



**Telecommunications Regulatory Authority
Sultanate of Oman**

**Royal Decree No. (30/2002)
Telecommunications Regulatory Act
Sultanate of Oman**

"Unofficial Translation"

**(In case of divergence or discrepancy between
this translation and the Arabic text of the law, the
latter shall prevail.)**



**Telecommunications Regulatory Authority
Sultanate of Oman**

**Royal Decree
No. 30/2002**

For Issuing the Telecommunications Regulatory Act

We, Qaboos Bin Said, Sultan of Oman

After the perusal of having reviewed the Basic law of the State issued by the Royal Decree No.101/96,

And the Royal Decree No. 17/79 on the functions of the Ministry of Posts, Telegraph and Telephones,

And the Government Tender Law issued by the Royal Decree No. 86/84 and amendments there to,

And the wireless telegraphy law issued by the Royal Decree No. 59/85,

And the Regulation of public Organizations and establishments issued by the Royal Decree No. 116/91,

And the Royal Decree No. 2/93 for the establishment of the Royal Oman Wireless Amateurs society,

And the Foreign Capital investment law issued by the Royal Decree No. 102/94, as amended there to;

And the Financial Law issued by the Royal Decree No. 47/98, and amendments there to;

And the Royal Decree No. 46/99 for transforming the General Telecommunications Organization into an Omani closed joint stock company, (S.A.O.C)

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And the State audit law issued by the Royal Decree No. 55/2000,

And the Royal Decree No. 47/2001 for introducing a ministerial reshuffle,
And as necessary by the public interest,

Hereby decree the following:-

Article (1): The accompanying Telecommunications Regulatory Law hereby comes into force.

Article (2): The Minister of Transport and Communications shall issue the Executive Regulation of the accompanied law and the necessary Decisions its enforcement pending the issuance of the referred regulation and the decisions, the existing regulation and decisions shall continue to be effective in so far as they are not inconsistent with the provisions of the accompanying Law.

Article (3): The afore-mentioned Wireless Telegraphy Law is hereby repealed and so are all provisions contravening the accompanying law.

Article (4): This Decree shall be published in the Official Gazette, and shall be effective from the date of such publication.

**Qaboos Bin Said
Sultan of Oman**

**Issued on:
28 Dhul Hijja 1422 A.H.**

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12 March 2002 A.D.

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Telecommunications Regulatory Act

CHAPTER ONE Definitions and General Rules

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

- 1. The Minister:**
Minister of Transport and Communications
- 2. The Authority:**
Telecommunications Regulatory Authority described to in the Act
- 3. The Company:**
Oman Telecommunications Company, (S.A.O.C)
- 4. Telecommunications:**
Any transmission or emission or reception of signs or signals or texts or images or sounds or intelligence of any nature by wire, radio, optical, or other electro-magnetic systems.
- 5. Telecommunications transmission Network:**
Telecommunications infra-structure that permits telecommunication between and among defined network termination points
- 6. Telecommunications System:**
A system that permitting at the conveyance of signals or texts or sound or visual images or signals between defined terminal points by wire or radio or optical and other electro-magnetic means.



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- 7. Public telecommunications System:**
Telecommunications system used in whole or in part , for the provision of public telecommunications services provided by the licensee to the public.
- 8. Telecommunications Equipment:**
Equipment of apparatus and equipment used or intended to be used in telecommunications and that is part of or connected or comprises a telecommunications system and includes radio communications equipment.
- 9. Telecommunications Services:**
Services whose provision consisted wholly of partly of conveyance codes or signals or texts or images or sounds or intelligence on telecommunications systems, other than Broadcasting services.
- 10. Public telecommunications Services:**
Telecommunications services, - whether fixed or mobile – available to any person.
- 11. Basic Public Telecommunications Services:**
Telecommunications services available to any person, which does not depend basically on other telecommunications infrastructure (like the fixed or mobile telecommunications or personal satellite telecommunications).
- 12. Additional Public Telecommunications Services:**
Telecommunications services available to any person which depend on other telecommunications infrastructure (like public telephone, prepaid phone card, and value added services).



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- 13. Interconnection:**
Technical, regulatory and financial criteria that permit the connection of two or more telecommunications networks within the Sultanate.
- 14. Broadcasting:**
A radio communication in which the transmission of are intended for direct reception of any person. . It includes sound or television or other types of transmissions.
- 15. Frequency Spectrum:**
Frequencies of electro-magnetic waves of frequencies arbitrarily lower than three thousand GHz propagated in space without artificial guide.
- 16. Radio Communication:**
Transmission or emission or reception of messages or signals or sound or visual images through the radio.
- 17. Radio Station:**
One or more transmitters or receivers or a group of transmitters and receivers available in a specified location, including the necessary auxiliary equipment to secure radio communication service or radio astronomy services.
- 18. Beneficiary:**
A person who is provided with or who request to be provided with the telecommunications services by the licensee.
- 19. Public Payphone:**
A service that makes available to any person a mean to have access to a voice telephone service by using coins or prepaid or credit and debit cards.



