



***Federal Law by Decree No. 3 of 2003-Telecom Law**

**THE ARABIC VERSION OF THE TELECOMMUNICATIONS LAW SHALL
PREVAIL IN CASE OF ANY DISCREPANCY**

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FEDERAL LAW BY DECREE NO. 3 OF 2003

REGARDING THE ORGANISATION OF THE TELECOMMUNICATION SECTOR

We, Zayed bin Sultan Al Nahyan, President of the State of the United Arab Emirates,

In cognisance of the Constitution, and

Federal Law No. (1) of 1972 Regarding the Functions of Ministries and the Powers of Ministers and the amending laws thereof, and

Federal Law No. (7) of 1973 Regarding Radio Communications and Apparatus and the amending laws thereof, and

Federal Law No. (7) of 1976 Regarding the Audit Bureau as amended, and

Federal Law No. (8) of 1984 Regarding Commercial Companies and the amending laws thereof, and

Federal Law No. (5) of 1985 Issuing the Civil Transactions Code and the amending laws thereof, and

Federal Law No. (3) of 1987 issuing the Penal Code, and

Federal Law No. (1) of 1991 Regarding Emirates Telecommunications Corporation, and

Federal law No. (10) of 1992 Issuing the Law of Evidence in Civil and Commercial Transactions, and

Federal Law No. (18) of 1993 Issuing the Commercial Transactions Code, and

Federal Law No. (7) of 1999 Regarding Pensions and Social Security, and

on the basis of the proposal of the Prime Minister and the agreement of the Council of Ministers,

have issued the following Federal Law by Decree:

CHAPTER 1

INTERPRETATION

Article (1)

Definitions

In applying this Federal Law by Decree, the following terms shall have the following meanings unless the context requires otherwise:

“Authority”	the General Authority for Regulating the Telecommunication Sector.
“Board”	the Board of Directors of the Authority.
“Board Members”	such persons as may be appointed to the Board in accordance with the provisions of this Federal Law by Decree.
“Chairman”	the chairman of the board of directors of the Authority.
“Director General”	the Director General of the Authority.
“Etisalat”	the Emirates Telecommunications Corporation regulated by Federal Law No. (1) of 1991 Regarding Emirates Telecommunications Corporation.
“Executive Order”	the executive order issued pursuant to this Federal Law by Decree.
“Government”	the government of the State of the United Arab Emirates.
“Interconnection”	the linking by whatever means of Telecommunication Networks in order to allow users of one entity to communicate with users of the same or another entity or enabling the users to make use of Telecommunication Services provided by another entity.
“Interconnection Agreement”	an agreement under which the interconnection will be achieved pursuant to the rules and conditions issued by the Authority.
“Licence”	a licence issued pursuant to the provisions of this Federal Law by Decree and its Executive Order which allows the Licensee to carry out any of the Regulated Activities.
“Licensees”	Etisalat and such entities as may be licensed by the Supreme Committee pursuant to the provisions of this Federal Law by Decree and its Executive Order.

“Private Land”	any land owned by, granted to or leased to any person other than any Public Institution.
“Private Telecommunication Network”	a Telecommunication Network operated exclusively to serve the requirements and to benefit one person or a group of persons who have a common ownership.
“Public Institution(s)”	all federal ministries and local departments, authorities and public organisations linked thereto, including the armed forces, the police, the intelligence and security services of the State but excluding any commercial company or establishment owned by any of the foregoing or in which any of the foregoing may have an interest.
“Public Land”	all land under the control or ownership of any Public Institution but excluding any Private Land.
“Public Telecommunication Network”	a Telecommunication Network operated by the Licensee for the provision of Public Telecommunication Services by the Licensee pursuant to the provisions of this Federal Law by Decree.
“Public Telecommunication Service”	any Telecommunication Service provided to users or a part thereof in consideration of a fee.
“Regulated Activity”	either the operation of a Public Telecommunication Network or the supply of a Telecommunication Service to users and all other types of services specified by the Supreme Committee pursuant to the provisions of this Federal Law by Decree.
“State”	the United Arab Emirates.
“Supreme Committee”	the committee established for the supervision of the telecommunication sector pursuant to the provisions of Article (2) of this Federal Law by Decree.
“Telecommunication Apparatus”	apparatus made or adapted for use in transmitting, receiving or conveying any of the Telecommunication Services through a Telecommunication Network.
“Telecommunication Network”	a system comprising one or more items of apparatus or means of communication medium for broadcasting, transmission, switching or receiving of Telecommunication Services, by means of electric, magnetic, electro-magnetic, electro-chemical or electro-mechanical energy and any other means of communication medium.

