

The Executive Regulation Of the Communications Law

Umm-Al Qura, Issue no.3913 on 12/8/1423H(1)

Chapter 1 General Provisions

Article 1

The terms and expressions defined in Article (1) of the Communication Law and Article (1) for the Legislative Organization of the Communication Corporation shall, when used in this Regulation, have the meaning defined thereof, besides the terms and expressions, shown in this Regulation, shall carry the meaning shown in front of each as follows, respectively:

- 1- Access: Make communications facilities available, by one of the service providers/servers to another service provider, with the purpose of provision of communications services.
- 2- Aerial Service: Radio (wireless) communications service, which provides safety, navigation and other aviation operations. It may include the exchange of communications from air to surface and vice versa.
- 3- Dominant Service Provider (Controlling): Anyone who controls a communications service provider, any other person controlled by a service provider or by the person who controls the service provider.
- 4- Amateur Radio (wireless) Service: A radio (wireless) service, wherein those interested in radio technology, as a personal interest and not intending to realize financial benefits, use the radio devices for self-training, communications or technical research.
- 5- The Individual license: The license issued by the Corporation to permit a certain service provider to provide a communications service according to the conditions cited in the license.
- 6- The Category license: A license issued by the Corporation to authorize all qualified service providers within the category defined in the license to provide communications services according to the conditions stated in the license.
- 7- The Corporations Laws: Communication laws and its executive regulations, the legislative organization of the Communications Corporation or any executive regulation approved according to this law or any other legislatively organizing document related to the work of the Corporation.
- 8- Controlling: Any means of control, leading to the right of control, whether directly; by holding shares and bonds or indirectly; through any agreement or any other arrangement.
- 9- Decision: A written document signed by the Minister, the Council, the Governor of the Corporation, the Corporation or any other existing competent governmental authority, authorized to make decisions according to the Corporation's law.

10- Classified Information: The secrecy of every information classified as secret according to this regulation and procedural rules.

11- Dispute: Any dispute among service providers, that leads to disagreement on:

(a) The rules and conditions of inter-communications linking.

(b) The capability of each provider to access the communications service provided another one or the quality of such service.

(c) Any other issue of dispute deemed as such by the Corporations.

12- The Dominant (Controlling) Service provider: The service provider classified as a controlling service provider in pursuance to chapter (4) of this regulation.

13- The Equipment and Devices License: A license, issued by the Corporation according to chapter (12) of this regulation.

14- Vital Public Utility: A facility linked to the communications network or a service provided exclusively or mostly by one service provider or a limited number of service providers, which the competitors cannot practically replace, for economic and technical reasons.

15- The Law of Appropriation for Public Interest: The Appropriation law for real estates issued according to the Ministerial Council decision No.1224 according to the Royal Decree No. (M /65) dated 16/11/1392 A.H.

16- The Fixed Communications Service: A service, that provides communications among fixed ground stations.

17- Foreign Service Provider: The service provider licensed to work outside the Kingdom and who has no license from the Corporation to provide service inside the Kingdom.

18- Adversary jamming: The adverse effect of electromagnetic energy from thermal emissions, radiation or electrical induction may affect the use or efficiency of radio communications system related to safety or reduces appreciably and repeatedly the use or operation of communication equipment or radio communication or equipment sensitive to radio waves.

19-The Current operator: The Saudi Telecommunications Company.

20-Linking Intercommunication: The logical and substantial connection which is used by the service provider himself or another to allow users of service provider among themselves or users of another service provider or ability to use utilities or services of an other service provider and inter-communication's specific access type of applied among service providers.

21- The Instructions of Inter-communication Linking: The instructions issued from the Corporation according to Chapter (5) of this regulation.

22 Equipment and Devices causing overlapping (interference): Any equipment or devices

capable of causing interference with radio communications.

23- The License: Any license issued by the Corporation including the communication license, license of using frequencies, license of numbering or the license of devices and equipment, unless otherwise understood from the text.

24 -The licensee: The person who holds a license issued from the Corporation.

25- Sea navigation Service: The radio service that provides safety and navigation and other ships and steamers operations information, and it may include the exchange of communications from ships to coasts and vice versa.

26- Mediation: A Corporation assigned representative, amicably, conducts negotiations and discussions between litigants to enable them reach an acceptable accord.