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Article (2): The provisions of this Act shall be applicable to all types of telecommunications with the exception of the telecommunications networks and services and frequency spectrum used for the purpose of national security.

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

1. Developing the telecommunications sector with the object to expand the scope of provision of telecommunications services and its systems to cater for the needs of the economic and social development.
2. Preparing the telecommunications universal service requirements pursuant to Article (38) of this Act, and in accordance with the Government economic and social policy of the Government prior to its presentation to the Council of Ministers.
3. Encouraging the investment in the telecommunications industry in coordination with the concerned bodies.
4. Opening the entrance to competition in telecommunications services pursuant with the requirements of the State general policy.
5. Safeguard and developing the Sultanate's interest in the field of telecommunications with states,



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international and regional organizations,
unions and specialized committees.

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

1. To decide the principles for determination of the services tariffs which the beneficiaries are obliged to pay and forward them to the Council of Ministers for endorsement.
2. To propose the cases where the Government shall impose Royalties on the licensees of the first and second classes, also the principles for imposing such Royalties prior their endorsement by the Ministry of Finance.
3. To determine the terms of trading and dealing in encryption equipment, the rules on import, export and re-export thereof, and their specifications to be met in manufacture and the obligations imposed on those who manufacture, or import, or trade or deal in such equipment.
4. To represent the Sultanate before the international and regional organizations, unions and committees specialized in the field of telecommunications, after coordinating with the ministries and the concerned Government bodies.



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5. To prepare draft laws related to telecommunications.

Article (5): Without prejudice to the law of Penal Procedures issued by the Royal Decree No. 97/99, it is not permissible to monitor telecommunication facilities or inspected or revealed its confidentiality or delayed or confiscated unless there is a breach of public order, or morals or infringement of the rights of others,



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CHAPTER TWO The Authority

Section One Establishment and Objectives of the Authority

Article (6): By virtue of the provisions of this Act an Authority to regulate the telecommunication sector herein after called “Telecommunications Regulatory Authority” shall be established and located in Muscat. It shall be a body corporate with financial and administrative autonomy. It shall have the right to own immovable and movable property necessary to achieve its objectives. Its property shall be considered as public property.

The authority shall not be subject to the provisions of Regulation of the public organization and Establishments, or to any other laws or regulations applicable to the public organization and establishments.

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

Article (7): The basic objectives of the Authority are to achieve the following:-

1. To ensure the provision of telecommunications services for all the Sultanate within reasonable limits and charges. In particular these services shall include: emergency services, public payphones, directory services, operator assistance service, maritime service and rural services.
2. to encourage the use of telecommunications services with the aim to access world markets and information.



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3. to use the telecommunications services with the aim to encourage Omani exports visible and invisible such as accounting, auditing, engineering and consulting services.
4. To ensure the optimal use of the frequency spectrum.
5. To safeguard the interests of beneficiaries and dealers in respect of the prices of equipment and the rates and quality, and efficiency of the telecommunications services provided.
6. To ascertain the financial suitability of the licensees.
7. To promote entry into commercial activities in relation to telecommunications services and equipment and to facilitate entry into the markets thereof.
8. To develop the efficiency and economy in the performance of the licensees engaged in the commercial activities connected to telecommunications.
9. To create an environment for competition among the licensees to ensure the provision of world standard telecommunications services at reasonable cost and prices, and to take necessary steps to enable the service providers to compete abroad.



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10. To encourage research and development in the telecommunications sector.



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Section Two Functions of the Authority

Article (8): Without prejudice to the provisions of Article (9) of this Act, the Authority shall perform all the functions and take all the necessary actions and measures to achieve its goals, and in particular the following:-

1. to implement the approved general policy for the telecommunications sector in accordance to the programs prepared by the Authority for this purpose, and implement Government policy in relation to the universal service, all in consistence with the provisions of this Act.
2. to prepare the necessary programs and plans to develop the general policy of the telecommunications sector.
3. to prepare the frequency plan, numbering and domain name plans, and to supervise the implementation thereof.
4. to determine the telecommunications systems and services that can be undertaken by a telecommunications or radio licensee.
5. to allocate and monitor the provisions of the use of frequency spectrum in accordance with international treaties to which the Sultanate is a party.
6. to issue special approvals for the use of telecommunications equipment for which no specifications or standards have been determined .
7. to prepare the proposed amendments to telecommunications or radio licenses



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pursuant to the provisions of this Act, and to take the necessary actions for the implementation thereof immediately upon their endorsement .

