisions or licensing terms. The inspector may:

- a. Request to review, examine and acquire copies of any licenses, permits, certificates, or other documents required as per the Commission statutes.
- b. Request to review, examine and inspect any devices, equipment, tools or facilities used in telecommunications.
- c. Require the licensee to bear the costs associated with the inspection and examination of all telecommunications facilities and devices by an inspector or a technical expert, with the aim of measuring quality of service and calculating service fees or installing the Commission-issued measurement devices.
- d. Require the service provider to bear the costs of an inspector assigned to review files, records, data or any other of his documents, to achieve effective supervision and ensure the implementation of conditions pertaining to tariffs and interconnection fees as per the Commission statutes.

6.2. The inspector appointed as per paragraph (6.1) may seize any documents, online records or other items, and take a copy of same if necessary. He may also request the handover of any relevant online records that may be used as evidence in the investigation and current or future procedures.

6.3. All persons must cooperate fully with an inspector commencing the duties assigned to them as per the provisions of paragraph (6.1).

- d) Take photographs, using any available means, of any evidence or clues observed by him.
- e) Take any other procedure he deems necessary for the completion of his tasks.

7.6. The licensee shall bear the costs associated with the inspection and examination of communications facilities and devices by an inspector or an assigned technical expert, with the aim of measuring quality of service and calculating service fees, or installing the Commission-issued measurement devices.

7.7. The service provider shall bear the costs of an inspector assigned to review his files, records, data or any other documents, to achieve effective supervision and ensure the implementation of the Commission statutes, decisions and instructions.

7.8. All persons must cooperate fully with the inspector(s) upon commencing the inspection duties assigned to them as per the provisions of paragraph (7.1).

7.9. In case of any violation of the Commission statutes or decisions, it shall be seized and documented in a record containing the following:

- a) Place and date of seizure.
- b) Name(s) of seizing officer(s).
- c) Name(s) of person(s) committing the violation or their representative, as per their identification documents.
- d) Description of the violation and its circumstances.
- e) List of the equipment, devices, tools and other seized items.
- f) Facts and statements of employees or officials in the entity charged with the violation, to be signed by them; refusing to do so shall be entered into the record.
- g) Any information or data deemed necessary by the seizing officer.

7.10. The completed report shall be submitted to the competent department at the Commission to take the necessary action.

7.11. The Commission shall keep the seized items until the Committee decides on the violation.

7.12. If the violation is established pursuant to a decision issued by the Committee, the Commission may dispose of the objects subject of the violation using any of the procedures below:

- a) Selling them in a public auction.
- b) Destroying them by a committee comprising at least three Commission employees, in accordance with a disposal order.
- c) Granting them to any government agency or licensed charity as it deems appropriate.
- d) Any other means it deems appropriate.

7.13. The Commission may, in implementing the provisions of paragraph (7.12), seek the assistance of the relevant agencies.

7.14. Any amounts generated from such disposal shall be for the Commission.

Article 8:

Investigation* :

8.1. The Governor shall appoint any person to investigate any matter brought to the Commission or falling under its jurisdiction, as per its statutes, and submit a report regarding same.

8.2. The investigator(s), for the purposes of the investigation, shall have the same powers granted to the inspector under Article 7 of these Regulations.

8.3. All persons must cooperate fully with the investigator(s) during the investigation.

8.4. The Commission may seek the assistance of the relevant law enforcement agency to perform the investigations indicated under this Article.

8.5. The Commission may summon, in any way it deems appropriate, anyone it believes to be connected to the investigation, and take any necessary action if such persons fail to appear.

8.6. The investigation shall be conducted in writing, wherein the accused party shall be confronted with the violation and informed that he is being formally investigated. The investigation itself may be conducted directly, via email or through any means the Commission deems appropriate, at the place and time of its choice.

8.7. Without prejudice to the aforementioned paragraph, the investigation report shall include:

- a) Investigation time and place.
- b) Investigator name and particulars.
- c) Suspect name and particulars.
- d) Confronting the suspect with the violation and the evidence brought against him, and allowing him to respond to the facts and evidence incriminating him.

*** Previous version of the article on Investigator Appointment, amended by Ministerial Decision No. 1, dated 01/01/1435 H:**

8.1. The Governor may appoint any person in the capacity of an investigator, to investigate any matter brought to the Commission or falling under its jurisdiction, and submit a report regarding same.

8.2. The investigator(s), for the purposes of the investigation, shall have the same powers granted to the inspector under paragraphs (6.1.a), (6.1.b) and (6.2) of these Regulations.

8.3. The Commission Rules of Procedure on information classification and disclosure shall be applicable to any information submitted to the investigator or acquired during his investigations.

8.4. All persons must cooperate fully with investigators commencing the tasks assigned to them as per paragraph (1) of this Article.

8.8. The investigator may resume a previous investigation, if any.

8.9. If the suspect refrains from making a statement or refuses to sign it, a note of same shall be entered into the record.

8.10. If the investigation concludes with proving that the accused party is guilty of the violation, the Commission shall file a claim before the Committee for Telecommunications Law Violations.

Article 9:

License and Service Fees:

9.1. Under its statutes, the Commission may determine the fees for:

- (a) Providing commercial telecommunications services.
- (b) Issuing and renewing telecommunications services licenses.
- (c) Issuing and renewing frequency usage licenses.
- (d) Issuing and renewing numbering licenses.
- (e) Issuing and renewing telecommunications devices and equipment licenses.
- (f) Any other work or services rendered by the Commission under its statutes.

9.2. In accordance with Article 5 and 6 of the Law, and with regards to paragraphs (9.1.a), (9.1.b) and (9.1.c) herein, the Commission shall submit to the Minister a report on landline and mobile phone license fees, for approval by the Council of Ministers.

9.3. The Commission shall propose frequency usage fees as per paragraph (9.1.c) herein and submit same to the Ministry for approval in accordance with Article 3 of the Law.

9.4. The Commission shall determine the fees identified in paragraph (9.1) herein in accordance with the following rules:

- (a) The fees must be transparent, equitable, justifiable, objective and appropriate for the service subject to the license.
- (b) The fees must observe the need to encourage competition and creative, innovative services.
- (c) The fees must reflect the need to ensure the optimal usage of scarce resources such as the frequency spectrum and numbering.

9.5. The Commission shall, in identifying the fees as per paragraph (9.1.f) herein, observe the following:

- (a) Fees identified by the Commission shall be enough to cover the overall costs of its work and services, and not to obtain additional income.
- (b) Fees covering the Commission's work and services shall be appropriately distributed between service providers on the bases identified by the Commission.

Chapter 2: Telecommunications Licenses:

Article 10

General Licensing Terms:

10.1. A person may not provide telecommunications services to the public or operate a telecommunications network with the aim of providing such services, except after obtaining a license from the Commission and in accordance with the terms of such license.

10.2. The licenses shall be in writing and publicly available.

10.3. Under the Commission statutes, four types of licenses may be granted:

- (a) Telecommunications Services License
- (b) Frequency Usage License
- (c) Numbering License
- (d) Devices and Equipment License

10.4. Upon issuing, renewing or amending any license, the Commission shall post an announcement on its website to introduce the public to the key facts about the license and direct them to its most recent viewable copy.

Article 11:

Types of Telecommunications Licenses:

11.1. The Commission may issue two types of licenses as per its statutes – individual and class licenses.

11.2. Unless otherwise decided by the Commission, individual licenses shall be issued for the following services:

- (a) Landline services.
- (b) Mobile phone services.
- (c) Operating a public telecommunications network.
- (d) Fixed and mobile telecommunications services for local and international data transfer.
- (e) Any other type of services determined by the Commission.

11.3. The Commission shall issue licenses for providing private mobile phone telecommunications services as per Article 5 of the Law.

11.4. Class licenses shall be issued to enable several service providers in the same class to provide telecommunications services or operate telecommunications networks, except as provided under paragraph (11.2) herein. These licenses shall be subject to the following rules:

- (a) Class licenses shall contain identical conditions for licensees providing the same service.
- (b) There are two types of class licenses – Type-A and Type-B, as indicated in paragraphs (11.5) and (11.6) herein.
- (c) The Commission may add new types of class licenses.
- (d) In issuing Type-A class licenses, the Commission may:
 1. Limit the number of licensees authorized to provide such type of service
 2. Set competition or qualification conditions and licensing procedures in line with its statutes.
- (e) In issuing Type-B class licenses, the Commission may not:
 1. Limit the number of licensees authorized to provide such type of service.
 2. Other competition or qualification conditions and licensing procedures shall apply. The license shall be issued after a registration form is submitted to the Commission with details such as the name, address and background information on the service to be provided by the licensee.
- (f) Class licenses shall include a provision stipulating that licensees in such a class are to submit their registration forms to the Commission within 30 days prior to providing any services, given that the form is to include the name and address of the service provider, in addition to a description of the service to be provided, and other background information identified in the license.
- (g) The Commission may suspend or revoke any registration in violation of the terms of any class license, following a notice period of 15 days to allow the service provider to eliminate the violation and correct all irregularities.
- (h) Prior to issuing any class license, the Commission may:
 1. Publish a draft of the proposed class license, to include the conditions to be met by the licensees in order to provide telecommunications services or operate telecommunications networks.
 2. Conduct public opinion polls about the proposed class license.
 3. Observe the feedback received in issuing and publishing the class license.

11.5. The Commission shall issue Type-A class licenses for the provision of the following services or the operation of telecommunications networks through which such services may be provided, unless otherwise decided:

- (a) Resale of domestic and international landline services.
- (b) Satellite communications services using very small aperture terminals (VSATs).
- (c) Public payphone services.
- (d) Paging services.
- (e) Temporary network services.
- (f) Any other service or telecommunications network that does not require an individual license or another type of class license as per the Commission.

11.6. The Commission shall issue Type-B class licenses for the provision of the following services or the operation of telecommunications networks through which such services may be provided, unless otherwise decided:

- (a) Providing internet services.
- (b) Value-added network services.
- (c) Mobile personal satellite communications services.
- (d) Public call offices.
- (e) Any other service or telecommunications network Commission decides to add to the Type-B class.

11.7. Service providers may obtain more than one license for more than one service.

11.8. The Commission shall address all amendments, renewals, suspensions, terminations, revocations, re-assignments and registrations of class licenses as per these Regulations and the Rules of Procedure.

Article 12:

The conditions for individual licenses are as follows:

12.1. The Commission may impose conditions on individual licenses to achieve the objectives of the Law. These include, but are not limited to:

- (a) Scope of the services.
- (b) Service quality standards.
- (c) Exclusivity terms and conditions.
- (d) Network or service rollout requirements.
- (e) Additional service obligations.
- (f) Ownership limitations on the shares of other service providers.
- (g) Specific tariff conditions additional to what has been provided in these Regulations.
- (h) Requirements for the provision of information by the licensee to the Commission.
- (i) Requirements for cooperation with the Commission to ensure fulfillment of its duties under its statutes.
- (j) Level of segregation between telecommunications services for accounting and regulatory purposes, as decided by the Commission.
- (k) Billing requirements, inquiry services and emergency services.

12.2. Individual licenses for the same service shall have identical terms, notwithstanding different circumstances that require the adoption of different terms.

12.3. The Commission may issue individual licenses for a term not exceeding 25 years.

12.4. The Commission may issue decisions requiring one or more service providers to submit a plan for providing disaster and emergency telecommunications services, subject to its approval.

Article 13:

Licensing Procedures and Standards:

13.1. The Commission shall take into account the objectives and purposes of Article 3 of the Law on issuing licenses and the conditions thereof.

13.2. Every individual license applicant must submit to the Commission – at the very least – the following information:

- (a) Name, main address and other addresses.
- (b) Detailed description of the type of service he wishes to provide, and the geographic region covered by the service.
- (c) Detailed description of the network and transmission systems he wishes to establish and operate, as well as a time schedule for implementation and date of operation and network rollout.
- (d) Evidence to prove the applicant's financial ability to provide the services and establish the proposed network.
- (e) Evidence to prove the applicant's technical expertise and aptitude or their access to same, and the necessary expertise to provide services and establish the proposed network.

13.3. The Commission may, from time to time, publish information on the procedures of individual license applications. Such information and procedures must include:

- (a) Sufficient information on the proposed licenses, to enable applicants to submit complete applications.
- (b) Sufficient time between the publication date and the submission deadline, to enable applicants to submit complete applications.
- (c) An appropriate degree of consultation, to be determined at the discretion of the Commission, based on the significance of the license.
- (d) All licensing criteria and the time frame required by the Commission to make a decision regarding the license application.
- (e) Any other objective criteria Commission deems appropriate.

13.4. CICT may publish the information submitted to it under this Article.

13.5. At the request of the individual license applicant, CICT must provide the grounds for rejection of the license, or rejection of registration within the class license.

Article 14:

Licensing amid Scarcity of Resources:

14.1. The Commission may limit the number of individual licenses issued in the telecommunications market in the following cases:

- (a) During the transitional period before a competition to regulate and develop the rapid growth of such type of telecommunications networks or services.
- (b) A shortage in frequencies.

14.2. In the event there is a limited number of licenses as per this Article, the Commission may choose the licensing procedures in accordance with the type of telecommunications service or network subject of the license. The Commission may choose one of the following means:

- (a) A comparative evaluation as per Article 15 of these Regulations.
- (b) An auction as per Article 16 of these Regulations.
- (c) Any other method Commission deems appropriate and suitable in such circumstances.

14.3. The Commission shall publish its decision regarding its choice of the methods indicated in paragraph (14.2) herein, as well any other rules it deems necessary to complete the licensing procedures.

14.4. Should the Commission choose to limit the number of licenses to be issued, the procedure for granting such licenses must be objective, non-discriminatory and transparent.

Article 15:

Comparative Evaluation:

15.1. During a comparative evaluation, the Commission shall choose the best applicant based on their financial and technical capabilities and their ability to meet the needs and demands of the users of the telecommunications network or services.

15.2. The Commission shall conduct a prequalification process to identify the parties who may apply for a license. It shall ask every applicant to submit the following:

- (a) Evidence of the applicant's financial capability to provide services and establish the proposed network.
- (b) Evidence of the applicant's expertise and technical capability or his ability to acquire same, and the expertise necessary to provide services and establish the proposed network.