27- Merger: possession or acquisition of one person, or more, directly or indirectly, whether by purchasing or lease, of any shares or assets by accumulation or any other means, that lead to control or influence over all or some parts of a foundation, company, competitor, importer or any other person.

28- Mobile Communications Service: The radio (wireless) communications service, which provides communications among carried mobile radio (wireless) sets and the following:

a) Fixed telephone sets.

b) Stationary radio sets.

c) Space stations.

d) Other mobile radio sets.

29- The National Record (logbook) for Frequencies: The record, which contains all information, related to frequencies defined in Article (80) of this regulation.

30-The National Record (logbook) for Communications: The record, which contains all information, licenses and decisions issued by the Corporation, according to Article (22) of this regulation.

31- Number: Any number, code or other mark used by the service provider to provide communication service to be acquainted with communication utilities, to link between transmission and reception sites or to define the type of transmission provided by the service.

32- Numbering License: The License related to number using, issued by the Corporation according to Chapter (11) of this regulation.

33- Possibility of Number Transfer: Any service in which the user can keep any current number without any trouble or decline in the quality or the availability of the service, when the said user wishes to change his location or transfer from service provider to another one.

34-A Person: Any natural or corporate (artificial) person; this shall include any

governmental authority, joint stock company or any other company with limited liability, or joint partnership, any other individual company or foundation.

35- Public Telephones: Telephones available for the public, and usable by metal coins, smart cards, credit cards, pre-paid cards or any other available means.

36- The Public Communications Network: The network used to provide public communications.

37- A Radio (wireless) set/device: Any set, device, equipment, machine or an assembly of machineries usable in radio (wireless) communications, regardless of whether such usage is for communications services, the radio (broadcast) services or any other purposes.

38- Radio (wireless) Communication: Any broadcast, transmission, or reception of marks, signals, written messages, images, voices, or any news through electromagnetic waves in the frequent spectrum.

39- Radio (wireless) Sensory Service: The service, that use the radio (wireless) communication to define the speed, position or other properties of things/objects or natural phenomena or to obtain relevant information by the spreading (diffusion) properties of the radio waves.

40- The Frequencies' Usage License: The license issued by the Corporation, according to Chapter (10) of this regulation.

41- Radio (wireless) Sensitive Devices: Any devices, machines or equipment sensitive to radio transmission, the radio transmission affects their operation or use.

42- The Change of Number Notification Service: Any method of notifying the callers, on free of charge basis, that a number was changed.

43- Referral Offer for Inter-communication Link: This term has the same meaning, defined in Article (41) of this regulation.

44- The Registered Party: Anyone the Corporation, upon his request, registers his name, to participate in any activity, under its supervision, according to the procedural rules.

45- Procedural Rules: A set of procedural rules prepared by the Corporation to state its work procedures, and such shall be published as per the laws of the Corporation.

46- A Service Provider: Any person licensed, by the Corporation, to (1) provide communication service for the public or (2) operate a communication network used by him or any other person to provide communication service for the public or both.

47- The Tariff (financial return): The financial return or any financial or non-financial compensation charged by a service provider or paid to him in against the communication services or facilities.

48- Communications Devices: Wire and radio (wireless) devices, radio (wireless) transmission sensitive equipment, the devices and equipment causing interference (overlapping) or any other equipment, device, product, tool or any other things which is (1)

connected to a communication network (2) its usage may affect the technical ability to provide the communications services.

49- A Communication Facility: Any facility, device, equipment, computer program, service or any thing else used or usable in communications or in any other communications related operation.

50- The Communications License: The individual or category license.

51- Transmission Systems: Any wire, radio (wireless), optic fibers, electromagnetic system or any similar technical system used in communications which include distribution exchange boxes, posts, cable extension trunk tunnels, towers, antennas (masts) and all other installations necessary for such assemblies.

52- The Communications Marketing: Using the communications network for promotional advertising to purchase or use a service or a product.

53- Service Conditions: The general provisions and terms, forming the basis for a service provider, in extending his service offers to the users, in a document prepared and approved according to Chapter (8) of this Regulation. Such provisions and terms, shall, after being approved by the Corporation, be binding for the service provider and users, besides this executive regulation and the approved tariffs.

54- Quality Assurance (Approval): The way to ensure that the devices and equipment, used to provide communications services, are operating according to technical specifications applied according to its basic employment and conforms to communications networks licensed to be linked or deal with such systems.

55- Provide Comprehensive Service: The service defined in comprehensive service policy.