8. to take actions to implement the obligations arising from international treaties in the field of telecommunications to which the Sultanate is a party, and the resolutions issued by international and regional organizations in which the Sultanate is a member, all in coordination with the concerned bodies.
9. to prepare standard forms of telecommunications and radio licenses.
10. to determine the terms, conditions, specifications and obligations stated in clause (3) of Article (4) of this Act, in relation to radio communications equipments.
11. to prepare the necessary technical specifications and standards for the import and use of Telecommunications Equipment or for the purpose of achieving connection or interconnection, in particular between the telecommunications equipment of the licensees to the telecommunications systems, and to take the necessary actions to publish such specifications and



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standards immediately upon approval.

12. to monitor the implementation by the licensees as per terms and conditions of the licenses.
13. to approve the interconnection agreements in consideration with the provisions stated in this Act.
14. to take the necessary measures to determine the acts or events which prevent competition in the telecommunications sector.
15. to prepare necessary programs to raise awareness of the importance of telecommunications sector and its impact on development of the sector on the development plans.
16. to prepare lists of the technical terms used in the telecommunications sector, and take necessary steps for its publication.
17. to provide opinion on the matters related to the telecommunications industry.
18. to investigate the complaints filed by the beneficiaries or licensees or any other person, and take the necessary measures in that regard.



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

Article (9): The Authority shall perform the following functions in the field of frequency spectrum, pursuant to the provisions of this Act and the international treaties to which the Sultanate is a Party, and without infringing the prescribed functions of the Royal Omani Society for Wireless Amateurs, or the decided procedures in the areas of meteorology or maritime or air navigation:-

1. To classify types of radio stations and prescribe the nature of service rendered by each type.
2. To determine a location for each radio station and decide the call sign for each station.
3. To assign the range of frequency spectrum to various types of stations and allocate a frequency for each station and determine the emitted power of its station, determine the timing of its operation and other related terms and conditions.
4. To determine standards for the equipment and devices in use with respect of their external effects, the purity and degree of sharpness of emission from every station and the equipment therein.

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5. To prepare the necessary rules in order to prevent the harmful interference between radio stations and to prevent the use of non-standard equipment that could cause such interference.
6. To determine suitable zones to be served by radio stations as appropriate having regard to the optimal use of frequencies.
7. To monitor transmission, in order to prevent interference that results in harming the radio stations, and unauthorized transmission.
8. To issue licenses for the operation of radio stations, or provide radio communications equipment that permit the use of non-standard transmission equipment on the conditions and for the period determined by the Authority.
9. To maintain necessary registers to record information related to radio stations and radio communications equipment in the Sultanate, pursuant to regulations to be issued for this purpose.
10. To propose rules regulating the allocation of ranges of frequency spectrum in preparation for endorsement by the Committee referred in Article (33) of this Act.



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Section Three Constitution and Management of the Authority

Article (10): The Authority shall comprise of the Minister as a Chairman, and at least three full time members, who shall be appointed by a Royal Decree on recommendation of the Council of Ministers.

A member of the Authority shall be persons of recognized standing, technically competent and experienced, highly qualified in his specialized field. The Council of Ministers shall determine; the period of appointment for each member, the rules and basis of determining their remunerations and financial allowances for each member.

The members shall be responsible for the performance of the Authority and its functions, and to achieve its objectives.

The Minister shall nominate one of the Members to replacement him; in his absence, or if he is not able to participate.

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

1. to propose the general policy of the telecommunications sector, and to prepare programs and plans necessary to development thereof, in coordination with the concerned bodies?.
2. to decide the regulations which organizes the business of the Authority, whether in relation to the organizational structure, or



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personnel employees Regulation, or the financial and administrative affair or others of the Authority without having to abide by Government rules and regulations, in coordination with the concerned parties.

3. To form sub-committees to perform specific functions and duties.
4. To take measures to secure necessary loans for the Authority, after the approval of the Minister supervising the Ministry of Finance.
5. prepare proposal for the Authority's annual budget, final accounts and annual report and its activities which should include the progress achieved in telecommunications services, and the Authority future plans prior to its endorsement.
6. Determine the following:-
 - a) The annual fee imposed on persons issued to them the licenses of the first and second classes, in cases where the licensee's a gross annual turnover exceeds 1 million Omani Riyals. The fee shall be a percentage of this gross turnover and no higher than necessary to meet the Authority's costs and expenses in



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performing its duties and functions, whether actual or projected in the last approved budget, in accordance with the provisions of this Act.