“Telecommunication Service”

the service of transmitting, broadcasting, switching or receiving by means of a Telecommunication Network of any of the following:

1. wired and wireless cable and radio telecommunications;
2. voice, music and other sounds;
3. visual images;
4. signals used in transmission other than the production and broadcasting of programmes;
5. signals used to operate or control any machinery or apparatus;
6. the installation, maintenance, adjustment, repair, replacement moving, or removal of apparatus which is or will be connected to a Public Telecommunication Network;
7. the installation, maintenance and operation of networks for telegraph, telephone, telex, leased circuits, domestic and international data networks, internet and wireless transmission;
8. any other Telecommunications Services approved by the Supreme Committee.

but does not include any services used in the production and broadcasting of programmes.

“Wireless Transmission”

the transmitting or receiving of electro-magnetic energy which may be used for the conveyance of data, or messages or voice or visual images, or for the operation or control of machinery or apparatus.

CHAPTER 2
SUPREME COMMITTEE FOR THE SUPERVISION
OF THE TELECOMMUNICATION SECTOR

Article (2)

*It is hereby established a committee for the purposes of supervising the telecommunication sector called the "Supreme Committee for the Supervision of the Telecommunication Sector". It shall be comprised of four members (including the Chairman) representing the Ministry of Presidential Affairs, the Court of the Vice President of the State, Ruler of the Emirate of Dubai and the Council of Ministers. The members of the Supreme Committee shall be appointed by a Federal Decree and shall be remunerated for their membership in the Supreme Committee. The Supreme Committee shall have all powers necessary for it to carry out its authorities as prescribed by this Federal Law by Decree.

Article (3)

The Supreme Committee shall have the sole and exclusive authority to:

1. issue the Executive Order of this Federal Law by Decree;
2. establish and oversee the general policy for the telecommunication sector in the State;
3. issue any general guidance or instructions relating to the telecommunication sector and necessary for national security or international relations;
4. issue resolutions, rules, regulations, and instructions regarding the implementation of this Federal Law by Decree and its Executive Order including resolutions for establishing entities operating in the telecommunication sector and determining the fees of the services and facilities provided to Licensees and to whom such fees should be paid;
5. issue, extend, revoke and suspend Licences pursuant to the provisions of this Federal Law by Decree and its Executive Order;
6. determine fees for Licences;
7. determine the fees for the authorisations, consents and services secured or provided by the Authority pursuant to the provisions of this Federal Law by Decree or its Executive Order; and
8. any other authorities vested in it pursuant to this Federal Law by Decree.

The Supreme Committee may delegate some of its authorities to the Authority

Article (4)

The funds required to enable the Supreme Committee to meet its financial needs and obligations shall be allocated in the general budget of the State.

*This article was amended by the Federal law by Decree no. (1) of 2005

Article (5)

The Supreme Committee shall, by resolution, issue its internal rules regarding the conduct of its business and the procedures for its meetings, the terms, conditions and remuneration for its employees. The Supreme Committee shall not be subject to the control of the Audit Bureau according to the law establishing such Bureau.

CHAPTER 3

THE GENERAL AUTHORITY FOR REGULATING THE TELECOMMUNICATION SECTOR

Part 1 – Establishment of the Authority

Article (6)

It is hereby established an independent public authority, called the “General Authority for Regulating the Telecommunication Sector” for the purpose of performing the functions and implementing the duties given to it under this Federal Law by Decree and its Executive Order.

Article (7)

The Authority shall have an independent legal personality and shall have full capacity to act accordingly and to perform legal actions in accordance with this Federal Law by Decree, including the capacity to enter into contracts of all types and to own and lease movable and immovable assets of all types and the capacity to sue. The Authority shall have financial and administrative independence in carrying out its affairs.

Article (8)

The headquarters of the Authority shall be in Abu Dhabi and it shall also have an office in Dubai. The Board may establish other offices for the Authority within the State.