15.3. During the prequalification procedures, the Commission shall invite all applicants who can provide the evidence required under paragraph (15.2) herein to submit their

applications in the form and substance deemed satisfactory by the Commission. Applications must contain the information specified in paragraph (13.2) herein and any other information requested by the Commission.

15.4. The Commission shall establish the comparative evaluation procedures, provided they include the procedures provided under paragraph (15.3) herein. Service provider applicants shall be evaluated based on objective criteria identified by the Commission.

15.5. The Commission may publish the information submitted to it pursuant to this Article.

Article 16:

Auction Procedures:

16.1. Prior to conducting an auction for a telecommunications services license, the Commission shall conduct a prequalification process for persons wishing to partake in the auction, by asking each to submit the following:

- (a) Evidence of the applicant's financial capability to provide services and establish the proposed network.
- (b) Evidence of the applicant's expertise and technical capability or his ability to acquire same, and the expertise necessary to provide services and establish the proposed network.

16.2. The Commission shall invite the qualified applicants who submitted evidence as per paragraph (16.1) in the form and substance deemed satisfactory by the Commission to participate in the auction. The Commission may also establish the auction procedures and qualification conditions and issue same in a published decision.

Article 17:

Frequency Usage Licenses:

17.1. An applicant requesting the renewal of a telecommunications license for using frequency to the end of providing telecommunications services or operating a telecommunications network shall submit an application for the issuance or renewal of a frequency usage license, given that Commission shall complete the procedures for both applications concurrently.

17.2. The Commission may not deny the issuance or the renewal of a frequency usage license to the applicants identified in paragraph (17.1) without a reasonable cause, including the following:

- (a) Lack of frequencies.
- (b) Preventing interference with other telecommunications services provided by any other service providers.

- (c) If the issuance of a frequency usage license contradicts with the Commission statutes.
- (d) If the telecommunications license related to the frequency usage license is not issued or renewed.

Article 18:

Landline and Mobile Phone Services:

18.1. This Article shall apply to any individual license for the provision of landline and mobile phone services.

18.2. The prior approval of the Board must be acquired for the re-assignment of any individual license for providing landline and mobile phone services. The decision of the Board shall be issued within 90 days from the submission of the complete request.

18.3. The Board may amend any individual license for providing landline and mobile phone services in the following circumstances:

- (a) If the licensee applies for same.
- (b) If any changes or amendments are made to international or regional treaties and international recommendations in effect, or to the statutes and regulations of the Kingdom, that require such amendment.
- (c) If such amendment is necessary for the objectives and purposes of Article 3 of the Law.

18.4. The Board may renew any individual license for providing landline and mobile phone services in accordance with the Commission statutes and these Regulations, given that the service provider must submit a request for renewal well before the expiration of his license.

18.5. The Board amend, suspend, revoke or deny the renewal of an individual license for providing landline or mobile phone services for reasons including, but not limited to:

- (a) Repeated violation of an essential license condition.
- (b) Failure to pay the license fee or any other charges payable to the Commission.
- (c) Repeated failure to comply with decisions issued by the Commission.
- (d) Failure to use the license within one year from the date of issuance.
- (e) Engaging in acts conflicting with public interest.
- (f) Bankruptcy, liquidation, or dissolution of the service provider.
- (g) Re-assignment of the license to a third party without the Commission's approval.

18.6. Prior to the amendment, renewal, suspension or revocation of any license, the Commission shall notify the licensed service provider in writing of any such action, provided that the notice:

- (a) Gives the service provider enough time to submit feedback regarding the procedure.
- (b) Sets out the procedures to be performed by the Commission.
- (c) Invites feedback from other involved parties.

18.7. In the event that the Board amends, suspends, revokes or denies the renewal of any license, it shall give the service provider sufficient time to comply with such action. The Commission shall make the arrangements necessary to ensure continuity of service to users.

18.8. The Commission may issue a decision regarding any other procedures for the amendment, renewal, suspension or revocation of any license.

18.9. Any decision issued by the Board for the amendment, renewal, suspension or revocation of any individual license for providing landline and mobile phone services shall be subject to approval by the Minister.

18.10. The Commission may suspend some services provided by an operator if he is found in violation of any of the conditions of the license until the Committee issues a decision regarding same. These services include:

- a) Fixed and mobile voice communications services.
- b) Fixed and mobile data communications services
- c) Other related services such as a SMS, voice mail, multimedia services (video calling and video transfer services), as well as value-added services provided by the licensee at the request of the subscribers, and any other such services.

18.11. Prior to the suspension of any services under paragraph (18.10), the Commission shall:

- a) Notify the operator in writing of its intention to suspend the service(s).
- b) Give the operator sufficient time – determined at its own discretion – to address the violation. The operator must inform the Commission in writing of the steps taken to address the violation within the pre-determined timeframe.

18.12. In the event of a continuing violation, the Commission may suspend other services as well.

Article 19:

Other Individual Licenses:

19.1. This Article shall apply to any individual license, except those issued for the provision of landline and mobile phone services.

19.2. The approval of the Board must be acquired prior to the re-assignment of any license to a third party, and the decision made with regard to such approval shall be

published within 90 days from the submission of the complete application. The Rules of Procedure shall identify the application procedures.

19.3. The Board may amend any license in the following circumstances:

- (a) If the licensee applies for same.
- (b) If any changes or amendments are made to international or regional treaties and international recommendations in effect, or to the statutes and regulations of the Kingdom, that require such amendment.
- (c) If such amendment is necessary for the objectives and purposes of Article 3 of the Law.

19.4. The Board may renew the license in accordance with the Commission statutes, given that the service provider must submit a request for renewal in ample time prior to the expiration of his license.

19.5. The Board may amend, suspend, revoke or deny the renewal of the license for reasons including, but not limited to:

- (a) Repeated violation of an essential license condition.
- (b) Failure to pay the license fee or any other charges payable to the Commission.
- (c) Repeated failure to comply with decisions issued by the Commission.
- (d) Failure to use the license within one year from the date of issuance.
- (e) Engaging in acts conflicting with public interest.
- (f) Bankruptcy, liquidation, or dissolution of the service provider.
- (g) Re-assignment of the license to a third party without the Commission's approval.

19.6. Prior to the amendment, renewal, suspension or revocation of any license, the Commission shall notify the licensed service provider in writing of any such action, provided that the notice:

- (a) Gives the service provider enough time to submit feedback regarding the procedure.
- (b) Sets out the procedures to be performed by the Commission.
- (c) Invites feedback from other involved parties.

19.7. In the event that the Board amends, suspends, revokes or denies the renewal of any license, it shall give the service provider sufficient time to comply with such action. The Commission shall make the arrangements necessary to ensure continuity of service to users.

19.8. The Commission may issue a decision regarding any other procedures for the amendment, renewal, suspension or revocation of any license.

Article 20:

Class Licenses:

20.1. The Commission may issue class licenses valid for a term not exceeding 25 years.

20.2. The Commission may review the terms and conditions of any class license at any time, given that the terms and conditions of a class license are to be reviewed five years from issuance date of the license.

20.3. When conducting a review as per paragraph (20.2) herein, the Commission shall send a written notice of such action to the licensees and registrants under the class subject to review.

20.4. The Commission may amend or revoke any class license in any of the following circumstances:

- (a) If the licensee applies for same.
- (b) If any changes or amendments are made to international or regional treaties and international recommendations in effect, or to the statutes and regulations of the Kingdom, that require such amendment.
- (c) If such amendment is necessary for the objectives and purposes of Article 3 of the Law.

18.6. Prior to the amendment or revocation of any license under this Article, the Commission shall notify the licensed service provider in writing of any such action, provided that the notice:

- (a) Gives the service provider enough time to submit feedback regarding the procedure.
- (b) Sets out the procedures to be performed by the Commission.
- (c) Invites feedback from other involved parties.

20.6. If the Commission amends or revokes any class license as per this Article, it shall give licensees sufficient time to abide by such amendment or revocation.

20.7. The Commission may review any class licenses as per its statutes, and to that end shall publish a notice identifying the procedures involved, thus giving licensees sufficient time to provide feedback. The Commission may conduct a public survey regarding the matter.

20.8. In the event that a class license is revoked or denied renewal, the Commission shall make the arrangements necessary to ensure continuity of service to users.

20.9. The Commission may issue a decision regarding any other procedures for the renewal, amendment or revocation of any license.

Article 21:

Class License Registration:

21.1. The Commission may revoke any class license for reasons including, but not limited to, the following:

- (a) Repeated violation of an essential license condition.
- (b) Failure to pay the license fee or any other charges payable to the Commission.
- (c) Repeated failure to comply with decisions issued by the Commission.
- (d) Failure to use the license within one year from the date of issuance.
- (e) Engaging in acts conflicting with public interest.
- (f) Bankruptcy, liquidation, or dissolution of the service provider.
- (g) Re-assignment of the license to a third party without the Commission's approval.

21.2. Should the Commission consider revoking any registration pursuant to this Article, it shall send a written notice to the licensed registrant informing them of the action it wishes to pursue. The Commission may also conduct a public survey regarding the matter. The notice shall give licensees sufficient time to provide feedback. If the Commission revokes any registration, it shall give the licensee sufficient time to abide by such amendment or revocation, and shall make the arrangements necessary to ensure continuity of service to users in accordance with the conditions it deems appropriate.

21.3. The Commission may issue a decision regarding any other procedures for the renewal, amendment or revocation of any class license.

Article 23:

National Telecommunications Record:

22.1. The Commission shall prepare and maintain a national telecommunications register and publish the information recorded therein via the means it deems appropriate.

22.2. The National Telecommunications Record shall contain the following:

- (a) All licenses and class registrations issued by the Commission.
- (b) Decisions issued by the Commission.
- (c) A statement of all approvals and technical criteria determined by the Commission.
- (d) Reference Interconnection Offers (RIO)
- (e) Interconnection agreements provided under Article 42 of these Regulations.
- (f) A statement of fees received by the Commission for processes and services it provides as per its statutes.
- (g) The National Frequency Record.

Chapter 3: Access to Property

Article 23:

The Right of Access to Public Places:

23.1. Without prejudice to paragraphs (23.2) to (23.5) herein, service providers may access public places for purposes related to the establishment, maintenance and operation of transmission systems, including excavation work, among others. They may also remain at such locations for as long as their work requires, in a manner that does not obstruct public usage.

23.2. Service providers shall not establish transmission systems on, above, below or alongside any highway or public place without the prior approval of the competent government authority responsible for such highways and other public places.

23.3. When a service provider is unable to receive, in accordance with reasonable terms of trade, the approval of the competent government authority for the establishment of transmission systems, he may submit a request to the Commission for assistance in acquiring such approval. The Commission, in partnership with the service provider, shall coordinate with such authority to reach a mutually acceptable solution, taking into account the usage of the highways and other public places by third parties.

23.4. When a service provider is unable to receive, in accordance with reasonable terms of trade, the right to use the pole, duct, tower or other telecommunications installations, or the right to use electricity or other transmission systems already established on highways or other public places, the service provider may submit a request to the Commission for assistance in acquiring such right to the end of providing telecommunications services. The Commission shall aid in facilitating his access to such right on a mutually acceptable basis for both the service provider and the competent authority.

23.5. At the request of the competent government authority, the Commission may:

- (a) Issue an order to the service provider, taking into account any terms identified by the Commission, to contract or alter the trajectory of any transmission system established – or to be established – in a location falling under the jurisdiction of such authority.
- (b) Prevent the service provider from establishing, maintaining or operating any transmission system other than what has been instructed by the Commission.

23.6. At the request of the competent government authority or the estate owner, the Commission may allow the establishment of installations or establishment of service pipes in, above, beneath or through (1) transmission systems owned by a service provider or (2) any property used for transmission system purposes, given that such authorization is subject to the terms specified by the Commission.

Article 24:

The Right of Access to Private Property:

24.1. When the service provider requires or uses private property for the provision of telecommunications services, he shall seek to reach an agreement with the owner or the representative thereof.

24.2. If the service provider is unable to reach an agreement as provided in paragraph (24.1) herein, he may submit a request to the Commission for expropriation of property pursuant to Article 35 of the Law.

24.3. The Commission shall study the case and attempt to reconcile between the parties involved, otherwise – in the event that the use of such property is necessary for the purpose in question – take the necessary procedures in coordination with the competent authorities to resolve the issue in accordance with the Law of Eminent Domain and Temporary Taking of Property.

Article 25:

Existing Telecommunications Facilities:

25.1. Where possible, the establishment of new telecommunications facilities must not negatively impact existing telecommunications facilities.

25.2. If any existing transmission system is moved or altered as a result of establishing a new transmission system, the related expenses shall be borne by person requesting the transfer or alteration.

25.3. Any person performing an action that results in the need for protection arrangements for any existing transmission system shall be responsible for any related expenses.

Article 26:

Other Equipment:

26.1. Telecommunications facilities shall be established in a manner that does not negatively impact existing facilities and equipment (including but not limited to equipment used in the maintenance of highways, water and gas supply lines, petrol lines and electrical equipment). Any person responsible for any such impact shall bear any related costs.

26.2. The service provider shall compensate persons for costs borne by his changing the location of the facilities or equipment or making any alterations.

Article 27:

Sites of Environmental or Historical Importance:

27.1. Where technically possible, and taking into account Commission considerations, service providers shall protect sites of environmental or historical importance from damage or harm as a result of establishing and operating or maintaining transmission systems and other telecommunications facilities.

27.2. For the purposes of this Article, the Commission may issue a decision identifying sites of environmental or historical importance, in coordination with the concerned government authorities.

Article 28:

Joint Locations:

28.1. In accordance with Article 36 of the Law, service providers with telecommunications facilities in existing locations shall allow other service providers to utilize such locations for establishing their own transmission systems, if such actions achieve tangible economic benefits and do not require additional critical establishments on that site.

28.2. The party requesting co-location shall compensate the person sharing the location with an amount mutually agreed upon by the two parties. If they fail to reach an agreement, the Commission shall determine the appropriate amount.

28.3. In the event that the two parties are unable to agree on the terms of co-location, either or both may submit a request to the Commission for an amicable or mandatory settlement, in accordance with Chapter 6 of these Regulations.