- b) Initial fees charged for issuing licenses for the first time.
 - c) Fees charged for license renewals.
 - d) Fees or other amounts charged by the Authority for services that it provides.
7. To prepare principles for determining service tariffs that the beneficiaries should abide by proposed for inclusion in the licenses, subject to provision of Clause (1) of Article (4) of this Act.
8. To seek assistance from universities and other research centers or bodies, in study and research in any subjects that fall within the competence of functions of the Authority.
9. To set the rules regulating the maintenance of the licensees registers, relating to their accounts and distribution of costs.
10. To prepare reports requested by the Minister.



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Section Four The Financial Rules of the Authority

Article (12): The fiscal year of the Authority's shall start on the first day of January and shall end on the thirty-first day of December of the same year. provided that, the first financial year shall start on the date on which the Authority is established, and shall end on the thirty first December of the following year.

Article (13): The Authority shall have an independent budget. The Authority shall submit projected budget to the Ministry of finance.

Article (14): The Authority shall have one or more financial auditor to be appointed by the State Audit Authority.

Article (15): The Authority shall submit its final accounts to the Ministry of Finance within three months of the end of fiscal year. The auditor (financial) shall submit his report to the chairman of the Authority, with copies to the Financial State Auditing Authority Body and another copy to the Ministry of Finance for exercising their view. The final accounts shall be endorsed by the Council of Financial Affairs and Energy Resources.
The executive regulation shall determine the rules for publishing the final accounts.

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

1. The value of the fees pursuant to clause (6) (a,c,d) of Article (11) of this Act.
2. Expenses and costs that the Authority deducts as per Article (17) of this Act.
3. Amounts of fines imposed by the Authority on the licensees pursuant to



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clause (5) of Article (51) of this Act.

4. Any other sources of revenue decided by the Council of Ministers.
5. These resources shall be used to finance expenses listed in the Authority's annual budget after endorsement of the Council of Ministers.

Article (17): The Authority shall immediately deposit the accrued fees, as described in clause (6b) of Article (11) of the Act, to the Public Treasury after deducting the expenses and cost incurred by the Authority in the process of granting licenses, On condition that they (expenses and costs) should be approved by Ministry of Finance.

Article (18): The Authority may request the General Treasury to finance the deficit that may appear in its balance sheet. While any realized surplus achieved shall be accounted to the State Treasury. The Treasury, shall bear the capital cost and expenses incurred in the process of establishing the Authority.

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



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CHAPTER THREE

Provision of Telecommunications Services and Telecommunications Equipment

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

Article (21): The provision of basic public telecommunications services shall be by way of a “class one” license issued by a Royal Decree on the recommendation of the Minister after the approval of the Authority. The Decree shall determine the duration of the license.

The provision of additional public telecommunications services shall be by way of a “class two” license, issued by a decision of the Minister after the approval of the Authority, for a duration not exceeding five years.

The provision of private telecommunications services not accessed to the public network, shall be by way of a “class three” license, issued by the decision of the Authority for a duration not exceeding five years.

Radio license shall be issued by the Authority for a duration not exceeding five years, subject to the rights of the licensee to provide public telecommunications services.

The Authority may limit the numbers of telecommunications or radio licenses issued for a specific class of telecommunications systems or services , in order to achieve the following:-

1. To ensure the efficient management and use of frequency spectrum.



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2. To specify a particular period to ensure the sufficiently of telecommunications numbers are available for the use in the Numbering Plan.

3. The requirements of public interest.

In case the number of telecommunications licenses of limit of the pursuant to the preceding paragraph, the Authority, may after coordinating with the concerned parties, invite bids, in accordance and procedures set by it. These rules and procedures shall be published at least one month prior the date of submission of bids.

Article (22): Applications for obtaining the telecommunications licenses shall be made on the standard forms prepared by the Authority for this purpose. Applications shall not be considered unless the application fee imposed has been paid.

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

1. the sufficiency of efficiency, experience and capabilities of the applicant.
2. the satisfaction of the applicant to the conditions set by the Authority.
3. That there is no conflict of interest with the beneficiaries of telecommunications service.
4. Achieving competition among the applicants to provide



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telecommunications services.

5. Promote research or develop the telecommunications services or provision of new types thereof.
6. The applicant is prepared to participate in the universal service.
7. Encourage National and foreign investors to invest in the telecommunications sector.

In all case, a decision on the application should be taken within a period not exceeding thirty days from the date of satisfactory fulfillment of submission of all necessary documents. In case of refusal to issue a license, then the applicant shall be notified of the reasons for the refusal.

Article (23): Telecommunications Licenses issued pursuant to the provisions of this Act, shall be renewed at the request of the licensee in the same method and on the same conditions.

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

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

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Article (24): A license of “class one: or “class two” may not be amended except at the original terms with the consent of the licensee, or for reasons of public interest and subject to the provisions of paragraph (6) of Article (7) of this Act. Such License may not be revoked except at the request of the licensee, or on account of a gross violation of any conditions of the license on the part of the Licensee, or of what is in conformity with these conditions, or for reasons of public interest.

