

Law No. 17 of 2017
Amending the Telecommunications Law Promulgated by Law No. 34 of 2006¹

We, Tamim Bin Hamad Al Thani, Emir of the State of Qatar,

Having perused the Constitution,

And Decree Law No. 36 of 2004 on the establishment of the Supreme Council of Information & Communication Technology,

And Telecommunications Law No. promulgated by Decree Law No. 34 of 2006,

And Emiri Decision No. 42 of 2014 establishing the Communications Regulatory Authority,

And the proposal of the Minister of Transport and Communications,

And the draft law submitted by the Council of Ministers,

And having sought the opinion of the Shura Council,

Do hereby enact the following law:

Article 1

Article 6 of the said Decree Law No. 34 of 2006 shall be replaced with the following:

"The Minister of Transport and Communications shall issue the Executive Regulation of the enclosed Law, and the CRA President shall issue the technical regulations, decisions, orders, rules, instructions and circulars necessary for the implementation of the provisions of the enclosed Law."

Article 2

The phrases "Supreme Council" and "General Secretariat" shall be replaced with the phrase "CRA," and the phrases "Board" and "Secretary General" shall be replaced with "Minister" and "President" respectively wherever they are mentioned in the said Telecommunications Law.

Article 3

Articles 1, 7 and 63 of the Telecommunications Law shall be replaced with the following:

¹ Unofficial English translation produced by Squire Patton Boggs.

Article 1

In the application of this Law, the following terms and expressions shall have the meanings assigned to each of them unless the context requires otherwise:

Minister: *The Minister of Transport and Communications.*

CRA: *The Communications Regulatory Authority.*

President: *The CRA President.*

Telecommunications: *The transmission, broadcasting or reception of writings, signals, signs, images, sounds, data, text or information of any kind or nature by wire, radio, optical or other electromagnetic means or by any other telecommunications means.*

Telecommunications Network: *Any wire, radio, optical or electromagnetic systems for routing, switching and transmitting telecommunications services, including fixed and mobile terrestrial networks, satellite networks, electricity transmission systems or other utilities (to the extent used for telecommunications), circuit or packet switched networks (including those used for Internet Protocol services), and networks used for delivery of broadcasting services (including cable television networks).*

Radio Communications: *Any transmission, broadcasting or reception of signs, signals, writing, images, sounds, data or information of any kind by means of electromagnetic waves in the radio spectrum.*

Broadcasting Service: *The broadcasting of radio and television programs to the public free of charge or for payment on the basis of subscription or any other basis using any type of telecommunications networks.*

Terms of Service: *The general terms and conditions on which the service provider provides its telecommunications services to the customers in accordance with the provisions of this Law.*

Universal Service: *The provision of telecommunications services to the public in accordance with the universal service policy as approved pursuant to the provisions of this Law.*

Customer: *Any subscriber or user of telecommunications services, whether such services are acquired for the customer's own use or for resale.*

Service Provider: *A person that provides one or more telecommunications services or owns, establishes or operates a telecommunications network or telecommunication facility to provide telecommunications services. This includes providers of information or content provided using a telecommunications network.*

Control: Any person's control over the decisions of any other person in any way whether directly through the ownership of stocks and bonds or indirectly through any contracts or agreements.

Dominant Service Provider: A service provider which enjoys significant market power in one or more telecommunications markets in accordance with the provisions of Chapter Nine of this Law.

Significant Market Power: A strong economic position of a service provider in the market enabling such service provider to act independently of customers or competitors or to control a market or markets related to specific telecommunications services, through acting either individually or jointly with others in accordance with the provisions of Chapter Nine of this Law.

Telecommunications Facilities: Any facility, apparatus or other used or capable of being used for transmitting telecommunications services or for any operation directly connected with transmission of telecommunications services.

Telecommunications Equipment: Equipment capable of being connected directly or indirectly with a telecommunications network in order to send, transmit or receive telecommunications services.

Interconnection: The physical and logical linking of telecommunications networks used by the same service provider or by a number of service providers in order to enable customers of one service provider to communicate with each other or communicate with customers of another service provider or to enable them to access services provided by another service provider.

Access: Enablement of access to any infrastructure, property, telecommunication facilities or telecommunication networks or services owned, established or controlled by a person in order to access or provide telecommunication services.

License: An Individual or a Class License issued pursuant to Chapter Three of this Law or a Radio Spectrum License issued in accordance with the provisions of Chapter Four of this Law.

Licensee: A person who holds a License pursuant to the provisions of this Law.

Individual License: A license granted to a particular person in accordance with the provisions of Chapter Three of this Law.

Class License: A license granted in accordance with Chapter Three of this Law for a certain class of service providers and which applies to any person falling within that class without that person having to apply for such license.

Authorization: An approval granted to use radio spectrum or provide telecommunications services.

Radio Spectrum: Radio frequencies that are capable of being used in radio communication in

accordance with the publications of the International Telecommunications Union.