Chapter 4: Competition Between Service Providers

Article 29:

Commission Duties towards Competition:

In accordance with the provisions of Chapter 6 of the Law, and paragraphs (3.e) and (3.o) herein, the Commission shall carry out the tasks and duties related to competition between service providers in the telecommunications market in the Kingdom:

- (a) Encourage effective and continuous competition for the benefit of users.
- (b) Establish a clear and transparent regulatory framework to reduce regulatory obstacles – among others – that may limit opportunities to access the telecommunications market in the Kingdom.
- (c) Issue a decision classifying dominant service provider in different markets in the Kingdom as per their share in the market and other factors in accordance with Article 30 of these Regulations.

- (d) Monitor and prevent exploitation of power by the dominant service provider in the market as per the present chapter and Article 26 of the Law.
- (e) Monitor and prevent practices that would limit competition as per the present chapter and Article 24 of the Law.
- (f) Review and make decisions regarding proposed mergers between service providers in accordance with Article 25 of the Law.
- (g) Resolve complaints and disputes pertaining to anti-competitive practices in a timely and neutral manner.

Article 30:

Classification of Dominant Service Providers:

30.1. In accordance with Article 1 of the Law, any service provider who generates at least 40% of the total revenue of a specific telecommunications market shall be classified as a dominant service provider, unless otherwise decided by the Commission.

30.2. The Commission may classify a service provider who generates more or less than 40% of the total revenue of a specific telecommunications market as a dominant service provider, if he – whether alone or jointly with third parties – enjoys a strong economic position enabling him to act in a significantly independent manner compared with other competitors or users, taking into consideration his share in the market and the factors identified in paragraphs (30.6.b) to (30.6.f) herein.

30.3. The Commission shall publish an updated list of all dominant service providers and their respective markets on its website.

30.4. Decisions identifying dominant service providers shall also determine and define their respective markets.

30.5. Prior to issuing any decision identifying a dominant service provider, the Commission shall consult with the public and the relevant service provider pursuant to the related terms under the Rules of Procedure, except where such a decision is for the designation of the Current Operator as a dominant service provider.

30.6. In the event that Commission classifies a service provider as a dominant service provider or introduces a change to such a classification in a specific market, it shall take into account, with regard to the market, the following:

- (a) The share of the service provider in the market and whether it gives him a strong economic position enabling him to act in a significantly independent manner compared with competitors or users, taking into consideration the other factors provided below.
- (b) The number and shares of other service providers in the market.
- (c) The pricing behavior of the service provider and his ability to take the lead in same.

- (d) If the service provider has exclusive or predominant control over basic service facilities or telecommunications facilities providing access to users.
- (e) Availability of reasonable alternate services.
- (f) The nature and size of access barriers.

Article 31:

Abuse of Dominance:

Pursuant to Article 26 of the Law, dominant service providers are prohibited from engaging in activities or acts that constitute an abuse of their dominant positions. Such acts include:

- (a) Failure to provide basic facilities to a competitor during a reasonable time period, after receiving a request for same at reasonable and easy terms, if the dominant service provider has such facilities in his possession.
- (b) Discrimination in granting access, interconnection, or any other services or facilities provided to other service providers, except in circumstances that can be objectively justified by differences in the circumstances of their provision, including differences in cost or a shortage in available facilities or resources.
- (c) Provision of a set of services, under which the dominant service provider (1) requires the competitor, as a condition for receiving a certain service, to also receive another service he does not need, or (2) gives the competitor better conditions unjustifiable by differences in cost if he receives another service he does not need.
- (d) Instigate the acquisition of facilities or scarce resources, including the right to access, needed by another service provider for the operation of his services, in order to deprive him of such facilities or resources.
- (e) Provision of competitive services at lower prices than the average long-term incremental costs or any standard cost criteria required by the Commission.
- (f) Mutual financial support from one service to another competitive service, aimed at influencing or limiting competition, except where such support is approved by the Commission by virtue of a decision or the price approval of the services.
- (g) Failure to comply with the interconnection obligations of a dominant service provider pursuant to Chapter 5 of these Regulations.
- (h) Any of the following acts that may obstruct or prevent the expansion or entry of a competitor into the market:
 - 1. Price compression by a dominant service provider, with the aim of reducing the profit margin available for a competitor in need of wholesale services from the dominant service provider, through increasing the wholesale prices of such services or reducing the retail prices of such services in the competition markets, or both.
 - 2. Urging or demanding that suppliers refrain from selling to a competitor.

3. Adopting technical specifications for his networks or systems that prevent or obstruct mutual operation with the competitor's network or system.
 4. Failure to provide, in due course, technical information on basic facilities to other service providers, in addition to technical specifications or other relevant trade information required by other service providers to provide services.
 5. Using information acquired from competitors through interconnection or service provision to have advantage in the competition.
- (i) Any act or activity deemed by the Commission – pursuant to Article 32 of these Regulations – to currently or potentially have significant impact on limiting or harming the competition in any telecommunications market.

Article 32:

Other Anti-Competitive Practices:

In accordance with Article 24 of the Law, persons may not engage in any practices that may compromise or undermine competition in any telecommunications market, including:

- (a) Arrangements between two or more service providers to, directly or indirectly, determine the service fees or any other terms and conditions in the telecommunications markets.
- (b) Arrangements between two or more service providers to, directly or indirectly, determine the person securing a contract or a work opportunity in the telecommunications markets.
- (c) Arrangements between two or more service providers to divide shares or telecommunications markets amongst themselves or between other service providers.

Article 33:

Determining Abuse of Dominance and Anti-Competitive Practices:

33.1. The Commission may, at the request of any person or at its own initiative, decide in all cases if:

- (a) The acts or activities of a dominant service provider constitute an abuse of dominance as per Article 31 of these Regulations.
- (b) The acts or activities of any service provider can constitute anti-competitive practices, as per Article 32 of these Regulations.

33.2. Without prejudice to Article 39 of the Law, the Commission decisions pursuant to paragraph (33.1) herein shall be final and binding to all parties, provided that Commission sends prior notice to such parties informing them that a decision is under

consideration and enabling them to submit feedback regarding same prior to its issuance.

33.3. The Commission may decide that a particular act or activity covered by Articles 31 or 32 of these Regulations shall not be considered as an abuse of dominance or an anti-competitive practice, on a case by case basis.

33.4. The decision issued pursuant to paragraph (33.3) herein shall include the grounds for its issuance, provided they are in line with a development in the telecommunications sector based on a competitive market in the Kingdom.

Article 34:

Addressing Abuse of Dominance and Anti-Competitive Practices:

34.1. In the event that Commission decides, with regards to one or more specific cases, that the acts or actions of a dominant service provider constitute an abuse of dominance or an anti-competitive practice pursuant to its statutes, it may:

- (a) Issue a decision asking the person(s) to take one or more of the following procedures:
 - 1. Desist the acts or actions specified in the decision immediately or within the identified timeframe and abide by the conditions contained therein.
 - 2. Conduct certain changes in the acts or the actions specified in the decision, such as removing or minimizing the impact of the abuse or the competition limitations.
- (b) Refer the case to the Violations Committee in accordance with Article 38 of the Law and Article 94 of these Regulations.
- (c) Require the service provider guilty of acts, actions or practices that are anti-competitive or constitute an abuse of dominance to convene with the persons affected by such acts, actions or practices, in order to reach a solution for preventing or correcting same. If necessary, the conflict shall be resolved in accordance with Chapter 6 of these Regulations.
- (d) Require the service provider guilty of acts, actions or practices that are anti-competitive or constitute an abuse of dominance to publish an admission and an apology in one or more widely-circulated newspapers, in the manner and time decided by the Commission.
- (e) Require the service provider to submit periodic reports to the Commission to aid in determining whether the practices or activities are still ongoing and identifying their impact on telecommunications markets, competitors and users.

34.2. If the dominant service provider repeatedly fails to implement a decision issued by the Commission as a deterrent or punishment for abusing his dominant position in the market or conducting activities that are anti-competitive or constitute an abuse of dominance, the Commission may issue a subsequent decision requiring the service

provider to relinquish ownership of certain areas of work or conduct such work through an independent company with independent books of account, provided that:

- (a) The service provider has received a written notice indicating the possibility of such a decision, and giving him the opportunity to express his opinion regarding same.
- (b) The Commission deems that such a decision is an effective means to putting an end to the continued abuse of dominance, or the anti-competitive practices, actions or acts.

Article 35:

Mergers:

35.1. Applications for the approval of mergers submitted in accordance with Article 25(1) of the Law, or for the purchase of shares in accordance with Article 25(2) of the Law, shall include detailed information on the proposed merger or purchase. They must also include, at the very least, the following:

- (a) Identifying all parties to the merger or the purchase, including real owners, buyers, sellers and persons who own more than 5% of any merger or purchase.
- (b) A description of the nature of the process and a summary of the terms of trade.
- (c) Basic financial information on the parties involved, including their annual revenue from the telecommunications markets, the value of the assets allocated for their telecommunications activities, and copies of any published annual or quarterly financial reports.
- (d) A description of the telecommunications markets in which parties operate.

35.2. Within 90 days from receiving a duly submitted and complete application in accordance with Article 25(1) and (2) of the Law, the Commission shall:

- (a) Approve the process unconditionally.
- (b) Approve the process on the terms Commission deems reasonable for the promotion and development of open and competitive telecommunications markets in the Kingdom that would increase the benefits reaped by telecommunications users.
- (c) Reject the process.
- (d) Issue a notice pursuant to Chapter 2 of the Rules of Procedure, initiating an inquiry into the proposed process in accordance with paragraph (35.3) herein.

35.3. In the event Commission chooses to initiate an inquiry into a proposed operation pursuant to Article 25 of the Law, it may request further information on the process and its implications on the telecommunications markets in the Kingdom. Such information shall include:

- (a) Telecommunications services provided by the parties, users and suppliers, as well as their shares and financial performance in the market.
- (b) The activity and market share of the competitors.
- (c) The availability of alternative products in the involved markets.
- (d) The general impact of the operation on suppliers, competitors and users in the relevant telecommunications markets.

35.4. After the conclusion of the inquiry into any proposed process pursuant to paragraph (25.1) or (25.2) of the Law, the Commission shall issue a decision in accordance with paragraph (35.2.a) or (35.2.b) or (35.2.c) herein.

35.5. In deciding on the merger application as per Article 25 of the Law, the Board shall take into consideration the following guidelines:

- (a) Examining the significant likelihood of the merger preventing or compromising competition, or causing a significant exercise of dominance on a key part of a specific telecommunications market, for two or more years, compared with the impact of non-merging in whole or in part.
- (b) A specific telecommunications market is the smallest group of products and geographic areas that sellers may subject to a notable and steady increase in prices, for a non-temporary period exceeding the levels that would have probably prevailed in case of non-merging, given that in most case 5% is considered a notable increase in prices, and a year is considered a temporary period.
- (c) Non objection, in general, to any merger if the merging entity will solely dominate less than 30% of the shares of a specific telecommunications market.
- (d) Non objection, in general, to any merger based on precautions arising from market potential cross-practices, if the share of the four key persons in a specific telecommunications market is less than 65% post the merger.

35.6. In applying guidelines in paragraph (35.5), the Board shall take into account the following:

- (a) The extent of effective competition that foreign products or competitors can introduce to telecommunications activities of the parties of an existing or proposed merger.
- (b) The failure or the failure likelihood of a telecommunications activity, or any part thereof, owned by a party involved in an existing or proposed merger.
- (c) The availability of acceptable alternatives to the products provided by the parties of the existing or proposed merger.
- (d) Any obstacles to entry into a telecommunications market, including:
 1. Customs and other obstacles to international trade.
 2. Regulatory control on entry into such markets.
 3. Any impact resulting from the existing or proposed merger on such obstacles.

- (e) The extent to which the survival or viability of effective competition in a specific telecommunications market is affected or likely to be affected by the existing or proposed merger.
- (f) The potential for the existing or proposed merger to lead to the removal of a strong and effective competitor.
- (g) The nature and extent of change and development in a specific telecommunications market.
- (h) Any other factors related to the competition in a specific telecommunications market, that will or may be affected by the existing or proposed merger.

Chapter 5: Interconnection

Article 36:

The Interconnection Functions and Duties of the Commission

In accordance with Chapter 7 of the Law, the Commission shall:

- (a) Establish an appropriate and effective interconnection between telecommunications networks, and ensure the right of service providers to use the telecommunications facilities of other telecommunications service providers, to allow the interoperability of telecommunications services that begin or end from one to the other, or both, in the Kingdom.
- (b) Provide a clear and transparent regulatory framework for interconnection and right to access, to reduce regulatory obstacles and other impediments to entry into the telecommunications market.
- (c) Encourage fast and commercially-feasible interconnection arrangements through trade negotiations between parties to conclude interconnection agreements where possible.
- (d) Ensure the conclusion of interconnection agreements for the purposes of the Law and these Regulations.
- (e) Publish interconnections guidelines compatible with the Commission statutes.
- (f) Identify dominant service providers in the telecommunications markets for interconnection purposes.
- (g) If Commission deems appropriate, it shall regulate fees for interconnection and access to services provided by the dominant service providers in the telecommunications market.
- (h) Ensure that dominant service providers publish their RIOs pursuant to these Regulations and Interconnection Guidelines.
- (i) Resolve disputes related to interconnection and right to access in a timely and neutral manner.

Article 37:

Interconnection Between All Service Providers:

37.1. A service provider shall, upon receiving a written request from another service provider or a foreign service provider, negotiate in good faith interconnection agreement for:

- (a) Establish and maintain a link between the telecommunications networks of both parties at specific points of contact.
- (b) Provide access to telecommunications facilities if reasonably requested, to enable services providers to provide telecommunications services to their users.

37.2. The following acts or practices, among others, shall be contrary to good faith negotiations:

- (a) Obstructing or delaying negotiations or dispute resolution.
- (b) Denying access to important information on the telecommunications or telecommunications facilities of a service provider necessary for interconnection arrangements.
- (c) Misleading or forcing a party to reach an agreement that he would not have agreed to otherwise.
- (d) Asking another service provider to sign a non-disclosure agreement preventing him from providing information required by the Commission.
- (e) Refusing the inclusion of a clause allowing the amendment of an interconnection agreement pursuant to any changes to the Commission statutes.