A license of “class three” may be amended or revoked by a substantiated decision, in view of the public interest.

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

The Authority shall have, in case of non renewal or revocation of “class one” or “class two” license shall have the right to supervise the operation and management of the telecommunications system on its own or through third party on or a temporary base, in a manner that ensures continuity of provision of the service to the beneficiaries.

Article (26): For the purposes of application of the provisions of this Act, and the regulations and decisions issued in implementation thereof, it may be possible, by a decision from the Minister, may authorize any of the Authority’s staff to enter places and properties used by the licensee, with objective of perusal or examination of any license or permit or certificate or any other document that is issued pursuant to the provisions of this Act or the regulations and decisions issued in implementation thereof, and to examine and inspect any telecommunications equipment or apparatus or whatever is used in the telecommunications system, or is connected to the construction, or its use or ownership thereof.



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The employee of the Authority may seek the assistance of the Royal Oman Police, whenever is required.

Article (27): The licensee shall undertake to prepare regulations establishing the procedures for dealing with complaints filed by the beneficiaries in relation with the provision of the telecommunications services or the operation of telecommunications system.

The Authority shall determine the method to be followed in the publication or perusal of the regulations.

The Authority may also notify the licensee to review and amend such regulation.

Article (28): The Authority shall, by substantiated decision, settle any dispute arising among the licensees, or between the licensee and the beneficiary, it may subject to the approved of the parties to the dispute refer the dispute to arbitration..

The Executive Regulation of this Act shall determine the rules for the formation of the arbitration panel, and the procedures regulating the consideration therein for the settlement of the dispute.



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CHAPTER FOUR Use of Frequency Spectrum

Article (29): The provisions set forth in this chapter, and the provisions of Article (9) of this Act shall be applicable to any telecommunications system that uses frequency spectrum, or radio communications equipment, or radio station located on the land of the Sultanate, or its territorial waters, including airplanes, ships, boats or vehicles, and whether the system or the station or the equipment are owned by Omanis or by non Omanis.

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

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

1. Approval of the Council of Ministers for the broadcasting services or the television transmission.
2. Approval of the Minster for the maritime or aeronautical navigation or meteorological activities.

Clauses 1 and 3 of Article (22) of this Act shall apply when applying for a license.

The Authority shall take into consideration while issuing the license of the Frequency Plan specified in clause (3) of Article (8) of this Act, and the availability of frequency spectrum, and the distribution and coverage of radio stations, provided that such decision shall not cause infringement to any rights that have already been assigned to

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the applicant by virtue of a public telecommunications license of “class one” or “class two”.

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

1. For location determined the radio station, the purpose of its use, mode of its operation, the number of persons responsible of its administration and responsible of its operation and the required expertise and experience and qualifications of such persons, and the radio communications equipment allowed to be installed and used at the station.
2. Conditions and specifications of the radio communications equipment, and the location and area in where they shall be used; the purpose and mode of the operation of the equipment and number of persons needed to manage and operate them.
3. A requirement that the radio station and its equipment must comply with technical specifications and conditions contained in the international treaties that the Sultanate is a party to..
4. The duration determined for the license, subject to paragraph (4) of Article (21) of this Act.
5. Any other conditions, including fees or amounts decided to be collectable pursuant to this Act.



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

The radio licenses shall be deemed revoked in case of the revocation of expiry of the telecommunications license on the basis of which the radio license was issued.

Article (33): A committee for the allocation of the frequency spectrum shall be set up by a resolution of the Council of Ministers under the chairmanship of the Minister, and with members staff of representatives of the Ministry of Defense, Security bodies, Ministry of Information, Ministry of Transport and Communications and other concerned agencies.

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

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

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

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



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Article (35): Radio stations and radiocommunication equipment are inspected by the personnel of the Authority or such other personnel deputed by a decision from the Minister for this purpose. They shall have the authority to enter any airplane or ship or boat or vehicle to inspect any radio station or radio communications equipment therein, and to examine papers, or documents related to therewith.

No person shall oppose or prevent or obstruct the entry of the authorized personnel a radio station or location or residence or ship or boat or airplane or a vehicle having a radio station or radio communications equipment, or from inspecting such station or equipments or examining the related documents. Provided that entry into private residences, however, should be after permission of provided that of the occupant or the permission of the Public Prosecutor.

Personnel with powers of inspection are not permitted to divulge any information that may come to their knowledge during the course of or because of their work. This obligation continues even after they leave the service.

The Authority should notify the licensee to take the necessary measures within the period it specifies, if it is established through the inspection, that any of the radio communications equipment, causes without justification, a breakdown in other equipment, or contravenes the provisions of international treaties that the Sultanate is a party to.