56- Supply Comprehensive Using Service: The service defined in the right of comprehensive usage policy.

57- Comprehensive Service provider: The service provider authorized by the Corporation as a comprehensive service provider.

58- Plan and Right of Comprehensive Service: The Plan presented by current operator/server or any service provider or person to the corporation and expresses the means in which the current operator or service provider or any person will extend comprehensive service or right of comprehensive service using inside the Kingdom.

59- Policy of Comprehensive Service and Right of Comprehensive Usage: The policy approved by the Minister based on proposal submitted by the corporation to provide and promote comprehensive service and right of comprehensive using.

60- Intrusion (hacking/breaking in): Illegal entrance (breaking in) by any person or service provider or user to any parts of a communication network or its contents for any purpose whether such results in damage or delay or not.

61- Intruder/hacker: Any person, a service provider or a user intruding in communications services.

62- Intruding/hacking Sources: Any place wherein the instruction can happen, for example communication networks terminals, public telephones, Internet Cafes, Internet programmed media (cards, diskette C-Ds. etc.).

Article 2

1- whenever required by this regulation to make a writing, such may be competed electronically.

2- With the exception of what has been mentioned in the law, any document published by the Corporation shall be considered authenticated in the following cases:

a- If checked and reviewed at the Corporation offices.

b- If continuously shown, to the public, on the Corporation's site on the internet.

c- In the cases decided by the Corporation if:

i) Published in Umm-Al-Qura newspaper.

ii) It has a brief summary in one of the widely distributed newspapers in the Kingdom.

3- Wherever this regulation requires sending any document through the Corporation official email address, and the mentioned address is not operating it shall be delivered by hand.

4- Wherever the context requires, in this regulation, the words used in the singular form shall have the same meaning of the words in plural forms and vice versa.

5- the corporation, if required by its laws to undertake certain activity or prohibited it for a particular person, may issue a decision to identify the individuals related the concerned person or entitles subject to such permission or prohibition.

Article 3

1- The Corporation, Governor and the Council shall take any suitable procedures and issue regulations or decisions, according to the Corporations laws in a way to help implementation and proper execution thereof.

2- The Corporation when practicing or performing its work, may report any facts including any contravention of its laws.

3- the corporation, when performing its duties in pursuance to its laws, may demand any person in accordance with terms set by the corporation to perform actions required to be performed by such person or prevent such person from performing actions prohibited to be done .

4- The Corporation may obligate any service provider to provide, fix or maintain any technical requirements to protect public interest.

Article 4

The Council may delegate to the Governor or any persons affiliated to the Corporation, any of his competences, except the followings:

- a- Issuing, amending, suspending or canceling a license of fixed and mobile telephones service.
- b- Approving the executive regulations.

Article 5

Providing the Corporation and other persons with the information

1- The Corporation may demand the service provider to provide it, at his own cost, by any important information to implement any of its laws in a form of periodical reports or any other form determined by the Corporation.

2- If the Corporation decides that some information, necessary to the implementation of its laws, is held by a person other than the service provider, the Corporation may demand such person to provide this information, at his own expenses, in form of periodical reports or any other method specified by the Corporation, provided that such shall be subject to procedures stated in the procedural rules.

3- With regard to the procedural rules of information confidentiality the Corporation shall provide, for the public access, the information submitted to it, within the framework of the procedures currently looked by it.

4- The corporation may issue a decision to obligate any person to provide any required information by the virtue of paragraph (5-1) and (5-2) of this article.

5- if the person obligated to provide information in accordance with paragraph (5-4) of this article, is licensed, he shall provide the required information within any time limit specified by the decision of the corporation, and in case of failure to provide the information, as required, he shall immediately notify the corporation of such, and the same shall state reason of disability to provide information and explain whether, there are alternative for the required information.

6- The Corporation may accept the alternative information and it may reserve the right to demand the license to provide the required information in subsequent time fixed by the corporation.