37.3. Unless otherwise decided by the Commission, a service provider may not be asked to conclude any agreement pursuant to paragraph (37.1) herein if he reasonably considers that:

- (a) It causes or could cause a person or a property to be gravely compromised, damaged or injured.
- (b) It results in serious damage or interference in the operation of telecommunications networks or facilities or the provision of his telecommunications services.
- (c) It is not technically or commercially feasible.

73.4. Service providers shall ensure that any agreements proposed pursuant to a request submitted per paragraph (37.1) herein are compatible with the provisions of the Interconnection Guidelines.

73.5. Service providers and other concerned parties may, at any time, request the Commission to issue a decision for the amendment or clarification of the matters or procedures stipulated in the Interconnection Guidelines.

Article 38:

Interconnection by Dominant Service Providers:

38.1 For the purposes of interconnection in one or more telecommunications markets, Articles 38 to 42 of these Regulations shall apply only to service providers classified by the Commission as dominant service providers.

38.2. The Commission may issue a decision to classify a service provider as a dominant service provider for interconnection purposes in one or more telecommunications markets if it considers that:

- (a) The service provider is a dominant service provider in accordance with the Commission statutes.
- (b) The service provider, independently or jointly with others, enjoys a position equal to that of a dominant service provider.

Article 39:

Interconnection Requests:

39.1. Every dominant service provider classified as such in accordance with Article 38 of these Regulations shall, upon request, offer to interconnect between his telecommunications network and any service provider, and offer access to his telecommunications facilities, through a written interconnection agreement.

39.2. All interconnection arrangements offered by dominant service providers pursuant to paragraph (39.1) herein shall be:

- (a) Compatible with the most recent version of the Interconnection Guidelines, including guidelines on interconnection fees and quality of service.
- (b) Compatible with the RIO adopted by the Commission.
- (c) Characterized by transparency, neutrality and objectivity.
- (d) Fulfil all reasonable requests for access to the telecommunications network of a dominant service provider at any technically feasible terminal.
- (e) Subject to reasonable terms and conditions compliant with the Commission statutes.

39.3. Each dominant service provider classified as such in an interconnection market shall ensure that:

- (a) Identical interconnection conditions shall be applicable to interconnected local and foreign service providers with similar interconnection circumstances.
- (b) The conditions and quality of service offered to local and foreign service providers for interconnection and right of access shall be identical to those applicable to his services or affiliates.
- (c) All necessary information and specifications are supplied upon the request of local and foreign service providers seeking interconnection or right of access.

- (d) The information received from a local or foreign service provider seeking interconnection shall be used for such purposes only, and may not be disclosed to any authorities, persons or affiliates, for whom such an information would provide a competitive edge.

Article 40:

Interconnection Fees:

40.1. The Commission shall ensure that interconnection and right of access fees adopted by dominant service providers are compliant with the Interconnection Guidelines upon any of the below actions:

- (a) Approving the fees.
- (b) Resolving disputes related to such fees between service providers.
- (c) Practicing its duties pursuant to its statutes.

40.2. Dominant service providers shall, upon identifying interconnection and right of access fees, abide by the Interconnection Guidelines, including any instructions related to fees or costs and cost breakup.

Article 41:

Reference Interconnection Offers (ROIs):

41.1. Each dominant service provider, classified as such by the Commission, shall prepare and submit an ROI to the Commission for approval, within the timeframe indicated in the Interconnection Guidelines. Dominant service providers shall also update ROIs periodically, in the manner indicated in the Interconnection Guidelines.

41.2. The dominant service provider shall publish his Commission-approved ROI by:

- (a) Sending a copy to the Commission.
- (b) Making a copy available at his headquarters.
- (c) Sending a copy to any person upon request.

41.2. Each ROI shall be:

- (a) Compliant with the Interconnection Guidelines, including any instructions applicable to the form and substance of any ROI issued by the Commission.
- (b) Inclusive of a complete list of the standard services made available to service providers pursuant to any agreement required in accordance with paragraph (39.1) of these Regulations, and containing the relevant terms and conditions, such as the fees and main components of every service.
- (c) Inclusive of a statement of interconnection and right of access fees to be made available and the relevant terms and conditions, such as the applicable fees.
- (d) Approved by the Commission and published on its website.

41.4. Barring what has been approved in writing by the Commission, every dominant service provider classified as such pursuant to Article 38 of these Regulations shall ensure that all submitted RIOs are compatible with his interconnection offers and the Interconnection Guidelines.

Article 42:

Publication of Interconnection Agreements:

42.1. Every dominant service provider classified as such pursuant to Article 38 of these Regulations shall submit a copy of the interconnection agreement to the Commission within 10 days of its conclusion.

42.2. Sections containing confidential information may be excluded from copies of interconnection agreements given to concerned parties pursuant to paragraph (42.1) herein. In each case, the terms, conditions and details of interconnection fees shall be disclosed, in addition to information required to be disclosed as per the Interconnection Guidelines.

42.3. Without prejudice to paragraph (42.4) herein, the Commission shall publish copies of all interconnection agreements on its website and provide copies upon request.

42.4. The dominant service provider may determine the information to be considered classified in interconnection agreements, in accordance with Chapter 1 of these Regulations and the Rules of Procedure.

42.5. The Commission shall resolve any disputes related to the disclosure of information contained in interconnection agreements.

42.6. Every dominant service provider classified as such pursuant to Article 38 of these Regulations shall submit to the Commission, at the time it specifies, reports on interconnection arrangements, inclusive of:

- (a) A list of all interconnection agreements and other interconnection agreements made in the absence of an official agreement to which the service provider is party.
- (b) A confirmation of the compatibility of such agreements with the Interconnection Guidelines and an explanation of any discrepancies.
- (c) Any information on the quality of interconnection and right of access services identified by the Commission.
- (d) Any additional information required in accordance with the Interconnection Guidelines.

Article 43:

Noncompliant Interconnection Agreements:

43.1. In the event that Commission deems an interconnection agreement to be noncompliant with its statutes or the license issued to a party to the agreement, it shall notify all parties involved within the timeframe identified in the Interconnection Guidelines.

43.2. The notice shall include the grounds for the decision, and shall require the parties to amend the agreement within the timeframe identified in the Interconnection Guidelines.

43.3. Should the parties fail to reach an agreement regarding any of the interconnections terms and conditions that adheres to the Commission decision, the dispute shall be resolved in accordance with Chapter 6 of these Regulations.

Chapter 6: Disputes Between Service Providers

Article 44:

Resolving Disputes Between Service Providers:

The Commission shall, through its competent body, resolve any disputes between service providers that are referred to it, by following one or more of the methods stipulated in this chapter.

Article 45:

Amicable Resolution of Disputes:

45.1. In the event of a dispute between service providers, and without prejudice to the provisions of the Law, the parties involved may submit a request to the Commission for an amicable resolution.

45.2. An amicable resolution may be requested pursuant to this Article only if the parties involved have already conducted good faith negotiations to resolve the dispute within at least 60 days, and after:

- (a) They are unable to reach an agreement.
- (b) The conduct of one of the parties clearly indicates that further negotiations would be futile.

45.3. The amicable resolution request submitted pursuant to this Article shall include all the particulars of the dispute in question.

45.4. The amicable resolution procedures shall be of a confidential nature only to the extent required by the Commission statutes with regards to disclosure of information pertaining to the procedures.

45.5. Any party to the dispute shall submit a request for an amicable resolution containing the following information:

- (a) A statement indicating the existence of a dispute between the parties named in the request.
- (b) A statement of the particulars and facts agreed upon by the parties.
- (c) A statement of the particulars and facts disputed by the parties.
- (d) A statement by each party indicating his viewpoint on the disputed particulars and facts.
- (e) A statement by each party indicating his viewpoint on the position of the other party towards the disputed particulars and facts.
- (f) A statement containing dispute resolution method requested by the Commission.
- (g) A statement proposing a time schedule for resolving the dispute.

45.6. The Commission shall, within 15 days from receiving the request, notify the parties in writing whether it has:

- (a) Agreed to proceed with the amicable resolution proceedings.
- (b) Accepted the proposed dispute resolution method.
- (c) Accepted the time schedule proposed for resolving the dispute.

45.7. The Commission may decline any request for amicable resolution, and shall accordingly address the dispute in accordance with the procedures for mandatory resolution indicated in the Rules of Procedure.

45.8. In the event Commission agrees to accept a request for amicable resolution pursuant to this Article or the procedures for mandatory resolution indicated in the Rules of Procedures, it shall take into account the following:

- (a) Whether resolving the dispute would have a regulatory effect or would be considered a precedent, and whether conducting the procedures pursuant to this Article shall be generally accepted as a precedent for the Commission in future cases.
- (b) The issues that may arise due to the dispute regarding the telecommunications policy, beyond the interests of the parties involved, which would require the input of concerned third parties before a final resolution can be reached.
- (c) The extent to which the dispute would have a significant impact on persons not involved in the dispute.

45.9. The Commission may approve any request for amicable resolution without approving the proposed method or time schedule for resolving the dispute. Accordingly, the Commission shall appoint an investigator to examine the dispute pursuant to Article 8 of these Regulations, and consequently propose a method and time schedule for resolving the dispute in consultation with the parties. In the event of a disagreement,

the Commission may act in accordance with the procedures for mandatory resolution indicated in the Rules of Procedure.

45.10. If the Commission approves the request for amicable resolution and identifies the method and time schedule for same, it shall appoint a person to lead such proceedings and determine the procedures and implementation schedule to be followed. This may include one or more of the following:

- (a) Any procedure by which an investigator is appointed pursuant to Article 8 of these Regulations in order to reach a resolution deemed acceptable by all parties.
- (b) Any procedure by which an investigator is appointed pursuant to Article 8 of these Regulation and authorized to ask the parties involved in the dispute to submit “final offers” of which he may select one.
- (c) Any procedure by which the Commission decides to resolve the dispute, in accordance with paragraphs (45.10.a) and (45.10.b) herein, or any relevant procedures.
- (d) Including a clause obliging the parties to abide by the final resolution.

Article 46:

Mandatory Resolution of the Dispute

46.1. In the event of a dispute between service providers that could not be resolved in an amicable manner, a party to the dispute may submit a request to the Commission for the mandatory dispute resolution in accordance with this Article. If the dispute includes matters related to interconnection services, the Commission shall make its decision in accordance with the Interconnection Guidelines in effect at the time.

46.2. The Commission shall, within 15 days from receiving a request pursuant to this Article, identify the time during which the defendant specified in the request may submit his response and the timeframe during which the applicant may respond to the defendant.

46.3. The Commission shall, with regard to any case it examines, determine the time period during which any person may submit a document to it pursuant to this Article. In identifying such time period, the Commission shall take into account the following:

- (a) The difficulty and complexity of the information to be provided.
- (b) The ease of access to the information to be provided.

46.4. The defendant shall submit his response to the Commission and the applicant in accordance with the procedures indicated in a Commission decision, given that the response shall address all the particulars and facts of the dispute as specified in the request.

46.5. If the defendant does not submit his response within the time period identified by the Commission, the latter may decide to resolve the dispute without the need to wait

for his response and with the assumption that he has acknowledged and admitted to the contents of the claim.

46.4. The applicant shall submit his response to both the Commission and the defendant in accordance with the procedures indicated in a Commission decision, given that the response shall include his viewpoint on all the particulars and facts of the dispute as specified in the response.

46.7. Upon submitting the response or the end of the time period designated for same, no further documents may be submitted unless otherwise decided by the Commission.

46.8. The Commission, following an examination of all the particulars and facts of the dispute, shall issue a decision for mandatory dispute resolution and inform all parties of such decision in a timely manner.

Chapter 7: Tariffs

Article 47:

Submission of Service Tariff Requests for the Commission Approval:

47.1. Universal Service Providers shall submit requests for the Commission approval of the tariffs imposed on all universal services provided by them.

47.2. Dominant service providers shall submit requests for the Commission approval of the tariffs imposed on all services provided by them in markets wherein the Commission has declared their dominance.

47.3. The Commission may regulate service provider tariffs, contrary to the service providers indicated in paragraphs (47.1) and (47.2).

47.4. The Commission may issue a decision revoking the need for service providers to submit a request for tariff approval as per the present chapter, if it considers that:

- (a) Competition in the market is sufficient to protect the interests of users.
- (b) Competitive markets will not sustain significant damages as a result of revoking the tariff regulation.

47.5. The tariff imposed by Universal Service Providers or dominant service providers shall be based on the costs for effective provision of such services, and shall not include any additional costs imposed by their being a Universal Service Provider or a dominant service provider.

47.6. The tariff to be submitted to the Commission for approval shall become effective upon approval by the Commission, given that no agreements or arrangements may be made between service providers and any users for any tariffs other than what has been approved by the Commission.

47.7. The submission of the request and the approval or amendment of the service tariffs shall be subject to the provisions of the present chapter and the Rules of Procedure.

47.8. Unless otherwise decided by the Commission, the following shall apply:

- (a) A Universal Service Provider shall not be required to submit a request for approval of tariffs imposed on services not included in Universal Service offers.
- (b) A dominant service provider shall not be required to submit a request for approval of tariffs imposed on services in a specific telecommunications market wherein he is not classified as dominant.

Article 48:

Publication of Service Tariffs:

48.1. As of the date on which a service provider submits his service tariffs to the Commission and obtains approval for same, the service provider shall:

- (a) Publish a complete copy on his official website.
- (b) Maintain a complete printed copy at his headquarters.

48.2. Service providers shall maintain an up-to-date copy of their Commission-approved service tariffs on their official website, and include a link to the Commission website. They shall also maintain a publicly available hard copy of same at their headquarters.

48.3. Universal Service Providers shall publish an up-to-date copy of their Universal Service tariffs on the first pages of their telephone directories, given that they do not need to issue new guides when a tariff change occurs; rather include the updated tariffs in the new edition.

48.4. In addition to paragraph (48.3) herein, Universal Service Providers shall notify users of any proposed changes to their service tariffs via any means identified by the Commission.

Article 49:

Service Tariffs for Other Service Providers:

49.1. Dominant service providers and Universal Service Providers shall submit to the Commission the service tariffs imposed on other service providers for approval, pursuant to Article 47 of these Regulations.