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



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

Article (37): In cases of emergency, the Minister may seize temporarily any radio communications equipment and use in the way he deems suitable during the state of emergency. The owner or possessor shall hand over the equipment decided to be seized to the personnel concerned without prejudice to the owner or the possessor's rights to compensation if required.



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

Section One Universal Service

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

1. To expand the telecommunications network in defined geographical areas, or number of inhabitants; or to install public payphones in these areas.
2. To provide maritime telecommunications services.
2. To provide telecommunications services to persons with special needs.

The Authority shall be notified of the requirements for the expansion of the networks and services specified in the previous clauses. They shall be funded by the State Treasury pursuant to the provisions of the last paragraph of Article (39) of this Act.

Article (39): The Company shall provide the services and carry out the works stated in Article (38) of this Act free of charge without remuneration, if the provision of those services and the execution of these are exclusively to the Company, in accordance with the license issued to it.

The Authority shall agree with the Company to provide any of the services or carry out the works stated in Article (38) of this Act, if these works or those services are connected with the services or works provided by the company in accordance with the license issued to it.



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In case the company shall not agree to provide the services or execute the works stated in the previous paragraph within three months, the Authority shall float the necessary and shall take into consideration the value of the proposed financial subsidy, the bidder's technical competency and financial subsidy ..

If no acceptable bid has been submitted, the Authority shall entrust the Company to the provision of the services and the execution the works. In this case the State Treasury shall pay the Company the net cost of providing the services or implementing the works, plus a return calculated on the basis of the yield to redemption of medium term Government bonds plus an additional 2%.



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Section Two Competition Rules

Article (40): The licensee shall not take any action or do something or omit to do an act that could prevent or restrict competition in connection with any commercial activity connected to telecommunications, if he took an action or did something or omit from doing things in the course of providing telecommunications services or operating telecommunications system, and that action or the omission therefrom was connected to the provision of the telecommunications services or the operation of the telecommunications system.

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

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

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



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

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

The Authority shall notify the licensee of the decision that he will issue on this matter. It may also notify any other competent person. It shall take the necessary measures to remedy the reasons of the breach at the expense of the offender.



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Section Three Prevention of Conflict of Interests

Article (42): No member of the Authority or executives or specialists shall have any interest, direct or indirect related to investment in the telecommunications sector, for the duration of their membership or employment at the Authority.

Members and employees specified in the preceding paragraph shall undertake to notify the Authority annually and at the commencement of their membership or employment, of any interest in the telecommunications sector, that any of them or his spouse or any of his relatives up to the third degree, might have, or of any other interest that is in conflict with their positions or jobs.

A member to whom any of the above cases apply should notify the Chairman of the Authority and should step aside from looking into the matter.

Article (43): No member of the Authority neither the employees specified in Article (42) of this Act, may, during their term of their position of employment, undertake any other job or employment in the telecommunications sector, paid or unpaid.

This obligation shall continue for two years after the date of termination of membership or employment.



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Section Four Realization of National Security Requirements

Article (44): Each licensee to operate a telecommunications system or to prescribe telecommunications services, shall undertake to provide, at his expense, all the technical facilities such as telecommunications equipment, apparatus, systems and programs within the licensee's telecommunications network he is licensed for, and which give security bodies access to the network of the licensee for security realization of requirements of National security provided the provision of services should coincide in time with the provision of the required technical facilities in consideration with technical advance in accordance with what is specified in the decisions pursuant to resolutions issued by the Authority, within the limits of the provisions of the prevailing laws.

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



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CHAPTER SIX Miscellaneous Rules

Article (46): Licensees of Public telecommunications systems have the right of interconnect on request, and a licensee shall negotiate of interconnection between the facilities of his network and another public telecommunications network of another licensee as specified in its issued license.

If negotiations do not result to agree on for interconnection within three months, then the licensee agreed of the public telecommunications shall present the matter to the Authority for a decision that shall be binding upon all parties.

The Authority shall, with the approval of the Minister, issue regulations on the rules the grounds on which are settled disputes that arise on interconnection agreements.

Article (47): A licensee in the public telecommunications system may not enter any property, albeit temporarily, except after obtaining the written approval from the property owner, or with a permission from the Public Prosecutor in case of owner refusal. The Licensee may remain in the property for the duration of time necessary to realise any of the following objectives:-

1. To conduct the necessary land survey or obtain the necessary information on the property.
2. Determining extent of the suitability of the property for realizing the purposes in the license.
3. Supplying or installing or erecting or maintaining telecommunications facilities or services.



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4. Removing anything that obstruct or prevent the erection of constructions or making use thereof in the best possible way.