Article 6

Appointment of Inspectors

1- The Corporation Governor of the Corporation may appoint an inspector. Such shall be in adherence to the provisions of the Corporation law or the decisions issued accordingly and without prejudice to the laws of the Kingdom. The Corporation Governor may commission inspector after due coordination with the competent official authorities, as required by the law ,legislative organization and the directive, to enter any licensee's center or any center, the Governor thinks there are reasonable evidences of contravention of the Corporation's laws, decisions or terms of license; Also:

- a) Demand to sight, inspect and obtain copies of permit, license or certificate or any other documents in compliance with the law of the corporation.
- b) Demand to site, inspect and check any devices, equipments or any facilities and utilities used in communications.
- c) The licensee shall incur costs of actions taken by one of the inspectors or one of the technical experts commissioned to inspect and examine facilities and devices of communications, including all equipment and calculating the financial consideration of employment and installation of measuring devices of the corporations.
- d) The service provider incurring costs of the inspector commissioned to review files, registers, data or any other documents held by the service provider with the aim of effective supervision and execution of the tariff in accordance with the corporation's law.

2- the inspector appointed in pursuance to paragraph (6-1) of this Article may have reservation against relevant documents and electronic registers appropriate to be evidence in current or future investigation and procedures.

3- All individuals shall fully cooperate with any inspector performing his duties within the scope of commitments stipulated in paragraph (6-1) of this Article.

Article 7

Disconnection of Communications Facilities

1- if the Governor sees that there is a risk of an eminent danger to a communication network, a person or a frequency is used in violation of a Corporation law, decision or a license, the Governor may, after serving a pre-notification to the perpetrator, obligate the service provider to disconnect any of his communication facilities from any other communication facilities in cases where the Governor perceives that such procedures is necessary and essential to prevent any violation of any of the Corporation's or any license or decision issued by the virtue of this regulation.

2- subject to provisions of paragraph (7-1) of this Article, the Governor may demand execution of any disconnection of communication facilities at a fixed time or within a certain period. In case there are terms of compensation or other, the governor may decide the appropriate action in a fair and suitable way.

Article 8

Investigators Appointment

1- The Governor may appoint any person as Investigator to investigate any issue submitted to the Corporation or falls within its jurisdiction in accordance with the laws, submit, and report to the corporation.

2- The Investigator, for purposes of investigation, shall have competence delegated to the inspector according to paragraphs (6-1-a and b) or (6-2) of Article (6) of this regulation.

3- The procedural rules related to classification and disclosure of information to the corporation, concerning any information provided for the investigator or obtained through investigations shall be applied.

4- All the persons shall fully cooperate with the Investigators who are performing their duties within the scope of commitment stipulated by the virtue of paragraph (8-1) of this Article.

Article 9

The Financial (Return) Consideration

1- The Corporation, according to its laws, may determine the financial return (consideration) as follows:

- a- Provide the communications services commercially.
- b- Issuance and renewal of the licenses of providing the communications services.
- c- Issuance and renewal of the usages of frequencies.
- d- Issuance and renewal of the licenses of numbering.
- e- Issuance and renewal of the licenses of communication equipment and devices usage.
- f- Any works or services provided by the Corporation according to its laws.

2- According to Articles (5&6) of this law the Corporation shall submit to the Minister about the financial return (consideration) collected for fixed and mobile telephone licenses in preparation, to obtain the approval of the Council of Ministers with respect to paragraphs (9-1-a, b& c) of this Article.

3- The Corporation shall propose the financial consideration for all frequencies according to paragraph (9 -1-c) of this Article, then refer it to the Ministry for approval according to Article (3) of this law.

4- The Corporation shall determine the financial consideration in paragraph (9-1) of this Article according to the following rules:

- a- The transparency and equality, in financial consideration, shall be taken-into consideration and such shall be justifiable objective and suitable for the service licenses objective.
- b- When specifying the financial considerations it shall take into account encouraging the competition, creativity and in venture, while observing the services.
- c- Financial consideration shall reflect the need to secure the optimum use of the scarce resources such as frequency spectrum and numbering.

5- The Corporation, when determining financial consideration according to paragraph (9-1-f) of this Article, shall take into account the following:

- a- Financial consideration which are determined by the Corporation shall be enough only to cover total cost of its services and works and not to gain additional income.

b- The financial consideration to cover the cost of Corporation's service and works shall be appropriately distributed among the service providers according to the bases set by the Corporation.

Chapter 2 Communications licenses

Article 10 License General Provisions

1- No person may provide communication services to public or operate communication network with the purpose of providing service to the public except after obtaining license from the corporation in accordance with the license issued by the Corporation.

2- The license shall be written and accessible for public to sight.

3- According to the Corporation laws, there are four types of licenses:

a- Communications services licenses.

b- Frequencies use licenses.

c- Numbering licenses.

d- Equipment and devices licenses.