49.2. The service tariffs imposed by dominant service providers and Universal Service Providers on other service providers shall be compliant with the Interconnection Guidelines and any decisions issued by the Commission in this regard.

Article 50:

Preferential Tariffs:

50.1. The Commission may issue a decision requiring service provider to set a preferential tariff for internet services provided to educational institutions and submit same to the Commission for approval.

50.2. Service providers may set a preferential tariff for telecommunications services provided to educational institutions and submit same to the Commission for approval.

Article 51:

General Tariff Regulation Principles:

51.1. The Commission may decide to adopt any method for regulating service provider tariffs, that is both compliant with the Commission statutes and includes a method for determining price caps, identified in the present chapter, as well as cost-based regulations.

51.2. The Commission may consult the public regarding the different methods for tariff regulation prior to issuing a decision on adopting a specific method.

51.3. The Commission, at its own discretion, may decide to adopt a temporary method for service tariff regulation in accordance with paragraph (51.1) herein, if it considers that such action will prove effective in protecting the interests of users until it makes a decision on the best tariff regulation method, in accordance with paragraphs (51.1) and (51.2) herein.

Article 52:

Cost-Benefit Studies:

52.1. The Commission may ask any service provider to prepare a cost-benefit study for his services in the following circumstances:

- (a) If it designates a service provider as a dominant service provider.
- (b) If it deems the cost-benefit study to be an effective and necessary means of preventing anti-competitive alliances, or preventing abuse of dominance regards to tariffs.

52.2. In the event that Commission asks any service provider to prepare a cost-benefit study, the service provider shall submit to the Commission a study of the costs for various service categories. The Commission shall identify the cost categories and the form, method, procedures and deadline of the cost-benefit study, given that the study aims to determine the costs borne by a service provider in providing various telecommunications services.

52.3. The Commission shall consult with the service provider required to submit a cost-benefit study before issuing a decision requiring same.

Article 53:

Price-Cap Regulations:

53.1. The Commission may ask any service provider to submit a proposal for the implementation of a price-cap determination method in the following circumstances:

- (a) If the Commission classifies the service provider as dominant.
- (b) If the Commission decides that the service provider is a major telecommunications service provider in the Kingdom.
- (c) If the Commission deems that price-cap regulation is an effective means of reducing the regulatory load resulting from the tariff and cost approval procedures or if such regulation encourages the effective provision of services.

53.2. At the request of the Commission, the service provider shall submit a proposal for the implementation of the price-cap method, inclusive of the steps taken to implement same on his service prices and determine the starting prices. The Commission in turn may identify the general guidelines for preparing the required proposal.

53.3. The Commission shall consult with the service provider required to submit the aforementioned proposal before asking him to do so.

Article 54:

Consultation on Price-Cap Regulation:

54.1. The Commission may consult with the public on implementing the price-cap regulation on one or more service providers, given that Commission shall determine the manner of such a consultation.

54.2. In the event Commission decides to adopt the price-cap regulation, it shall take into account the following factors:

- (a) The costs borne by the service provider.
- (b) The appropriate rate of return included in the calculation of the starting price.
- (c) The length of the first price cap period.
- (d) Services to which the price cap shall apply.
- (e) The end date of the first price cap period.
- (f) The number of price cap carriers and the services included in each.
- (g) Price cap equation and variables, including inflation and the productivity balance factor.
- (h) Any other items suitable for price cap regulation in the Kingdom.

Chapter 8: Service Provider-User Relationships:

Article 55:

Fair Trade Practice:

55.1. A service provider shall only collect fees for the telecommunications services or devices requested by the user, given that the user shall not be liable to pay any fees for telecommunications services or devices he did not request.

55.2. The service provider shall not transfer any of his users to another service provider without obtaining the prior consent of the user, and the user shall not be liable to pay any fees for any telecommunications services provided by the other service provider to whom he was transferred without his consent, and those he did not request. If the user pays fees for such services, the service provider shall return the amounts to the user immediately, otherwise be obliged by the Commission to do so.

55.3. Any service provider who transfers a user without prior consent shall bear all the costs accruing from returning the user to the original service provider.

55.4. Service providers shall supply users on a regular basis with clear, accurate and detailed invoices as per these Regulations and the terms and conditions of the licenses granted to them. Service providers shall maintain all user invoices for a period of six months from the date of issuance and supply Commission with copies of same upon request, except in cases where the user contests an invoice, upon which the service provider shall maintain the invoice until the dispute is resolved.

55.5. If the Commission has any remarks on the invoices, it may ask the service provider to supply information on the invoices and any related methods and ask them to publish same and take the necessary steps to address the remarks as it deems appropriate.

55.6. The service provider shall not, whether directly or indirectly, make any incorrect or misleading suggestions, claims or statements with regards to the following:

- (a) The availability, price or quality of the telecommunications service and devices provided by him.
- (b) The telecommunications service and devices provided by another service provider.

55.7. A suggestion, statement or claim shall be considered as misleading if the person making it is knowingly or presumably aware at the time of its inaccuracy and dishonesty based on fundamental considerations, and that it will confuse or mislead the person it is made to.

55.8. If the Commission learns that such a suggestion, claim or statement has been made, it may issue a decision requiring the service provider to justify his actions and

argue their compliance with the Commission statutes, give that Commission may refer the matter to the Violations Committee if it does not find his statements convincing.

55.9. In engaging in any telecom marketing for his services, the service provider shall:

- (a) Disclose, at the beginning of the call, the identity of the service provider on whose behalf the call is being made, and the purpose of the call.
- (b) Disclose, during the call, the full price of any product or service being communicated.
- (c) Disclose any information as required by the Commission.
- (d) Disclose the absolute right of the contacted person to cancel the agreement for the purchase or lease of any service within 72 hours from the time of the call, by calling a specific number disclosed during the call.

55.10. To the extent of achieving the purposes of its statutes, the Commission may prohibit or regulate the usage by any person, a service provider or otherwise, of a telecommunications network belonging to them or to any other service provider to conduct telecom marketing.

Article 56:

Confidential User Information:

56.1. The service provider shall not disclose any information, except the declared name, address and phone number of the user, to any third party without the written consent of such user, unless the disclosure is required or allowed by the Commission or any government body legally authorized to review such information.

56.2. The responsibility of the service provider towards the disclosure of user information in contravention of the disclosure circumstances provided under this Article shall be stipulated in Chapter 13 of these Regulations.

56.3. Users may request the examination of the service records of any service provider and shall have the right to request the correction or removal of any of their information in such records if proven to be incorrect.

56.4. All user information, particularly invoice information, shall be maintained by the service provider for billing purposes only, and for the duration required by the statutes of the Kingdom.

56.5. The provisions of these Regulations shall not prejudice the right of concerned government authorities to exercise their lawfully vested powers for obtaining confidential user information, subject to the statutes of the Kingdom.

Article 57:

Confidentiality of User Communications:

57.1. User communications shall be considered confidential unless otherwise specified by the Commission statutes. All service providers shall take all the procedures necessary to guarantee such confidentiality pursuant to Article 9 of the Law.

57.2. Service providers shall not change, amend or replace user communications.

57.3. For the purposes of tracking and identifying the source of illegal spam and harassment phone calls, the following steps shall be taken:

- (a) The user may request the Commission to order the service provider to monitor and track incoming phone calls.
- (b) The Commission, or any other legally authorized entity in the Kingdom, may assign to a service provider the task of monitoring and tracking incoming automatic calls made to a user's phone, and the service provider shall abide by such order.
- (c) The service provider shall submit the result of such surveillance to the Commission, including the phone numbers causing the inconvenience or harassment, and the dates and incidence rate of such calls.
- (d) Pursuant to its statutes, the Commission may take any suitable measure for the protection of the public from spam or harassment phone calls, and – if it deems it necessary – refer the matter to the competent authorities for proper action.

Article 58:

Protection of Personal Information:

58.1. The service provider shall be responsible for information about the user and his communications that are in his possession or the possession of his agents.

58.2. The service provider shall operate his telecommunications systems and network while taking into account the privacy of the users. Except where the statutes and guidelines allow disclosure or the user agrees to the disclosure, the service provider may not collect, use or disclose information about the user or his communications, regardless of the intended purpose.

58.3. The purposes for which user information gets collected by a service provider shall be specified and defined upon or before collection, given that service providers, pursuant to this Article, may not disclose, collect or use such information for purposes other than what has been specified.

58.4. Service providers shall ensure that the user information is correct, accurate and up-to-date in order to achieve the purpose for which they are used, and that the user

information and communications are protected by means and methods proportionate to their sensitivity.

Article 59:

Addressing User Complaints*:

59.1. Service providers shall establish a department dedicated to receiving, managing and addressing service complaints.

59.2. Users may submit their complaints to service providers regarding their services, provided that the date of the complaint does not exceed 60 days from the date of the incident subject to the complaint or the date of the contested invoice, unless it becomes evident that the user was unaware of the invoice or the incident at the time.

59.3. Service providers shall abide by the complaint resolution procedures and times as determined by a Commission decision issued in that regard, provided that complaint resolution times do not exceed five days from the date of the complaint.

*** Previous version of Article 59, amended by Ministerial Decision No. 51, dated 03/12/1438 H:**

User Complaint Processing Procedures:

59.1. Service providers shall establish a department for receiving user complaints about their services and shall endeavor to prevent the causes of such complaints if related to the quality of service or the manner in which it is provided or otherwise billing issues.

59.2. Service providers shall establish specific procedures for handling user complaints, subject the Commission approval, given that any amendment to such procedures must also be approved by the Commission. The procedures shall be published in the manner determined by the Commission.

59.3. In the event of a dispute between a user and a Universal Service Provider that cannot be resolved amicably, the user may file a complaint with the Commission to resolve the dispute.

59.4. Complaints submitted pursuant to this article shall include a request for the resolution and settlement of all matters of the dispute in question.

59.5. Complaints shall be submitted in writing, and shall indicate the facts and solutions required, given that the user will not be required to submit a copy of the complaint to the service provider.

59.6. The Commission shall examine the resolution request to determine its acceptability within 10 days from the date of submission. The Commission may hold off the immediate acceptance of the request if it deems it be unjust, frivolous or not grounded in strong arguments.

59.7. If the Commission decides that the complaint is acceptable and requires an investigation, it shall submit a copy of same to the service provider, who shall consequently respond to the complaint within five days or the time identified by the Commission in cases requiring longer periods.

59.8. The Commission shall send the service provider response to the user, who shall in turn express his viewpoint regarding same within five days or the time identified by the Commission in cases requiring longer periods.

59.9. The Commission may handle the dispute resolution request on the grounds of the material facts before it, and may request further information from one or both parties. The Commission shall, within 30 days from receiving the user's response, issue a decision or notify the parties that it requires more time to do so.

59.10. The service provider may not disconnect or change any of the services provides to the user for the duration of the investigation by the Commission of the complaint submitted by the user, without a decision by the Commission authorizing him to do so.

59.11. If The Commission considers that the matter constitutes a violation in accordance with Article 38 of the Law, it may refer it to the Violations Committee for consideration.

59.4. Service providers shall document and maintain complaint resolution records and procedures and ensure the integration of their online user complaint systems with the Commission online systems.

59.5. Service providers shall publish complaint resolution procedures and timeframes, and any related frequently asked questions in the manner deemed appropriate by the Commission.

59.6. Service providers shall study the reasons behind frequent complaints and develop solutions for same. The Commission may, if it deems appropriate, determine criteria for the number and type of frequent complaints and the procedures to be followed in such situations.

59.7. In cases where it becomes evident that service provider is accountable for the frequent complaints and no serious steps have been taken to address them, the Commission may take the necessary procedures pursuant to the provisions of the Law, including the suspension of services and referral to the Committee for Telecommunications Law Violations, without prejudice to the resolution processes of each complaint separately.

59.8. Service providers shall supply Commission with detailed periodic reports and statistics pertaining to the complaints received, and the steps taken to address same, as required by the Commission.

59.9. Service providers may not disconnect or change any of the services provided to the users or claim the contested amount during the investigation of the complaint, either by the service provider or following escalation to the Commission, without a decision from the Commission allowing him to do so.

59.10. The Commission shall address complaints between users and service providers if the subject of the dispute pertains to:

- a) Access to telecommunications services, or the quality of the services provided or offered by the service provider.
- b) Financial obligations the service provider has imposed or is planning to impose on the user as a condition for receiving the service or its continuity, including any contested invoice.
- c) Disconnection or reconnection of services by a service provider.
- d) Interpretation of the contract or agreement between the parties.
- e) Interpretation and implementation of the fees approved by the Commission.
- f) Handling of confidential user information by the service provider.
- g) Any other matters under the Commission jurisdiction.

59.11. Users may escalate complaints to the Commission following the expiry of the statutory period given to the service provider – five days after submission of complaint – without receiving any response, or if the service provider closes the complaint without

resolving it, provided that the above has occurred within 180 days from the date of closing the complaint or the expiry of the statutory period granted to him. The Commission may increase this period in cases where it becomes evident that there are realistic reasons preventing the user from submitting his complaint to the Commission in a timely manner.

59.12. The Commission may exclude the initial acceptance of the complaint before submitting same to the service provider in cases requiring speedy intervention, including the removal of irreparable damage sustained by the user, or the inability of the user to reach the service provider.

59.13. The user shall, in submitting his complaint to the Commission, clarify the facts of the complaint and set out his demands, and supply the Commission with any data or documents pertaining to the complaint in question.

59.14. The Commission may hold off the immediate acceptance of the request if it deems it be unrealistic, not grounded in strong arguments, incomplete or unjust, or if the nature of the complaint or demand does not fall under the jurisdiction of the Commission, or if the complaint is repeated or contains inappropriate statements.

59.15. The Commission shall set out specific procedures for addressing escalated user complaints, taking into account the following:

- a) Determining the complaint resolution periods, provided that they do not exceed 30 working days from the date of submission until the date of resolution. The Commission may, in exceptional cases requiring longer periods, extend the 30 days and notify the complainant of same.
- b) Giving service providers a period deemed suitable by the Commission for achieving an amicable resolution and providing the Commission with the details of the complaint and any information and documents required for the decision making process.
- c) If an amicable resolution is not possible or if the deadline given to the service provider has passed, the Commission shall issue a decision regarding the complaint based on the documents available before it, given that it may request additional information from one or both parties.
- d) Classifying the complaints and identifying complaint criteria to which the present procedures shall apply, based on the nature of the service in question.