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

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

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

Article (48): Encryption shall not be used in telecommunications or between computer networks without a license from the Minister. The license shall specify the persons who may operate and the conditions of operating, fees imposed for issue of license and the controls of keeping the encryption key. All that shall be in accordance to what is determined in the executive regulation of the Act.

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

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



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Article (51): The executive regulation of the Act shall include in particular, the determination of the following:-

1. The areas in which the members of the Authority perform their functions and duties.
2. Rules and procedures to be followed in the convening meetings of members of the Authority, to replace absent members or unable to attend, and issuing of the recommendations and the resolutions.
3. Rules regulating the notifications that the members and employees of the Authority are under obligation to file (submit?) pursuant to the provisions of Article (42) of this Act, dates of set of filing (submission?), and the consequences of the failure to file (submit?) in these specified dates.
4. Detailed procedures for submitting the necessary applications for obtaining the licenses, rules and procedures for consideration of those applications by the Authority and the completion of necessary information thereof in the specified dates.
5. Terms and conditions that are contained in the license, and amount of fines to be levied on the licensee in case of breach of these terms and conditions.



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6. Rules, conditions, specifications and procedures to be followed by the Authority in the examination and inspection of the telecommunications equipment for the purpose of connecting thereof with any telecommunications system, and issuing of the necessary regulations for this purpose, and certificates on the results of inspection and examination in light of the technical criteria decided by the international organizations and bodies and their specialized agencies in this regard.
7. Cases where modification or revocation of certificates issued by the Authority as a result of the examination, and inspection pursuant to the provisions of the preceding clause, and the fee charges for the examination or inspection or for issuing or modification or revocation of certificates.
8. The technical criteria rules for each system of the telecommunications systems, services, and equipment, the rules regulating the other telecommunications services, and specification of the technical equipment of the telecommunications.
9. Rules and procedures related to the plans of Numbering and Domain Names, subject to the following:-
 - a) The Authority shall in preparation of the Plan, the right to impose charge the fee for allocation of numbers or Domain



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Names for the telecommunications in a manner consistent to the benefit accruing to the licensee and keeping in view the expenses in managing the Plan and controlling the use thereof.

- b) The licensee shall ascertain that the ability of beneficiary in retaining the telecommunications number allocated to him in case of change of beneficiary subscription contract to another licensee.
10. Rules, conditions and procedures regulating in maintaining registers by the Authority, and the recording therein in particular the recording of the telecommunications licenses, radio licenses and certificates issued as the result of examinations or inspection of the equipments, in application of the provisions of clause (6) of this Article, and the judicial verdicts and decisions issued in this regard.
11. Cases of exemption from entering in the records of the registers specified in the preceding clause, the rules regulating their inspection, and the fees to be imposed for the inspection or obtaining the required data.
12. The methods followed by the Authority and the obligations imposed on the licensee for the purpose of evaluating performance.



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13. Other functions performed by the employees tested with inspection authority, in application of the provisions of Articles (26) and (35) of this Act.



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CHAPTER SEVEN Penalties

Article (52): Without prejudice to harsher punishment stipulated in the Penal law, promulgated by the Royal Decree no. 7/74, or any other Act – any person who deliberately destroys or cause damage thereof the telecommunications infrastructure including public payphones, shall be punished by imprisonment for a period not exceeding three years, and with a fine not exceeding fifty thousand Omani Riyals, or with one of the two penalties.

The penalty shall be doubled in case of repetition.

Article (53): Any person who establishes or operates a telecommunications system or provides telecommunications services without obtaining a license pursuant to the provisions of this Act, shall be punished with imprisonment for a period not exceeding two years, and with a fine not exceeding fifty thousand Omani Riyals, or with one of these two penalties.

He shall be sentenced with compulsory confiscation.

Article (54): Any person who uses any radio communications equipment without obtaining a radio license pursuant with provisions of this the Act, shall be punished with the penalties stipulated in Article (53) of this Act.

He shall be sentenced with compulsory confiscation.

Article (55): Any person who intercepts, without the written approval of the Authority, any telecommunications other than what is permitted by law, shall be punished by imprisonment for a period not exceeding one year, and with a fine not exceeding five thousand Omani Riyals or with one of these two penalties.

Article (56): Any person who connects any telecommunications system or equipment to a telecommunications system that has been issued with a license that does not allow the connection in the method it has been



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done, or by using methods not approved by the Authority through the application of the provisions of this Act, shall be punished with the penalties specified in Article (55) of this Act.

Article (57): Any person who obtains any telecommunications service from a telecommunications system which has been issued with a license pursuant to the provisions of this Act, by using deception means and with intention of avoiding to pay any fee or a charge payable against provision of that service, shall be punished with imprisonment for a period not exceeding one year, and with a fine not exceeding five thousand Omani Riyals, or with one of these two penalties.

The penalty shall be doubled in case of repetition.