4- The Corporation shall publish in its Web site, in case of issuance, renewal or amendment of any license a notification explaining the necessary information for licensing and the location where the latest copy of the license can be renewed.

Article 11 Types of communications licenses

1- The Corporation may issue according to its laws two types of licenses; personal and category licenses.

2- Personal license shall, for any services, unless otherwise decided by the Corporation, be issued as follows:

a- The ground telephones services.

b- The mobile telephones services.

c- Operating public communications service network.

d- Fixed and mobile communications services for local and international data transference.

e- Any other services that the Corporation decides shall have individual license.

3- The Corporation shall issue licenses to provide communication service for fixed and mobile telephone after having an approval from the Council of Ministers according to Article (5) of this law.

4- The category licenses shall be issued to allow more than one service provider from the same category to provide communication service or operate communication network, except what paragraph (11-2) of this Article stipulates, and such license shall be subject to the following rules:

a- The category licenses shall include the terms similar to those of the licenses to provide the same service.

b- In principle, there are two types of category license; type (a) and type (b) mentioned in paragraph (11-5) and (11-6) of this Article.

c- The Corporation may add any other types of license.

d- issue category license type (a), the corporation may:

1- Determine the number of persons licensed to provide communication service.

2- Set competition, qualification or procedural terms, in consistence with Corporation laws.

e- The Corporation, when issuing category license type (b) may not:

1- Determine the number of the persons licensed to provide this type of service.

2- Apply competition, qualification or other procedural terms but issuance of licenses shall be after submitting a registration form to the Corporation showing the name, address and basic information about the service provided by the licensees.

f- The category licenses shall include conditions provided to obligate any licensed of this category to submit application of registration at the corporation within thirty days before starting providing services to include name of applicant, his address and description of service provided and other basic information defined in the license.

g- The Corporation may suspend or abolish any registration contradicting the condition of category license. This suspension abolishment shall be done only after Corporation allowed a respite not less than (15) days for the service provider to clear the contravention and correct the situation.

k- The Corporation, before issuing any category license, may do the following:

1- Publish proposed categorical license draft including the conditions required to provide communications services or operate communication networks by the licensed persons of this category.

2- Investigate the opinion and remarks of the public about the proposed category license.

3- Issuing and publishing category taking into account any remarks made.

5- The Corporation shall issue category licenses type (a) to provide the following services or operate communication networks to provide service unless otherwise decided:

a- Re-sell international and internal fixed telephone.

b- Satellite services using micro-stations (v-sat).

c- Public telephones services.

d- Automatic telephone calls.

e- Temporary communications network services.

f- Any other service or communication network, the Corporation deems as not needed for an individual or any other type of category license.

6- The Corporation shall issue category license type (b) to promote the followings services or operate communication networks to provide such services:

a- Internet services.

b- Benefit service of the network.

c- Mobile communications services through Satellites.

d- Public communications service booths.

e- Any other services or communications networks, the Corporation decides to include in type (b).

7- The service providers may have more than one license for more than one service.

8- The Corporation shall handle all affairs related to amendment, renewal, suspension, abolishment and assignment of the category licenses and their registration according to this regulation and procedural rules.

Article 12

Terms of Granting Individual licenses

1- The Corporation may impose conditions on individual licenses to achieve the objectives of the law, which include but not limited to, the following:

a- The communications service zone.

b- The communications service quality.

c- Provisions and terms of the communications service exclusive right.

d- Requirements of service and network spread.

- e- Additional communications service commitments.
 - f- Property confined to other service provider shares.
 - g- Some other terms, defined in the tariff, in addition to the provisions of this regulation.
 - h- The requirements of the licensee provision of information to the Corporation.
 - i- The requirement of co-operation, by the licensee, with the Corporation as it practices its duties according to its laws.
 - j- The standard of separation of communication services for accounting and organizational purposes as decided by the corporation.
 - k- The requirements for issuing invoices, reception and emergency services
- 2- The individual license terms related to the same service shall have the same terms unless there are other objective circumstances that justify applying different conditions.
 - 3- The Corporation may issue individual licenses for a period not exceeding (25) years.
 - 4- The Corporation may issue decisions demanding from a service provider or more to submit a special Plan to provide communication services in crisis and emergencies to be approved by the Corporation.