59.16. The Commission may, in accordance with Article 10(b) of the Statute, decide to charge any party with a fee in return for conducting the complaint procedures.

59.17. Service providers shall make their resources available for all inspection, follow-up or implementation teams involved in resolving complaints.

59.18. If the Commission considers that the matter constitutes a violation in accordance with Article 38 of the Law, it may refer it to the Violations Committee for consideration.

Article 60:

Service Continuity:

60.1. In the event of any of the following:

- (a) The non-renewal, temporary suspension or revocation of a service provider license as per the Commission statutes.
- (b) If, after consulting with the concerned parties, and without prejudice to its statutes, the Commission decides that the need for the same telecommunications services or substantially similar services may not be fulfilled in any other reasonable manner.

The Commission shall take the necessary measures to ensure service continuity to the users of a foregoing service provider pursuant to this Article.

60.2. If the foregoing service provider does not take any of the identified measures towards transferring all his users to other service providers, he shall cooperate with the Commission and other authorized parties to take all the necessary steps towards completing as much of the transfer as possible.

60.3. If the foregoing service provider still has some users upon the date of expiry, temporary suspension or termination of the license, the Commission may decide to temporarily extend the license of the foregoing service provider, thus enabling him to continue operating his telecommunications network for a maximum term of one year, to allow him to fully dissolve and liquidate all his operations.

60.4. If the Commission decides to temporarily extend the license of the foregoing service provider, the latter shall be subject to the following conditions:

- (a) Refrain from the solicitation or admission of new users, or the extension or expansion of the scope of contracts or other arrangements with existing users.
- (b) Except as provided below, refrain from the extension or expansion of the scope of contracts or other arrangements made with other licensees.
- (c) Spare no effort towards selling all the assets of his telecommunications network to a qualified buyer at a reasonable price, given that this should occur during the extended license term of one year.
- (d) Any additional conditions issued by a Commission decision to ensure service continuity.

60.5. The Commission shall be entitled to amend any conditions in paragraph (60.4) herein as it deems appropriate.

Article 61:

Non-Discrimination:

61.1. The Universal Service Provider and dominant service provider shall provide users with the same service conditions, and may not discriminate between users except where permitted by these Regulations, or in circumstances where different conditions can be objectively justified, such as differences in the conditions and circumstances of the service provision, including differences in costs or a lack of available facilities or resources. Such a prohibition applies to:

- (a) Service end-users.
- (b) Users who rely on the services of Universal Service Providers and dominant service providers to, in turn, provide telecommunications services to other users.
- (c) Users and the Universal Service Provider or the dominant service provider himself.

61.2. Non-justifiable discrimination may not extend to the following:

- (a) Service fees.
- (b) Quality of the service.
- (c) The time during which the service is provided.
- (d) Any other conditions as determined by the Commission in coordination with a Universal Service Provider, a dominant service provider or other relevant third parties.

61.3. In the event of any form of discrimination, the Universal Service Provider or dominant service provider shall attempt to justify same in a manner convincing to the Commission, or cease such discrimination immediately upon receiving a rebuttal from the Commission in this regard.

Article 62:

User-Related Information Obligations:

62.1. The Universal Service Provider shall, at all times, maintain the following information on his website:

- (a) The service fees offered.
- (b) His website, the Commission website and email address, and a clear statement indicating that the service provider is subject to the jurisdiction of the Commission pursuant to its statutes, and users may contact the Commission at any time if they are unable to resolve disputes arising between them and the service provider.
- (c) An easy-to-use navigation system on the website of the service provider that allows the user to review the information stipulated in this Article.

62.2. The Universal Service Provider shall maintain up-to-date hard copies of his current service fees in all subscription offices. Such copies must be visible to the public and available free of charge during regular working hours.

62.3. Unless otherwise decided by the Commission, the Universal Service Provider shall, upon request and without charge, provide a hard copy of his service tariffs to any user.

62.4. If the Universal Service Provider proposes increasing his service tariffs, he shall then notify the users of such an increase pursuant to the Commission statutes and a decision issued by it to that effect.

Article 63:

Service Conditions:

63.1. The Commission may issue a decision requiring the Universal Service Provider or the dominant service provider to submit a draft of their service conditions for approval. The decision shall also set out the timeline for the preparation, implementation and approval of such conditions.

63.2. The draft service conditions shall be compliant with the Commission statutes, and comprise balanced obligations for both the Universal Service Provider and the user, with regard to the provision and usage of telecommunications services.

63.3. The Commission shall adopt all draft service conditions as received or after any appropriate amendments have been introduced to same, post consulting with the Universal Service Providers, dominant service providers and other persons involved as decided by the Commission. Upon such adoption, the service conditions shall replace any similar documents that are then in use.

Article 64:

Service Conditions Information:

64.1. The Universal Service Provider shall, at all times, maintain the following on his website:

- (a) A valid copy of the service conditions.
- (b) All the adopted and proposed changes to the service fees that have already been submitted to the Commission.
- (c) The Commission website, email and address, in addition to a statement indicating that the service provider is subject to the Commission statutes, and that users and other service providers may resort to the Commission if an amicable dispute resolution cannot be reached between them and the service provider.

- (d) An easy-to-use navigation system on the website of the Universal Service Provider that allows the user to review the information stipulated in this Article.

64.2. The Universal Service Provider shall maintain in all his subscription office up-to-date hard copies of his service conditions and fees that have been approved or are pending approval by the Commission. Such copies must be visible to the public and available free of charge during regular working hours.

64.3. The Universal Service Provider shall publish a copy of his valid service conditions on the first pages of telephone directories published by him or on his behalf.

64.4. The Universal Service Provider shall, upon request and without charge, provide a hard copy of the Commission-approved service fees to any user.

64.5. If a Universal Service Provider proposes amendments to his service tariffs, he shall then notify the users of such amendments via the means identified by a Commission decision.

Article 65:

Telephone Directories:

65.1. The Universal Service Provider shall supply users with a telephone directory pursuant to the conditions determined by the Commission with regards to:

- (a) Service fees.
- (b) Distribution of telephone directories among users.
- (c) Information on users listed in the directory and balanced obligations controls.
- (d) Collection and privacy of information obtained for publication in the directory.
- (e) Correction of data and liability for incorrect data.
- (f) Notification service to users if the phone number is incorrect or has been changed.

65.2. The Commission shall consult with the Universal Service Provider with regard to determining the conditions of telephone directories.

Article 66:

Invoices*:

* Previous version of Article 66, amended by Ministerial Decision No. 51, dated 03/12/1438 H:

Invoices:

66.1. The billing rules provided in this article shall apply to the Universal Service Provider, and may apply to dominant service providers if decided by the Commission, given that Commission may decide to impose the rules on any Universal Service Provider or dominant service provider in accordance with the changes or conditions it deems appropriate.

66.2. Users shall be responsible for paying all fees for calls made from their and to their phones, and shall bear the costs of same regardless of the identity of the person who made or accepted the calls. Users may complain to the service provider against calls they do not believe were made from or to their phones. If the solutions proposed by the service provider do not prove to be satisfactory, users may file a complaint with the Commission pursuant to the dispute resolution procedures set forth in these Regulations.

66.3. The Universal Service Provider shall provide users with a clear explanation of all the fees in their invoices, given that all invoices shall clearly indicate the payment due date, which must be at least 30 days from date of the invoice specified therein. The invoice shall be delivered to the user within a reasonable time that may be determined by the Commission in consultation with the Universal Service Providers.

66.4. The Universal Service Provider shall provide invoices to users at no extra charge. These invoices shall include the following information:

- (a) Nonrecurrent fees.
- (b) Recurring subscription fees for each service.
- (c) Details of outgoing phone call fees.
- (d) Detailed fees payable to other service providers, if such services are included in the user's invoices.
- (e) Discounts granted to users in cases where two or more services are sold in a single transaction.
- (f) Any other applicable service fees.

66.5. The Universal Service Provider shall provide users with quarterly invoices at the very least, or within shorter time intervals if decided by the Commission, subject to prior consultation with the Universal Service Provider.

66.6. The Universal Service Provider shall offer his services independently of one another, and may not require any user to obtain a service he has not requested as a condition to acquiring the service he is effectively requesting.

66.7. The Commission may, at a later time and after consulting with the Universal Service Provider, approve post-paid conditions under which the Universal Service Provider may provide his services to users.

66.8. The service provider may not ask the user to pay any fees not previously included in his invoice, unless such fees were correctly included and sent within 150 days or the period determined by the Commission from the payment due date. If the user is unable to pay the full amount that was not previously included in the invoice, the Universal Service Provider shall seek to reach an agreement with the user to convert the amount to installments payable on reasonable dates proportionate to the circumstances at hand. The user may add to his account the amounts that should not have been recorded in his invoice or that have exceeded the amount specified in the invoice.

66.9. Except as provided in this Article, the period allowed for contesting the validity of any fees in the invoice of the Universal Service Provider is 90 days from the date of issuance indicated in the invoice, or within the period identified by the Commission, given that users shall pay other uncontested amounts included in the contested invoice.

66.10. If the user wishes to contest any invoice, he shall:

- (a) Contact the toll-free customer complaint number of the Universal Service Provider, which must be indicated in the service conditions and published in all telephone directories and other mediums identified by the Commission and notified to the Universal Service Provider.
- (b) If this procedure does produce a solution, the user may then write to the complaints department within the Universal Service Provider, requesting that the contested invoice be addressed. The

66.1. The billing rules provided in this Article shall apply to the Universal Service Provider, and may apply to dominant service providers if decided by the Commission, given that Commission may decide to impose the rules on any Universal Service Provider or dominant service provider in accordance with the changes or conditions it deems appropriate.

66.2. Users shall be responsible for paying all fees for calls made from their and to their phones, and shall bear the costs of same regardless of the identity of the person who made or accepted the calls. Users may file a complaint with the service provider against calls they do not believe were made from or to their phones. If the solutions proposed by the service provider do not prove to be satisfactory, users may file a complaint with the Commission pursuant to the dispute resolution procedures set forth in these Regulations.

66.3. The Universal Service Provider shall provide users with a clear explanation of all the fees in their invoices, given that all invoices shall clearly indicate the payment due date, which must be at least 30 days from date of the invoice specified therein. The invoice shall be delivered to the user within a reasonable time that may be determined by the Commission in consultation with the Universal Service Providers.

66.4. The Universal Service Provider shall provide invoices to users at no extra charge. These invoices shall include the following information:

- (a) Nonrecurrent fees.
- (b) Recurring subscription fees for each service.
- (c) Details of outgoing phone call fees.
- (d) Detailed fees payable to other service providers, if such services are included in the user's invoices.
- (e) Discounts granted to users in cases where two or more services are sold in a single transaction.
- (f) Any other applicable service fees.

66.5. The Universal Service Provider shall provide users with quarterly invoices at the very least, or within shorter time intervals if decided by the Commission, subject to prior consultation with the Universal Service Provider.

66.6. The Universal Service Provider shall offer his services independently of one another, and may not require any user to obtain a service he has not requested as a condition to acquiring the service he is effectively requesting.

Universal Service Provider shall provide the website of such a department in the service conditions published in all telephone directories or other mediums identified by the Commission. The department in turn shall respond in writing within 10 days from receiving the complaint, either by accepting the complaint and taking the necessary action to rectify it, or giving grounds for its rejection.

(c) The user may appeal any complaint rejected by service providers before the Commission pursuant to Article 72 of these Regulations.

66.7. The Commission may, at a later time and after consulting with the Universal Service Provider, approve post-paid conditions under which the Universal Service Provider may provide his services to users.

66.8. The service provider may not ask the user to pay any fees not previously included in his invoice, unless such fees were correctly included and sent within 150 days or the period determined by the Commission from the payment due date. If the user is unable to pay the full amount that was not previously included in the invoice, the Universal Service Provider shall seek to reach an agreement with the user to convert the amount to installments payable on reasonable dates proportionate to the circumstances at hand. The user may add to his account the amounts that should not have been recorded in his invoice or that have exceeded the amount specified in the invoice.

66.9. Except as provided in this Article, the period allowed for contesting the validity of any fees in an invoice by the Universal Service Provider is 60 days from the date of issuance indicated in the invoice, or within the period identified by the Commission, given that users shall pay other uncontested amounts included in the contested invoice.

Article 67:

Service Quality:

67.1. The provisions and conditions provided for in this Article shall apply to the quality of services provided by Universal Service Providers, and may also be imposed on dominant service providers if decided by the Commission, given that Commission may decide to amend the terms and conditions imposed on a Universal Service Provider or a dominant service provider as it deems necessary.

67.2. The Universal Service Provider shall provide telecommunications services compliant with specific quality criteria determined by the Commission in consultation with the Universal Service Provider. Such criteria may be included in the license or issued by a Commission decision.

67.3. The Commission may decide to amend, add or delete any quality criteria in consultation with the concerned Universal Service Provider.

67.4. Following the establishment of the service quality criteria, the Universal Service Provider shall submit quarterly reports to the Commission in the manner identified by the latter. Such reports shall illustrate the actual results of each service quality criterion.

67.5. If the quality criteria are not met, the Universal Service Provider shall provide an explanation as to the reasons for same and the corrective steps taken or to be taken by him.

67.6. The Commission shall notify the Universal Service Provider within 30 days of receiving the service quality report whether it has accepted the given explanation for

any unfulfilled criterion; otherwise, its lack of response shall constitute an acceptance of the explanation.

67.7. In the event that Commission does not accept the explanation; it shall notify the Universal Service Provider of the additional steps to be taken and the timeframe for doing so. The Commission shall also require the Universal Service Provider to submit additional reports until such criterion is achieved.

67.8. In submitting the service quality report or any other additional reports requested by the Commission, the Universal Service Provider shall also publish them on his website; similarly, the Commission shall publish the reports on its website upon receipt.

67.9. The Commission may ask the Universal Service Provider to publish all his service quality reports, in part or in whole, or any other relevant requirements, in one or more newspapers if it deems it necessary for public interest.