Article (9)

The Authority shall conduct its business in accordance with this Federal Law by Decree and its Executive Order, and shall have the power to issue its financial and internal policies, contracting, purchasing policies, and all personnel and disciplinary policies for the employees of the Authority without the need to abide by the governmental laws, decisions, rules and regulations applicable in this regard.

Article (10)

The Authority shall be managed by a board of directors, comprised of five Board Members, including the Chairman and the Director General. The Board shall be appointed by resolution of the Supreme Committee for a period of four years renewed for other similar periods pursuant to the same appointing instrument.

Article (11)

Board Members cannot be removed from their positions before completing their period of appointment except by a resolution of the Supreme Committee and because of any of the following reasons: -

1. Conviction of dishonour or dishonesty related criminal offence or felony.
2. Disciplinary reasons.
3. Health incapacity which prevents that Board Member from carrying out his duties.

Part 2 – Functions, Duties and Powers of the Authority

Article (12)

The Authority is the competent body to oversee the telecommunications sector in the State and all Licensees in accordance with this Federal Law by Decree, its Executive Order and the instructions of the Supreme Committee. The Authority may provide to the Supreme Committee any necessary proposals in relation to the general policy of such sector and shall, at the end of each financial year, submit to the Supreme Committee a report on its activities and business performance during that year.

Article (13)

The Authority shall exercise its functions and powers under this Federal Law by Decree and its Executive Order to:

1. ensure that the Telecommunication Services provided throughout the State, are sufficient to satisfy the public demands of those who wish to make use of such services;
2. enhance the level of service provided by the telecommunication sector in order to promote the interest of users;
3. ensure that Licensees meet quality standards of performance and adhere to the terms and conditions of the Licences granted to them;
4. encourage, promote, and develop the telecommunications and information technology industries in the State;
5. promote and enhance the telecommunication system in the State as indicated by the development and the establishment of industry related training institutions and through the availability of the latest apparatus, equipment and facilities provided by telecommunications technology.

Article (14)

Considering Articles (3) and (12) of this Federal Law by Decree the Authority shall have the power to issue regulations, orders, resolutions and procedures in relation to:

1. tariff, charges and fees levied by Licensees as determined by the Supreme Committee;
2. the Interconnection of and access to Telecommunication Networks and Telecommunication Services provided by the Licensees, and the co-location of assets and sharing of infrastructure by such Licensees, including the terms, conditions and prices of such Interconnection, access, co-location and sharing, the time-scales and rules for the negotiation and finalisation between such operators of agreements in relation to the foregoing matters and the dispute resolution policies between the parties to such agreements;
3. the terms and level of services provided by the Licensees to users, including the standards and quality of service provided, the terms and conditions of supply of such services, the handling and resolution of user complaints and disputes, the provision of information to users, the use of user information and the rendering of bills to users;

4. the specification of the equipment used by the Licensees including the technical standards and types thereof;
5. the importation, manufacture, dealing in, use and approval of Telecommunication Apparatus;
6. the allocation of telephone numbers, numbering plans and number portability;
7. the radio spectrum which has been allocated to the telecommunication sector under this Federal Law by Decree, including the allocation, re-allocation and use thereof;
8. the terms of preparation and provision of directory services and directory enquiries services;
9. provisions to limit interference with telecommunications in the State by radio waves or electrical or other means;
10. training persons in installing, connecting, adjusting and maintaining Telecommunication Apparatus;
11. the publication and announcements of information relating to Telecommunication Apparatus; and
12. performing such other functions as the Supreme Committee may determine.

Part 3 – Financial Affairs

Article (15)

The financial year of the Authority shall commence on the first day of January and end on the last day of December of each year, except that the first financial year of the Authority shall commence on the date this Federal Law by Decree comes into force and shall end on the last day of December of the following year.

Article (16)

The Authority shall have an independent budget. In respect of the first financial year of the Authority, the budget shall be set by resolution of the Supreme Committee. In respect of the succeeding financial years of the Authority, the budget of the Authority shall be prepared by the Director General, approved by the Board and submitted to the Supreme Committee for approval.