Article 13
Standards and Procedure of Licenses

- 1- The Corporation shall take to into consideration the objectives and purposes mentioned in Article (3) of the law in relation to license issuing and setting its conditions.
- 2- Any individual license applicant, at least, shall provide the Corporation with the following information:
 - a- His name, address and other addresses.
 - b- Precise description of services that he desires to provide and the geographical area covered by this service.
 - c- Precise description of networks and transmission systems which he desires to establish, operate and timetable to execute and date of start of network operating.
 - d- Evidences to prove the financial capability to provide services and execute the proposed network..
 - e- Evidences to prove his technical abilities and experiences or possibility of acquiring such and necessary experiences to provide services and execute network or possibility of acquiring one.

3- From time to time, the Corporation may publish information related to the procedures concerning individual license application, and such information and procedure shall save the following:

a- Sufficient information about proposed licenses to enable applicants to provide complementary applications.

b- There shall be a sufficient time, between the publishing date and the application submission date, to enable the applicants to submit complementary applications.

c- Suitable degree of consultations as decided by the corporation based on its assessment of the license importance.

d- All license standards and time, the Corporation needs to take a decision, with respect to obtaining license.

e- Any other objective standards the Corporation perceives appropriate.

4- The Corporation may, according to this Article, publish the provided information.

5- Based on application of individual license, submitted by the applicant, the Corporation shall inform him of the reasons of refusal or reasons of refusal of registration in the category license.

Article 14

Licenses in case of Resources Scarcity

1- The Corporation may determine the numbers of individual licenses issued in communication market in the following cases:

a- During the transitional period, toward the competition to organize and develop the rapid growth of that type of communications networks or services.

b- Shortage of adequate frequencies.

2- The Corporation may, in case of a limited number of licenses, select in accordance with this Article, the procedure for granting licenses, based on the type of the service or communication network, and it may select one of the following methods:

a- Comparison evaluation in accordance with Article (15) of this regulation.

b- Process bidding in accordance with Article (16) of this regulation.

c- Any other way the Corporation sees fair and suitable under such circumstances.

3- The Corporation shall publish its decision to select a suitable method of such mentioned in paragraph (14-2) of this Article or any other rules it sees suitable to finalize license procedures.

4- When the Corporation defines number of licenses that are granted, it shall be objective, transparent and unbiased.

Article 15

Comparative Evaluation Process

1- The Corporation, when comparing, shall select the best applicants according to their financial ability and ability to satisfy applications requirements of the users of the communication networks.

2- The Corporation shall conduct a prequalification process to determine the departments that can submit application for license, demanding each department to submit the following:

a- Evidences that show the provider has the financial ability to provide the services and execute the proposed network.

b- Evidences of his experience and possibility of obtaining such ability and necessary experiences to provide the services and execute the proposed network.

3- During the period of prequalification, the Corporation shall invite all applicant departments that can provide the required evidences according to paragraph (15-2) of this Article, to submit the applications in the form and content, which satisfy the Corporation. The applications shall contain the information determined in paragraph (13-2) of this regulation and any other information demanded by the Corporation.

4- The Corporation shall set the comparative evaluation biddings procedures, if they include procedures mentioned in paragraph (15-3) of this Article and the evaluation of the service applicants service shall be completed according to the objective standards defined by the Corporation.

5- The Corporation may publish the information in accordance with this Article.

Article 16

Bidding procedures

1- The Corporation before holding bidding related to any communication service license shall conduct prequalification for the persons who want to participate in the bidding by demanding each applicant to submit the following:

a- The evidences proving that the applicant has the financial capability to provide service and execute the proposed network.

b- The evidence proving that the applicant has the technical ability and capability to acquiring such and his experiences to provide the service and execute the proposed network.

2- The Corporation shall invite all applicants and qualified departments which provide the evidences required by paragraph (16-. 1) of this Article to the Corporation in the form and content satisfying the corporation to participate, and the corporation may set the bidding procedures and qualifications with a decision to be published.

Article 17

The License of Frequencies Using

1- Case of applying to obtain or renew communications license requiring using frequencies to provide communications service or operate networks, applicant shall submit application to issue or renew license to use the frequencies that the service provider needs and the Corporation shall complete the applicants procedures at the same time.

2- The Corporation shall not grant, refuse or renew the Frequencies License for the applicant as defined in paragraph (17-1) of this Article unless it has a convincing reason of the following:

a-Unavailability of frequencies.

b- Avoiding any damaging interference with the other communication services provided by any service provider.

c- If the issuance of the frequencies license contradict with any of the Corporation Laws.

d- In case of denial of granting or renewal of communication license which is related to the license of frequencies using.