Article 68:

Access to User Premises:

68.1. Subject to the provisions of this Article, the obligations of the Universal Service Provider shall include installation, operation, maintenance and repairs to ensure the smooth operation of all its telecommunications facilities in the user's private property.

68.2. The Universal Service Provider shall have the right to access user premises or property where he has telecommunications facilities, in accordance with the following procedures:

- (a) The Universal Service Provider shall notify the user of his wish to enter the property under the appropriate circumstances.
- (b) The Universal Service Provider shall send the relevant qualified personnel to complete the task.
- (c) User approval shall be obtained.
- (d) In all cases, the work by the service provider personnel shall not affect the activities and premises of the user except to the extent necessary for such work.

Article 69:

Obligations, Refunds and Damages:

69.1. If the negligence of the Universal Service Provider cannot be proven, his responsibility towards the user shall be limited to defaults, interruptions, delays, errors, defects in transmission, failures or communication defects. In such cases, the responsibility of the service provider shall be limited to refunding the user upon request or based on a decision issued by the Commission in case of a dispute.

69.2. The Commission shall decide on additional rules for liability, compensation and damages borne by service providers, including Universal Service Providers and dominant service providers.

Article 70:

Service Suspension and Cancellation by the Service Provider:

The Commission may decide on the rules and regulations under which a service provider may suspend or cancel the telecommunications services provided to a user as a result of breaching his obligations towards the service provider. Such regulations may be included in the service conditions of service providers while taking into account the following cases:

- (a) Non-settlement of amounts by the payment due date.
- (b) Non-provision or maintenance of a reasonable balance, or a sufficient security deposit if required.
- (c) Noncompliance with the terms of the payment installment plan.
- (d) Using the services of the service provider to cause inconvenience or harassment or commit other illegal acts.
- (e) Misusing the devices provided by the service provider.
- (f) Non-payment of dues when requested by the service provider in cases where it is reasonably possible to conclude that the user intends to defraud the Universal Service Provider.
- (g) Existence of logical disputes regarding the invoices between users and service providers and the relevant resolution methods.
- (h) Any other clauses and conditions deemed suitable by the Commission.

Article 71:

Service Termination and Cancellation by the User:

71.1. The user may ask the service provider to cancel the requested services within 30 days from the date of request, provided that the minimum contracting period has already expired. In such cases, the user shall pay all the fees due for the services provided to the date of cancellation.

71.2. Prior to the expiry of the minimum contracting period, the user may request the cancellation of the service provided he pays all fees due for the entire minimum contractual period.

71.3. Prior to the expiry of the minimum contractual term, the user may also request service cancellation in the following circumstances:

- (a) In the event of the death of the user during the minimum contractual term, his legal heirs shall be given the choice between continuing the service and re-assigning it to their names while assuming all user duties and responsibilities,

or cancelling the service upon notifying the service provider of their refusal of such an option, or 30 days following the death, whichever is earlier.

- (b) If the user premises sustain damages, destruction or burning, or if the user is forced by any other reason beyond his control to leave such premises, the service shall be cancelled on the date the service provider receives notice of same.
- (c) If the user switches from one service provider to another, the cancellation shall then take place as of the date of the switch as per the service conditions of the service provider and the contract concluded between the two parties.
- (d) If the user leaves his premises, he shall request the cancellation of the landline or its reassignment to another user in the same premises. If he fails to do so, he shall be responsible for any amounts incurred by the service, without liability to the service provider.

Article 72*:

*** Previous text of the article before its abolition by virtue of Ministerial Decision No. 51, dated 03/12/1438 H. Its provisions were amended and moved to Article 59:**

User Complaints:

72.1. In the event of a dispute between a user and a Universal Service Provider that cannot be resolved amicably, the user may file a complaint with the Commission to resolve the dispute, in any of the following matters:

- a) Access to telecommunications services, or the quality of the services provided or offered by the Universal Service Provider.
- b) Financial obligations the Universal Service Provider has imposed or is planning to impose on the user as a condition for receiving the service or its continuity, including any contested invoice.
- c) Disconnection or reconnection of services by a Universal Service Provider.
- d) Interpretation of the contract or agreement between the parties.
- e) Interpretation and implementation of the fees approved by the Commission.
- f) Handling of confidential user information by the Universal Service Provider.
- g) Any other matters under the Commission jurisdiction.

72.2. A complaint may only be filed with the Commission pursuant to this article after:

- a) The parties have conducted good faith negotiations for a minimum of 15 days and failed to reach an agreement.
- b) The conduct of the Universal Service Provider indicates that any further negotiations would be futile.

72.3. In the complaint filed under this article, the user shall include a solution covering all the particulars of the dispute.

72.4. Complaints shall be submitted in writing, and shall indicate the facts and solution required, given that the user will not be required to submit a copy of the complaint to the Universal Service Provider.

72.5. the Commission shall examine the complaint to determine its acceptability within 10 days from the date of submission.

72.6. If the Commission decides that the complaint is acceptable and requires an investigation, it shall submit a copy of same to the Universal Service Provider, who shall consequently respond to the complaint within five days or the time identified by the Commission in cases requiring longer periods.

72.7 The Commission shall send the Universal Service Provider response to the user, who shall in turn express his viewpoint regarding same within five days or the time identified by the Commission in cases requiring a longer period.

72.8. The Commission may handle the dispute resolution request on the grounds of the material facts before it, and may request further information from one or both parties. The Commission shall, within

Revoked

Article 73:

Future Regulatory Requirements:

Notwithstanding the provisions of this chapter, and in the interest of the public, the Commission may enforce a provision that is applicable to certain service providers on all or some service providers. the Commission shall issue a decision on same in the following cases:

- (a) If the user complaints justify such action.
- (b) If the decision fulfills the objectives of Article 3 of the Law.
- (c) If the Commission consults with the affected service providers prior to issuing the decision.

Chapter 9: The Universal Access and Universal Service Policy

Article 74:

General Provisions:

74.1. In accordance with Article 2 of the Law and Article 3 of the Statute, the Commission shall develop the proposed policies for Universal Service and Universal Access in the Kingdom, and determine the requirements, principle and conditions of providing such services, then submit such proposals to the Ministry for approval.

74.2. In developing the Universal Service and Universal Access policies, the Commission shall abide by the principles set forth in this chapter.

Article 75:

Development of Universal Service and Universal Access Policies:

75.1. In developing the Universal Service and Universal Access policies, the Commission shall ensure their inclusion of the following:

15 days from receiving the user's response, issue a decision or notify the parties that it requires more time to do so.

72.9. The Universal Service Provider may not disconnect or change any of the services provided to the user for the duration of the investigation by the Commission of the complaint submitted by the user, without a decision by the Commission authorizing them to do so.

72.10. If the Commission considers that the matter constitutes a violation in accordance with Article 38 of the Law, it may refer it to the Committee for Telecommunications Law Violations for consideration in the following cases:

- a) If a party is substantially right in their position.
- b) If a party has committed a violation under the Law.

72.11. The Commission may, in accordance with Article 10(b) of the Statute, decide to charge any party with a fee in return for conducting the complaint procedures.

- (a) A list of the basic telecommunications services to be included under both Universal Service and Universal Access.
- (b) The defined purposes and obligations necessary for the development of Universal Service and Universal Access.
- (c) The defined geographic areas wherein specific levels of Universal Service and Universal Access offers shall be applicable.

75.2. In developing the Universal Service and Universal Access Policy, the Commission shall emphasize market trends and the non-discriminatory principles and requirements for service provision.

75.3. The Commission shall consult with the concerned parties in developing the Universal Service and Universal Access policies.

75.5. Following Ministry approval of the Universal Service and Universal Access policies, the Commission may:

- (a) Issue a decision designating the Universal Service Provider.
- (b) Review the scope of both the Universal Service and Universal Access periodically in light of the social, economic and technical advancements that will grant universal services to the public over time.

Article 76:

Current Service Provider Providing Universal Service and Universal Access:

76.1. At any time after these Regulations are enforced, the Commission may issue a decision designating the Current Service Provider as a Universal Service Provider.

76.2. The Commission may ask the Current Service Provider to submit plans identifying the geographic areas in the Kingdom wherein he proposes to provide Universal Service and Universal Access. Such plans shall take into account any Universal Service and Universal Access policies adopted by the Ministry.

76.3. In accordance with paragraph (76.2) herein, the Commission shall review the submitted plans, taking into account the following:

- (a) The objectives of providing Universal Service and Universal Access to all persons in the Kingdom at the earliest of times and the most reasonable of tariffs.
- (b) The financial and technical ability of the Current Service Provider to expand the current availability of Universal Service and Universal Access.
- (c) The financial and technical capabilities of any other service provider or applicants requesting a Universal Service and Universal Access license in the same areas.
- (d) Any other plans or requests submitted by other service providers, users or concerned parties.

- (e) Any other information the Commission deems useful in implementing its duties as per its statutes.

76.4. The Commission may approve the Universal Service and Universal Access plans of the Current Service Provider that include the conditions whereby the Current Service Provider expands the scope of Universal Service and Universal Access.

Article 77:

Universal Service and Universal Access Plans:

77.1. The Commission may invite persons other than the Current Service Provider to submit Universal Service and Universal Access plans identifying the geographic areas in the Kingdom wherein they propose to expand the scope of Universal Service and Universal Access and the means by which such a goal can be achieved.

77.2. The Commission shall establish and publish the Universal Service and Universal Access plan criteria, as well as the evaluation and selection criteria for the submitted plans pursuant to paragraph (77.1) herein.

77.3. The evaluation and selection criteria for Universal Service and Universal Access plans submitted pursuant to paragraph (77.1) herein shall include the following:

- (a) The qualifications of the persons and bids submitted for Universal Service and Universal Access plans pursuant to paragraph (77.1) herein.
- (b) Requests for clarifications and additions or amendments, as to qualified bids.
- (c) Evaluation of amended bids and granting of the right to provide the service, based on the following factors:
 1. The geographic areas to be covered.
 2. The quality of the technologies and services to be provided.
 3. Population covered by the plans.
 4. The economic and social impact of the plans.
 5. The feasibility and sustainability of the plans.
 6. Costs and level of financial support required.

77.4. The Commission may award a telecommunications services license to a person meeting all the required conditions, for the purpose of implementing Universal Service and Universal Access plans.

Article 78:

Financing of Universal Service and Universal Access

78.1. The Commission shall propose one or more means of financing Universal Services or Universal Access as part of the plans submitted to the Ministry in this regard. Such means may include:

- (a) Pricing based on cost or other tariff changes.
- (b) Service obligations pursuant to the license conditions or the Commission statutes.
- (c) Mutual financial support within the same service or between different telecommunications services provided by the Current Service Provider.
- (d) Establishing a Universal Service Fund financed by several sources such as the Universal Service fees paid by service providers, government funding or any other method.

78.2. In accordance with the Universal Service and Universal Access policies adopted by the Ministry, the Commission may issue a decision for the foundation of a Universal Service Fund, inclusive of establishment and management requirements compliant with such policies. Such requirements shall include, but are not limited to:

- (a) Selection of the Fund's senior management body.
- (b) The management procedures of the Fund.
- (c) Fund contribution calculation and contributions by service providers and other persons identified in the policies.
- (d) Disbursement criteria and procedures to fulfil Universal Service and Universal Access policies and any other procedures pertaining to licensing and fundraising for the implementation of such plans.

78.3. The Commission may issue a decision to implement Universal Service and Universal Access financing methods compliant with the policies adopted by the Ministry.

Chapter 10: The Frequency Spectrum

Article 79:

General Provisions:

79.1. No person shall establish, operate or acquire a wireless device or use a frequency without a license from the Commission.

79.2. The Commission shall grant frequency usage licenses in accordance with its statutes. Upon the adoption of the National Frequency Plan and the Spectrum Management Procedures in accordance with this chapter, the Commission shall grant licenses in a manner compliant with both the Plan and Procedures.

79.3. From time to time, the Commission may issue a decision classifying specific frequency uses as licensed in accordance with the Law and this chapter.

Article 80:

The National Frequency Plan:

80.1. The Commission shall develop the National Frequency Plan and refer it to the Ministry with a view of submitting it to the Council of Ministers for approval in accordance with Article 12 of the Law. Under the Plan, the Commission shall be responsible for the management of the frequency spectrum in the Kingdom.

80.2. The National Frequency Plan shall include frequency allocations for different uses, as well as the technical criteria and specifications of such uses, given that such allocations shall be compliant with the international and regional treaties and the statutes and criteria in effect.

80.3. Upon the preparation of the National Frequency Plan, the Commission shall:

- (a) Allocate frequencies in accordance with the purposes of Article 3 of the Law.
- (b) Coordinate with the concerned parties.
- (c) Coordinate on matters pertaining to frequencies on a national and international level.
- (d) Effectively use the frequency spectrum across all current and future uses.
- (e) Allocate the frequencies in the Kingdom and coordinate with other countries if necessary.

80.4. The Commission shall allocate frequencies in a manner compliant with international and regional treaties, the statutes and criteria in effect, and the National Frequency Plan, and shall develop a plan for the distribution and usage of civilian and commercial frequency allocations and refer same to the Minister for approval, pursuant to Article 12 of the Law.

80.5. In accordance with Article 12 of the Law, the Commission shall establish the National Frequency Record, to include all information on frequencies, their users and usages, and publish both civilian and commercial uses.

Article 81:

Spectrum Management Procedures:

The Commission may prepare and publish the Spectrum Management Procedures, inclusive of the following:

- (a) Categories of frequency usage and wireless device usage licenses.
- (b) License terms and conditions.
- (c) Application procedures for both frequency usage and wireless device usage licenses, including application information and forms.
- (d) License fees.
- (e) Licensing procedures.
- (f) Other matters deemed necessary by the Commission for the management of the frequency spectrum.

Article 82:

Frequency Usage Limitations:

The Commission may limit the number of frequency usage licenses issued, provided that it has taken into account the following objectives:

- (a) Increasing the benefits for telecommunications users and other users of the frequency spectrum.
- (b) Stimulating and developing competition.
- (c) Promoting efficient and innovative usage of frequency.