Article (17)

The financial resources of the Authority are derived from the following:

1. any funds assigned to the Authority in the general budget of the State;
2. such License fees as charged by the Supreme Committee pursuant to the provisions of this Federal Law by Decree and its Executive Order and the issued regulations accordingly;
3. such fees as may be charged by the Supreme Committee for any services provided by the Authority or the authorizations or approvals granted by the Authority pursuant to the provisions of this Federal Law by Decree, its Executive Order and the resolutions issued by the Supreme Committee;
4. any other revenues the Authority collects in pursuance of its activities and functions; and
5. any other financial resources approved by the Supreme Committee.

Article (18)

The Authority shall collect the fees imposed by the Supreme Committee in relation to the Licenses issued by the Supreme Committee and the authorizations approvals, services of the Authority and any other amounts regarding radio spectrum.

Article (19)

Following the approval of the Supreme Committee, the Authority may raise loans from the Government or raise loans from banks and other financial institutions (whether in the State or elsewhere) and may create and issue debentures or bonds on such terms as determined by the Board.

Article (20)

The funds of the Authority may invest its fund in the manner approved by the Board.

Article (21)

The Authority and it's dealings thereof shall be exempted from all Government fees and taxes.

Article (22)

The Authority shall be exempted from the prior control of the Audit Bureau as set out in Federal Law No. (7) of 1976 Regarding the Establishment of the Audit Bureau as amended. The Audit Bureau shall not interfere in the business of the Authority and the decisions of its Board or in the policies determined by the Supreme Committee as applied by the Authority.

Article (23)

1. The Board shall appoint an independent auditor, registered with the appropriate authorities in the State, to audit the annual accounts of the Authority and prepare reports regarding the results of the audit.
2. As soon as the accounts of the Authority have been audited, a copy of the accounts approved by the Board with a copy of the auditor's report attached to it shall be forwarded by the Authority to the Supreme Committee.

CHAPTER FOUR

RESTRUCTURING OF THE TELECOMMUNICATION SECTOR

Part 1 – Etisalat

Article (24)

The exclusive privilege of undertaking the transmission of wire and wireless communications, their operation and maintenance and the development of a general communications system within the State and between the State and foreign countries conferred on Etisalat by Article 4 of Federal Law No. (1) of 1991 Regarding Emirates Telecommunications Corporation shall hereby cease to exist but without prejudice to the fees payable for services and facilities provided by the Government to Etisalat and which are payable to the Government pursuant to the provisions of the regulations and decisions in force at the date this Federal Law by Decree is issued, the right to impose and amend such fees shall transfer to Supreme Committee.

Article (25)

Subject to the provisions of any transitional provisions of this Federal Law by Decree, all functions conferred on Etisalat by Federal Law No. (1) of 1991 Regarding Emirates Telecommunications Corporation that conflict with the powers, competences and functions of the Supreme Committee and the Authority under this Federal Law by Decree shall cease to be performed by Etisalat.

Article (26)

*The Ministry of Communications shall have responsibility for representing the Government as a shareholder in Etisalat, and shall, accordingly have the power to exercise all rights in that regard.

Article (27)

Etisalat shall be required, within a period of ninety days of this Federal Law by Decree coming into force, to take all such steps as shall be necessary to amend its Articles of Association and its applicable rules and regulations to comply with the provisions contained in this Federal Law by Decree and any regulations or decisions issued by the Supreme Committee.

*This article was amended by the Federal law by Decree no. (1) of 2005

Part 2 – Licensees

Article (28)

The Supreme Committee shall, by resolution, determine the various types of Regulated Activities for which Licences may be issued and the required terms for prospective Licensees.

In all cases no licence shall be issued to any entity unless such entity is a juridical entity established pursuant to a resolution issued by the Supreme Committee. Such juridical entity may, after obtaining the approval of the Supreme Committee, establish subsidiary companies to carry out certain Regulated Activities.

Article (29)

With exception to acquiring the nationality of the State, the provisions of Federal Law No (8) of 1984 regarding Commercial Companies and the amending or replacement laws thereof shall not apply to juridical Licensee licensed pursuant to this Federal Law by Decree and its Executive Orders to the extent provided in their memoranda and articles of association as approved by the Supreme Committee. The competent authorities shall be under an obligation to register such juridical persons.

Article (30)

All Licensees shall take into account the special needs and requirements regarding the type of service and Telecommunication Apparatus and ensure non-discrimination when providing such services and apparatus.