Article 18

Mobile and Fixed Telephone Services

1- This Article shall be applied to any individual license to provide service of mobile and fixed telephone.

2- It shall be have the Council approval for any assignment of any individual license for providing services of mobile and fixed telephone. The decision of the Council shall be published within (90) days from submitting complete application.

3- The Council may amend any individual license to provide mobile and fixed telephone services in any of the following cases:

a- In case, the license makes a submission in this respect.

b- It there are any amendments or changes in the international or regional agreements or in international recommendations approved by the regulations and laws of the Kingdom which require such amendment.

c- When the amendment is needed to achieve the objectives and purposes of Article (3) of this law.

4- The Council in accordance with the laws of the Corporation and this regulation may renew any individual license to provide mobile and fixed telephone services in accordance with laws of the corporation and this regulation, and the applicant shall submit application to renew his license before its expiry date in sufficient time in pursuance to the license's provision.

5- The Council may not renew, cancel, amend or suspend the individual license to provide services of mobile and fixed telephone services for the following reasons:

- a- Repeated contraventions of any license basic conditions.
- b- Abstention from paying the Corporation's fees or any other payable dues.
- c- Repeated defaults in applying decisions issued by the Corporation.
- d- Not working by the license, within one year from the date on which the licensee obtained it.
- e- Conducting acts which contradict with public interest.
- f- The licensed business bankruptcy, liquidation or dissolution.
- g- Relinquish the license without the approval of Corporation.

6- Before amendment, suspension, renewal or cancellation of any license, the Corporation shall notify the license service provider in writing of its intention to take this action, and the notification shall contain the following:

- a- The service provider shall have enough time to give his comments on the relevant action.
- b- Specifying the procedures, the Corporation shall take when reviewing the concerned subject.
- c- Probe into the comments and opinions of other parties.

7- The Council, when amending, canceling or suspending the license or does not renew any license, shall give the applicant sufficient time to be committed to the decision then the Corporation shall take the necessary arrangements to ensure continuation of service provision for users.

8- The Corporation may issue decision for any other procedures to amend, renew, cancel or suspend any license.

9- Any decision issued by the Council to amend, renew, suspend or cancel any individual license to provide mobile and fixed telephone services shall be subject to the approval of the Minister.

Article 19

Other Individual Licenses

1- This Article shall be applied for any individual licenses except the individual license related to mobile and fixed telephone services.

2- The approval of Council shall be obtained in advance for any assignment of license and the Councils decision, related to the assignment, shall be published within (90) days of submitting the application. The procedural rules stipulated the procedures related to the

applications.

3- The Council may amend any license in one to one of the following cases:

a- In case, the licensee applies for such action.

b- If there are any amendments or changes in the international or regional agreements or in the approved international recommendations or in the regulation and the laws of the Kingdom that needs such actions.

c- When the amendment is necessary to achieve the objectives and purposes of Article (3) of this Law.

4- In accordance with Corporation laws and this regulation, the Council may renew the license, and the service provider shall provide the Corporation with an application to renew the license in a sufficient time before end its valid period in accordance with the requirements of the lice.

5- The Council may not renew, amend, suspend or cancel the license for reasons including but not limited to the following:

a- Repeated contravention is a basic condition in license.

b- Non-payment of the fees or any other financial consideration to the Corporation

c- Repeated defaults in applying decisions issued by the Corporation.

d- Not exercising work by the license within one year from the date of its issuance.

e- Conducting acts which contradict with public interest.

f- Bankruptcy of license, dissolution or liquidation.

g- Relinquish the licenses without the Corporation approval.

6- Before amendment, suspension, renewing or cancellation of any license, the Corporation shall notify the license service provider in writing of its intention to take such action, and the notification shall contain the following:

a- The service provider shall have enough time to give his comments on the relevant action.

b- Specifying the procedure to be followed by the Corporation when examining the concerned subject.

c- Probe into the comments and opinions of other parties.

7- When the Council is undertaking suspension, cancellation, amendment or renewal of any license, it shall give service provider sufficient time to be committed to the decision and the Corporation takes the necessary arrangements to ensure continuous services provisions for users.

8- The Corporation may issue any decision for any other procedures to amend, renew, cancel or suspend any license.

(1) 19 Oct 2002.