Article 83:

Implementation of the Laws:

83.1. In accordance with Article 14 of the Law, and without prejudice to Article 18 and paragraph (83.2) herein, the Commission may suspend or revoke a frequency usage license or a wireless device license when it considers that the licensee is in violation of the conditions of the license.

83.2. Prior to the suspension or revocation of any license, the Commission shall:

- (a) Notify the licensee in writing of its intention to suspend or revoke the license.
- (b) Give the licensee a suitable period of time to correct the violation, and respond to the Commission in writing to explain his viewpoint.

Chapter 11: Numbering:

Article 84:

The National Numbering Plan:

84.1. Pursuant to the provisions of Article 15 of the Law, the Commission shall establish and manage the National Numbering Plan, number allocations and number ranges for both service providers and users subject to the plan, taking into account the following requirements:

- (a) The expected increase in demand for telecommunications services, to prevent delays in number allocation.
- (b) As much as possible, the numbers should not inconvenience users and remain consistent with the effective usage of a service provider's telecommunications network.
- (c) The Plan should facilitate number portability and pre-selection.
- (d) The plan implementation costs to be borne by the Current Service Provider shall be reasonable.
- (e) Number allocation should not lead to unreasonable advantages or disadvantages for any service provider.

(f) Inconveniences to service providers and users as a result of implementing the National Numbering Plan should be kept to the bare minimum.

84.2. In accordance with Article 17 of the Law, the Commission may introduce amendments to the National Numbering Plan by way of a notice to the users and service providers, sent well before the date of the amendment.

84.3. The National Numbering Plan shall take into account the requisites of regional and international treaties, statutes and recommendations.

84.4. All service providers shall employ efficiency in using the numbers allocated to them by the Commission pursuant to the National Numbering Plan.

Article 85:

The Numbering License:

85.1. The Commission shall allocate numbers and number ranges in accordance with its adopted number allocation procedures.

85.2. The Commission shall determine the numbering license application conditions, given that numbering licenses are granted following a number allocation request by a service provider to the end of providing telecommunications services, if such numbers are compliant with the National Numbering Plan and the allocation fees have already been settled. Fees for unique numbers, serial numbers, names and addresses shall be commensurate with the effective management of all available number sources.

85.3. The Commission shall amend, renew, suspend, revoke or re-assign numbers in accordance with the Rules of Procedure.

Article 86:

User Number Allocation:

86.1. Users and service providers shall not have any ownership rights to numbers allocated for telecommunications services.

86.2. The service provider may not change the number of the user except in the following circumstances:

- (a) If the number change is requested by the user.
- (b) If the service provider has a valid reason for doing so and has already sent a written notice to the user clarifying the grounds for the change and the date on which the change would be completed. In case of emergencies, a verbal notice and a subsequent written confirmation shall be sufficient.
- (c) If the user of fixed telecommunications services changes his location.

86.3. The service provider may charge a fee higher than the normal fee for any type of services when providing one or more unique numbers at the request of the user.

86.4. If a service provider changes the number of any user, he shall abide by the following:

- (a) Provide a contact reference for that number for a reasonable period of time.
- (b) If the number is unique and the user has paid all associated fees, the service provider shall consult with the user and agree to provide an alternative unique number. If an agreement cannot be reached between the parties, they may refer the dispute to the Commission.

Article 87:

Number Portability:

87.1. After consulting with the concerned service providers, the Commission may issue a decision requiring such service providers to prepare a number portability plan. The decision may include plan guidelines, comprising the following:

- (a) A number portability implementation schedule.
- (b) Markets and service providers included in the plan.
- (c) Technical means of number portability.
- (d) Plan implementation cost and payment.

87.2. Following the issuance of any decision pursuant to paragraph (87.1) herein, service providers subject to the guidelines shall consult among each other to prepare the portability implementation plan, given that any plan prepared in accordance with this Article shall be submitted to the Commission for approval prior to implementation.

87.3. If the service providers are unable to reach an agreement regarding the portability implementation plan within 90 days from the issuance of the decision pursuant to paragraph (87.1) herein, the Commission shall:

- (a) Appoint an investigator in accordance with Article 8 of these Regulations to prepare the required plan.
- (b) Handle the particulars of the dispute between the service providers in accordance with Chapter 6 of these Regulations.

87.4. The Commission may decide to approve the number portability implementation plan before or after carrying out the procedures under paragraph (87.3) herein, and service providers shall conduct the number portability process in accordance with the plan adopted by the Commission.

Chapter 12: Telecommunications Devices and Equipment

Article 88:

General Provisions:

88.1. Telecommunication devices or equipment may only be used upon acquiring a Commission license, given that only the type of devices and equipment adopted pursuant to this chapter shall be considered licensed for usage in the Kingdom.

88.2. No person may manufacture, import, distribute, lease, offer for sale or sell telecommunications devices or equipment if the types are not approved for usage in the Kingdom or if they are incompatible with the technical criteria established by the Commission pursuant to this chapter.

Article 89:

Technical Criteria:

The Commission may establish and publish technical criteria for telecommunications devices and equipment.

Article 90:

Licensing and Type Approval:

90.1. The Commission shall determine the procedures and requirements for the licensing of telecommunications devices and equipment.

90.2. The Commission shall publish a list of the types of telecommunications devices and equipment approved for usage in the Kingdom.

90.3. The Commission may issue a decision requiring that devices and equipment licensed for usage in the Kingdom bear a label indicating that they are approved and licensed by the Commission.

90.4. The Commission shall address matters related to the amendment, renewal, suspension or revocation of telecommunications devices and equipment licenses in accordance with the Rules of Procedure.

Article 91:

Type Approval Procedures:

91.1. Any person intending to manufacture, import, distribute, lease or sell telecommunications devices or equipment in the Kingdom shall file an application with the Commission for type approval.

91.2. The Commission may establish technical criteria for approving the type of devices and equipment used in the Kingdom.

91.3. The Commission shall measure and test the compatibility of the telecommunications devices and equipment against the adopted technical criteria, at the expense of the applicant, given that such measurements and tests shall be carried out in a laboratory or by a Commission-approved authority, located either in the Kingdom or abroad.

91.4. The Commission may approve the type of the telecommunications devices and equipment in accordance with paragraph (91.2) herein, by requiring the applicant to prove that such devices and equipment are compatible with the technical criteria adopted by the Commission.

91.5. The devices and equipment shall bear a Commission-approved label indicating that their type is approved for use in the Kingdom.

Article 92:

Device and Equipment Types Approved by Other Parties:

92.1. The Commission may decide to approve and issue a list of national and international entities and laboratories for the purposes of type approval. The telecommunications devices and equipment approved by such entities shall be considered licensed for usage in the Kingdom.

92.2. The Commission may conclude memorandums of understanding with national and international entities for mutual acknowledgement of type approvals.

Chapter 13: Prevention and Guarding Against Hacking

Article 93:

93.1. Hacking is considered a form of misusing the telecommunications networks, and as such is a violation in accordance with Article 37 of the Law, subject to the law violation procedures stipulated in these Regulations.

93.2. Under its statutes, the Commission shall establish the necessary procedures for preventing and guarding against hacking and issue the relevant guidelines.

93.3. Every person, service provider and user shall abide by the procedures and guidelines established and published by the Commission pursuant to paragraph (93.2) herein.

93.4. Every person, service provider and user shall take the necessary precaution to prevent and guard against hacking, employing to that end modern means and technologies commensurate with the significance of his network and the nature of his work, and update same on a regular basis.

93.5. Every person, service provider and user shall abide by the cybersecurity controls in effect in the Kingdom.**Chapter 14: Violations and Penalties:**

Article 94:

The Committee for Telecommunications Law Violations*:

*** Previous version of Article 94, amended by Ministerial Decision No. 53, dated 02/09/1438 H:**

94.1. In accordance with Article 38 of the Law, the Committee shall be formed by way of a decision of the Board, upon nomination by the Governor. The decision shall identify the membership term and the composition of the Committee, given that it should have five members, including a legal councilor. The Governor may nominate two other members to replace any of the Committee members if they are absent for one or more meetings for any reason, or if they step down from their positions, taking into account that one of these two members shall be a legal councilor.

94.2. The members of the committee shall have a vested interest in any person accused of violating the Commission statutes. In considering any matter wherein a member has a vested interest in the accused, he shall step down and refrain from participating in the consideration of such a case.

94.3. The Committee shall hold its meetings at the Commission headquarters outside its official working hours, given that it may, as an exception, hold its meetings during the working hours if needed.

94.4. A quorum shall be formed by all the members of the Committee. In meetings related to acquiring and hearing statements by offenders and examining the violation, at least three members shall be in attendance, including a legal councilor.

94.5. The Committee shall consider the violation referred to it by the competent department within the Commission, provided that it falls under its jurisdiction, in accordance with the following procedures:

- a. Notify the person accused of the violation in the manner it deems appropriate, and give him a timeframe to respond to the accusations and submit his defense, along with any supporting documents.
- b. If the Committee decides there is a need to hear the statement of the alleged offender or any other person, it may invite them to a hearing at a time of its choosing, subject to sending them a prior notice of same.
- c. Any of the parties involved may request the Committee to hold a hearing, and the Committee may consider such request and decide accordingly as it deems appropriate.
- d. The Committee may examine the violation and make its decision based on the information in its possession, if it does not receive the response of the alleged offender by the submission deadline.
- e. The Committee may take any action it deems appropriate, either setting a date for another hearing or proceeding with its ruling based on the documents available to it, if the alleged offender is late by 30 minutes or absent from his scheduled hearing, and fails to present an excuse acceptable by the Committee.

(f) The proceedings of the hearing shall be noted in a minutes containing the names of the Committee members present, the date and time of the hearing, the procedures taken therein, the statements and defenses made by the alleged offender or his representative, given that such a record is to be signed by the Chairman, the members of the Committee, and the parties to the case.

(g) If the alleged offender refuses to sign the minutes of the hearing, the Committee shall hear his viewpoint in this regard and urge him to sign. If he maintains his position, the Committee shall make note of same in the minutes of the hearing.

94.6. If the Committee completes the examination procedures of the violation in accordance with Article (94.5), it shall issue its decision in accordance with the following:

- a. The decision issued with respect to the violation in question shall be reasoned.
- b. The decision shall be serialized and dated, and shall include the particulars of the violation and the penalty imposed on the person accused of the violation. It shall also suggest that the accused party may appeal the decision before the Board of Grievances within 30 days from the date of receiving the ruling.

94.7. The Chairman shall submit the decisions made by the Committee to the Governor to be communicated by him or his representative to the concerned parties and authorities.

In accordance with Article 38 of the Law, the Committee shall comprise five members, from among the Commission staff or others, provided that at least one of the five members is a legal councilor, and shall be established by way of a decision issued by the Board, upon nomination by the Governor. The decision shall also designate the chairman and deputy chairman of the Committee, given that the latter shall have the powers of the chairman upon substituting for him in a meeting.

The decision to form the committee shall also include the membership term, given that it may be terminated prior to the date of expiry, and re-formed by way of a decision issued by the Board.

The jurisdiction of the Committee shall cover the violations indicated in the Telecommunications Law, given that the Committee shall dismiss any violations that do not fall under its jurisdiction.

The Committee may summon the person accused of committing the violation to hear his statement, and it may also accept a written statement about the violation regardless of the manner in which it is submitted. With regard to its reports, correspondence, statements and responses, the Committee may accept digital correspondence, using means such as email and online applications. If the accused party refuses to sign the minutes, the Committee shall make a note of same in the minutes of the meeting.

The Committee bylaws and procedures, inclusive of the mechanism by which it conducts its business, shall be established then approved by the Board and subsequently referred to the Minister for adoption.

Article 95:

Considerations to be taken by the Committee for Telecommunications Law Violations:

95.1. In examining the violations, the Committee shall study all aspects of every violation and determine the suitable fine accordingly.

95.2. The Committee shall maintain a record of all its decisions, to be used as a reference to an offender's previous violations and fines, if any, and allow the Committee to draw on a precedent in determining the fine for the violation at hand.

95.3. The Committee may seek the assistance or opinion of an expert, specialist, a Commission employee or others with regard to the violations referred to it, and the Commission shall have the right to ask such persons for a report on same.

94.8. The person against whom a ruling was issued by the Committee shall implement its provisions upon learning of same.

95.4. The Committee may take any procedures it deems necessary for verifying the alleged violations brought before it.

95.5. The Committee may conduct a full-bench inspection, or delegate any of its members for the task, or any person it deems suitable.

95.6. The Committee may review all the information pertaining to the violation, including confidential information, provided that such information may not be used for reasons other than for which they were obtained.

95.7. The deliberations of the Committee shall be confidential, and decisions shall be made by a majority vote. If any member has an opinion contrary to what is indicated in the decision, it shall be recorded in the minutes of the meeting.

95.8. If the Committee considers that the violation involves a crime or a violation punishable under other statutes, it shall make a recommendation to the Commission to do the necessary and refer the crime or violation to the competent authority for legal action. The Committee shall rule on the violation at hand, unless it proves impossible to separate such a violation from the crime or other violation.

95.9. The defendant and all parties and persons involved in the violation referred to the Committee shall offer their full cooperation in disclosing any information or data it requires and respond to the requests of the Committee within the identified timeframes.

95.10. The Committee shall examine the violations referred it without delay, while giving priority to the cases of persons in detention, or cases that may result, according to the Commission, in severe damages to the telecommunications and information technology sector, or any other party harmed by the violation.

Article 96:

Penalties

96.1. A person indicted by the Committee shall abide by and immediately implement the decision issued in this regard as of the date thereof, without prejudice to his right to appeal such a decision before the competent judicial authority.

96.2. If the offender does not cease the violation within the timeframe identified in the decision of the Committee, the Commission shall request the Committee to punish him with a penalty equal to the previous one.

96.3. If the violation results in financial returns, the Commission may retrieve such amounts and order the offender to submit the relevant financial statements in the manner and time of its choosing. If the offender refuses to hand over such statements or submits false information, the Commission shall refer the matter to the Committee to consider his penalty as it deems fit. The Commission may also seek the assistance of the competent authorities to implement the provisions of this Article.

Chapter 15: Final Provisions

Article 97:

Amendment of the Regulations:

Any amendments to these regulations shall be made by the Board and issued by a Ministerial Decision.