Article (31)

It is not permitted to conduct any Regulated Activity unless authorised by a Licence or exempted in accordance with the provision of this Federal Law by Decree or its Executive Order.

Article (32)

The Supreme Committee shall determine the form and substance of each Licence granted pursuant to this Federal Law by Decree, and shall include conditions specifying the duration of the Licence and may include conditions required by the Supreme Committee.

Article (33)

The application for a Licence must be submitted to the Authority in the form prescribed by the Authority and must fulfil all the conditions set out by the Supreme Committee. The Authority shall within a maximum period of thirty days from the date of submitting the application, review the application and report its findings and recommendations thereto to the Supreme Committee.

Article (34)

The Supreme Committee shall have the authority to grant or refuse a Licence to an applicant. The Supreme Committee's decision in this regard shall be final and binding on the applicant and may not be challenged or appealed in any way whatsoever.

Article (35)

Obtaining a Licence pursuant to the provisions of this Federal Law by Decree shall not operate to relieve a person from any obligation to obtain any licences or authorisations that may be required from any other Government Institution for purposes connected with the conduct of its business.

Part 3 – Exemptions and Exclusions

Article (36)

The Supreme Committee may, if required, perform the following authorities:

1. exempt any Licensee from the performance of the Licence conditions for such periods and on such terms as specified in the exemption order;
2. issue a general exemption from the performance of the Licence conditions in favour of some, all or such classes of Licensees for such periods, and on such terms as specified in the exemption order.

The Supreme Committee may revoke, amend or extend any specific exemption or general exemption granted pursuant to this Article.

Article (37)

1. No person (whether an individual or a juridical person) nor any Public Institution may provide Telecommunication Services to clients or users through a Public Telecommunication Network unless licensed by the Supreme Committee pursuant to the provisions of this Federal Law by Decree. The establishment and operation of Private Telecommunication Networks shall be regulated by the Executive Order and the decisions issued by the Supreme Committee.
2. In all cases, the persons covered by the above paragraph must comply with the terms, conditions and requirements associated with the use of the frequencies allocated to them pursuant to the provisions of this Federal Law by Decree.

CHAPTER 5

NETWORKS, APPARATUS AND NUMBERING

Part 1 - Network Interconnection and Sites Co-location

Article (38)

The Authority shall take any needed action as deemed necessary to facilitate the process of Interconnection and to monitor the compliance of all parties to the provisions of the Interconnection Agreements. The Authority shall have all the powers which will enable it to achieve the foregoing.

Article (39)

1. Where there is a dispute in relation to Interconnection the parties to the dispute may refer the dispute to the Authority for adjudication and the issuance of binding resolutions.
2. The Authority shall adjudicate disputes referred in accordance with this Article as specified in the Executive Order.

Article (40)

1. Where there is a dispute between a Licensee and another Licensee for co-location or the sharing of facilities or sites either party may refer the dispute to the Authority for adjudication. The Authority must adjudicate the dispute referred to it.
2. The Authority shall make such investigations and request any information it deems necessary to resolve the disputes referred in accordance with this Article.
3. The adjudication may specify the steps to be taken by the parties in order to resolve the dispute, determine the terms on which a Licensee shall offer the sharing of facilities, order one or both parties to enter into a facility sharing agreement on terms specified in the decision.

In all cases the Authority's decision shall be final and binding.

Article (41)

Etisalat and any of its subsidiaries shall, at the direction of the Authority, satisfy in a timely, efficient and least cost manner all requests from a Licensee for Interconnection, co-location or sharing of sites and facilities at the best point as determined by the Authority. In particular Etisalat shall:

1. comply with any regulations, guidelines or licence conditions issued pursuant to the provisions of this Federal Law by Decree or its Executive Order relating to Interconnection, co-location or sharing of sites and facilities;
2. subject to the regulations issued pursuant to the provisions of this Federal Law by Decree or its Executive Order, offer and provide Interconnection, co-location or sharing of sites and facilities on terms and conditions (including as to cost and quality) which are in accordance with best international practice;

3. Facilitate, provide facilities and information concerning Interconnection, co-location and sharing of sites to Licensees and their subsidiaries under the same conditions and of the same quality as Etisalat provides for its own services or those of its subsidiaries or companies.