Radio Spectrum License: *The License to use radio spectrum in accordance with the plan, allocations, assignments and terms as stated in Chapter Four of this Law.*

Internet Protocol: *Any set of communications protocols defining standards for Internet network interoperability, transmissions and related applications inside the internet network including the Transmission Control Protocol (TCP) and the "TCP/IP" protocol suite.*

Frequency Band: *A portion of the radio spectrum which starts at a frequency and ends at another.*

National Radio Spectrum Plan: *The plan established for allocation and use of radio spectrum by the concerned entities.*

Numbering: *String of serial digits that identifies termination points in the telecommunications network and includes the information necessary to route telecommunications to a termination point.*

Number portability: *Any service by which a customer can retain any existing number without any difficulty or impairment of the quality of the service or its availability when changing his location or switching from one service provider to another.*

National Numbering Plan: *The plan set by the CRA to determine, allocate and assign numbers used in all telecommunications services or for any other purpose related to numbering.*

International Rules: *Any rules, instructions, orders, regulations, recommendations, guidelines, provisions, specifications, terminologies, definitions or any other matters provided for in the agreements of the International Telecommunications Union and the Arab Telecommunications Union or in any other agreements ratified by the State.*

Article 7

The Minister, the President and the CRA employees shall not have any direct or indirect personal interest in the contracts executed with the CRA or on its behalf, in the projects which it undertakes, in the licenses, functions or activities that are made pursuant to the provisions of this Law or in any other activities which conflict with the proper exercise of their responsibilities. In the application of this Law, prohibited personal interest shall mean, in particular, the following:

- 1. Substantial ownership of or participation of any kind in or with a Telecommunications network operator, Telecommunications service provider or manufacturer or supplier of telecommunications equipment through ownership of more than (5%) of any type of shares or any ordinary shares or debt instruments which exceed the value identified in any decision issued by the Council of Ministers.*

- 2. The material benefit, substantial ownership or prohibited participation in accordance with the preceding sub-article which is transferred to any of the persons addressed by this article, as a result of a will or inheritance, or which becomes prohibited by any notice issued by the CRA.*

A conflict of interest taking place in accordance with any of the two preceding sub-articles shall be irrevocable unless the material interest, substantial ownership or participation is reduced to the extent specified in this article within three (3) months from the date of the transfer of the will or inheritance or the effective date of the notice in this respect, as the case may be.

Article 63

The CRA employees who are vested with powers of judicial officers by a decision from the Attorney General pursuant to agreement with the President shall uncover and prove offences committed in violation of the provisions of this Law.

To this end, they may enter related premises, have access to records and documents and inspect equipment and telecommunications systems or any other related things and request data or clarifications as they deem necessary.

Article 4

The following articles shall be added to the Telecommunications Law:

Article 62bis entitled "Financial Sanctions":

A committee called "The Financial Sanctions Committee" shall be created at the CRA. The Council of Ministers shall issue a decision, based on the proposal of the President, forming such committee and naming its members.

The committee shall be responsible for imposing one or more of the financial sanctions that are set out in Schedule 1 herein on any licensee in the event of a violation of the provisions of this Law and its Executive Regulation and the decisions and licenses issued in the implementation of this Law. Such imposition shall be in crimes and penalties other than those provided for in Chapter 16 of this Law. The decisions of the committee shall be well-grounded. The committee shall inform the licensee of the violation attributed to it and of the necessity to make its observations on the violation within thirty days from the notice date. If the licensee fails to submit its observations within this period or submits observations that are rejected by the committee, the committee may impose on the licensee a financial sanction that does not exceed the maximum limit set out in the Schedule 1 herein.

In assessing the sanction, the committee shall take into account the seriousness of the violation and the consequences thereof.

The decisions of the committee shall be final.

The CRA shall notify the violating licensee of the sanction decision and publish such decision in what the CRA believes to be a proper way.

Article 5

The attached Schedule 1 shall be added to the said Telecommunications Law.

Article 6

Articles 2 and 5 of the said Telecommunications Law shall be repealed.

Article 7

Decree Law No. 36 of 2004 shall be repealed.

Article 8

All competent bodies, each within its area of competence, shall implement this Law. It shall be published in the Official Gazette.

Tamim Bin Hamad Al Thani
Emir of the State of Qatar

Issued at the Emiri Diwan on 9 October 2017

Schedule 1
Violations and their Respective Financial Sanctions

No	Violation	Maximum Limit of the Financial Sanction in Qatari Riyal	Maximum Limit of the Daily Financial Sanction in Qatari Riyal
1	Violation of the instructions pertaining to the use of the radio spectrum	5,000,000	50,000
2	Violation of instructions pertaining to access	1,000,000	10,000
3	Violation of the instructions pertaining to interconnection between operators	1,000,000	10,000
4	Violations of the instructions pertaining to customer protection	1,000,000	10,000
5	Non-compliance with the specifications and standards specified by the CRA for the construction of telecommunication networks outside and inside buildings	1,000,000	10,000
6	Violation of instructions pertaining to anti-competitive practices	500,000	5,000
7	Violation of the instructions pertaining to the National Numbering Plan	200,000	2,000
8	Submission of false or misleading information to the CRA	1,000,000	10,000