Article (58): Any person who is in possession of things that are used in obtaining the service referred in Article (57) of this Act, if he intends to use these things to obtain the service by using the means of deception, or for a purpose connected with the means of deception that are followed in obtaining this service, or if he willfully has bad intention to permit to use these things in obtaining the service, or for a purpose connected with the means of deception followed in obtaining, shall be punished with the penalties specified in Article (57) of this Act. “Using things” means – in the case of things used in entering data in registers – the use of any of this data.

Article (59): Any person who supplies things that are used to obtain the service referred in Article (57) of this Act, if the supplier (?) that the purchaser intends to use these things to obtain the service by using the means of deception, or for a purpose connected with the means of deception that are followed in obtaining this services, or if he willfully to allow the use of things in obtaining this service, or in a purpose connected with the means of deception followed in obtaining it – shall be punished with the penalties stipulated in Article (57) of this Act.



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The provision of the second paragraph of Article (58) of this law shall apply in this crime.

Article (60): Any person who does not comply to the specifications of the telecommunications technical equipment that is determined pursuant to clause (8) of Article (51) of this Act within the period specified by the Authority – shall be punished with the penalties stipulated in Article (57) of this Act.

Article (61): Any person who sends, by means of telecommunications system, a message that violates public order or public morals, or is not true and he is aware of, or it aims to disturb others, shall be punished with imprisonment for a period not exceeding one year, and with a fine not exceeding one thousand Omani Riyals, or with one of these two penalties.

The penalty shall be doubled in case of repetition.

Article (62): Any person who uses telecommunications equipment or facilities with initiation to forward a message that he is aware that it is untrue, or that could cause harm to the safety of any person, or to the efficiency of any service – shall be punished with the penalties stipulated in Article (61) of this Act.

Article (63): Any person who uses telecommunications equipment or facilities in cases other than the cases permitted by the Authority, or in cases of performing the duties of a job, with a Licensee, with the intention of:-

- 1) Obtaining information about the content of the message, or its sender or addressee, if whoever uses their facilities or those equipment or whoever acts on his behalf, is not authorized by the Authority to receive the message, or



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- 2) divulge and/or disclose the confidentiality of any data related to the content or the sender or the addressee of the message, that might have come to his knowledge through the use of these facilities or equipment, whether by him or by any other person, with the exception of the cases where divulging the confidentiality of the data is permitted pursuant to the provisions of by the prevailing laws shall be punished with the penalties stipulated in Article (61) of this Act.

Article (64): Any person who caused, through his own mistake or negligence or lack of prudence, in destruction of the telecommunications infrastructure, including public payphones, shall be punished with the penalty stipulated in article (61) of this Act.

Article (65): Any person who uses telecommunications equipment for the purpose of causing harmful interference, unless this interference is the result of a force majeure, or a state of emergency shall be punished with imprisonment for a period not exceeding one year, and with a fine not more than fifty thousand Omani Riyal, or with one of these two penalties.

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

The penalty shall be doubled in case of repetition.

Article (67): Any member or employee of the Authority who violates the provisions of Article (42) or Article (43) of this Act, shall be punished with a fine not exceeding one thousand Omani Riyal. He shall also be ordered to refund any amounts he had obtained as a result of the crime, and shall pay compensations if necessary.



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Article (68): Any licensee who fails to perform his obligations imposed by the executive regulation of this Act pursuant to clause (12) of article (51) of this law, shall be punished with the fine stipulated in article (67) of this Act.

Article (69): For the purpose of applying the provisions of this law and the regulations and decisions issued in execution thereof, the Minister of Justice, in coordination with the Minister, shall assign by a decision, the employees vested with the capacity of the Judicial authority.



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CHAPTER EIGHT Temporary and Transitional Provisions

Article (70): Any person owns or operates a telecommunications system, or provides telecommunications services, on the date of enforcement of this Act, shall reconcile his position in conformity with its provisions by obtaining the necessary licenses within one year from the date of its enforcement. In case he could not obtain the required license during that period he should apply for the relevant operating telecommunications license and the radio license, if the telecommunications system uses the frequency spectrum for the setting up, or installation, or operation or providing telecommunications services.

Article (71): When issuing a license for operating a telecommunications system, or providing telecommunications services, or limiting the number of telecommunications or radio licenses, pursuant to the provisions of this Act, the Authority shall not prejudice any rights determined by virtue of licenses issued prior to the date of its enforcement, whether to provide a public telecommunications network, or to operate a public telecommunications system, or to provide telecommunications services, in so far as those rights are consistent with the provisions of this Act.

Article (72): Pending the issuance of the Royal Decree appointing the members of the Authority pursuant to the provisions of Article (10) of this Act, the Minister shall issue a decision to constitute a provisional committee to perform the duties and functions of these members.