Part 2 – Telecommunication Apparatus Approval

Article (42)

The Authority shall be exclusively competent in issuing all authorisations and approvals in relation to Telecommunication Apparatus comprised in or intended for use in connection with a Telecommunication Network or in the provision of a Telecommunication Service in accordance with the Executive Order issued pursuant to this Federal Law by Decree and the instructions of the Supreme Committee to the Authority.

No person shall use, sell, offer for sale or connect to any Telecommunication Network any Telecommunication Apparatus which has not been approved by the Authority.

Article (43)

Public Institutions shall be exempted from obtaining the approval of the Authority in respect of Telecommunication Apparatus used or to be used by the Public Institutions.

Part 3 - Numbering

Article (44)

The Authority shall be responsible for allocating prefixes, private telephone numbers and numbering ranges to Licensees in accordance with the provisions of this Federal Law by Decree, its Executive Order and the conditions set by the Authority and approved by Supreme Committee.

CHAPTER 6

FREQUENCY MANAGEMENT AND ALLOCATION

Article (45)

The Ministry of Communications shall ensure that sufficient and appropriate radio spectrum is designated for use for the provision of Telecommunication Services to satisfy demand for such services.

Article (46)

A committee called the “Co-ordination Committee” shall be established by resolution from the Supreme Committee chaired by the Director General and representatives from the following institutions:

1. The Ministry of Communications;
2. The Ministry of Information and Culture;
3. The Ministry of the Interior;
4. Armed Forces;
5. The security and intelligence bodies in the State;
6. The Civil Aviation Authority; and
7. The Authority.

The Co-ordination Committee shall be responsible for putting in place a national frequency plan for radio spectrum used in Telecommunication Services to be approved by the Supreme Committee in order to ensure the efficient and proper use of radio spectrum without any interference. The Ministry of Communications or the Authority may request the Co-ordination Committee, from time to time, to review and amend the plan when the need arises.

Article (47)

The national frequency plan shall be drawn up in conformity with the international regulations governing radio spectrum and the international or regional agreements concluded or acceded to by the State. It shall include provisions for: -

1. the designation, on the recommendation of the Authority, of bands of radio spectrum for the provision of Telecommunication Services over Telecommunication Networks;
2. the amendment of allocations to existing users of radio spectrum to allow for the development of new services; and
3. the reassignment of radio spectrum on expiry of existing licences or authorisations relating thereto.

Article (48)

The Authority shall be responsible for allocation of radio spectrum designated for Telecommunication Services. Any such allocation of radio spectrum shall be made in accordance with the national frequency plan and on the basis of objective procedures and criteria, details of which shall be set out in regulations issued by the Authority.

Article (49)

The Authority shall, within nine months of the date this Federal Law by Decree comes into force, and after notifying the Ministry of Communications and the Co-ordination Committee, prepare and publish a plan for the reallocation of radio spectrum currently authorised for use in the provision of Telecommunication Services.

Article (50)

The establishment and use of Wireless Transmission stations and the installation and use of any Wireless Transmission shall be prohibited unless permitted by a radio spectrum authorisation issued by the Authority pursuant to the provisions of this Federal Law by Decree, its Executive Order or the regulations and instructions issued by the Authority.

Article (51)

On the issue or renewal by the Authority of a radio spectrum authorisation, there shall be paid to the Authority by the entity to whom the authorisation is issued such sums as prescribed by the provisions of this Federal Law by Decree, its Executive Order or the decisions, regulations or instructions issued pursuant thereof.

CHAPTER 7

OPERATION AND PROTECTION OF TELECOMMUNICATION NETWORKS AND LINES

Part 1 – Operation of Networks

Article (52)

Public Institutions shall, in accordance with their respective jurisdictions, grant all Licensees of Public Telecommunication Networks, without payment, rights to occupy and use Public Land as well as right of way and rights of access to Public Land so as to enable them to perform their activities as set out in their respective Licences, including:

1. the construction of buildings and other installations;
2. the installation of equipment and apparatus;
3. the establishment, extension, development and maintenance of Public Telecommunication Networks including the laying and extension of ground and aerial cables and service lines.

Article (53)

The provisions of Article (52) of this Federal Law by Decree shall not apply to any Public Land occupied by any of the Public Institutions to be determined by a resolution of the Supreme Committee.

Article (54)

A Licensee licensed to operate a Public Telecommunication Network, may after obtaining the approval of the Supreme Committee in co-ordination with the relevant competent authority, remove or relocate a tree, group of trees or other vegetation if such tree, group of trees or vegetation:

1. obstructs the installation or maintenance of aerial wires by Licensees;
2. materially interferes with or obstructs any signals required to be emitted or received by the equipment or apparatus of a Licensee; or
3. prevents or interferes with a Licensee establishing, maintaining, developing or operating a Public Telecommunication Network,

provided that such removal or relocation is necessary to enter Public Land to carry out necessary works.

Article (55)

Licensees operating Public Telecommunication Networks shall be exempted from all duties and taxes applicable to Public Land and public ways which are required for any of the purposes referred to in Article (52) of this Federal Law by Decree.

Article (56)

The Supreme Committee may issue regulations authorising Licensees to enter to Private Land and any buildings or premises thereon for any of the purposes referred to in Article (52) of this Federal Law by Decree. The Executive Order shall prescribe the manner in which and/or the terms on which they may do so.

Part 2 – Protection of Telecommunication Lines and Networks

Article (57)

Any person working close to service line routes, cables, wires, apparatus or equipment belonging to any Licensee, shall take all precautions and arrangements to prevent causing the damage or encroachment to the safety of these lines, cables, wires, apparatus or equipment.

Article (58)

If the completion of the works of any person or party necessitates cutting the route of any of the service lines, wires, cables, apparatus or equipment of the Licensees or molest it in any way, the person carrying out the work shall immediately report the same to the Licensee and the Authority. It is prohibited to proceed with the work before the representative of the Licensee determines the manner of completing the work without molesting the safety of such lines, wires, cables, apparatus or equipment.

Article (59)

In addition to the penalties prescribed by this Federal Law by Decree or any other law, any person that damages any service line, cable, wires, apparatus or equipment of a Licensee shall be liable to pay the compensation prescribed by regulations issued by the Authority.

CHAPTER 8

TRANSITIONAL PROVISION

Article (60)

The Supreme Committee may issue any company owned by Etisalat a temporary Licence for the purpose of authorising any such company to continue conducting Regulated Activities conducted by them at the date this Federal Law by Decree comes into force pending the issue of its formal Licence pursuant to the provisions of this Federal Law by Decree and its Executive Order.

Article (61)

Etisalat may continue to use, for the purposes for which it is allocated and subject to the terms and conditions of such allocation, such radio spectrum which is allocated for its use by the Ministry of Communications until such time as the Authority reallocates any such radio spectrum pursuant to the provisions of this Federal Law by Decree and issues a frequency authorisation to Etisalat.

Article (62)

Etisalat shall within a maximum period of ninety days from the date this Federal Law by Decree comes into force provide to the Authority with:

1. copies of all licences and special approvals relating to certain types of apparatus as specified in such current licences, type approvals and permissions relating to telecommunications equipment or other matters issued by Etisalat under Federal Law No. (1) of 1991 Regarding Emirates Telecommunications Corporation;
2. copies of all current resolutions and regulations containing technical standards specifications for telecommunications equipment issued by Etisalat under the law referred to in the previous paragraph; and
3. such other information as shall be in the possession or control of Etisalat and as the Authority shall require for the purposes of assessing the existing status of the telecommunications sector in the State.

Article (63)

The Ministry of Communications shall, within a maximum period of ninety days from the date this Federal Law by Decree comes into force, furnish to the Authority such information and documents as the Authority shall request for the purposes of assessing the existing status of the telecommunications sector in the State.

Article (64)

Etisalat shall, within a maximum period of ninety days from the date this Federal Law by Decree comes into force, transfer to the Authority ownership of all books, records, registers, databases, documents and other information which were owned or maintained by Etisalat in connection with any function carried out by Etisalat which is now given to the Authority or Supreme Committee

under this Federal Law by Decree and, it shall be the duty of Etisalat to deliver all such books, records, registers, databases, documents and other information which the Authority deems necessary to enable it to carry out the powers prescribed to it pursuant to the provisions of this Federal Law by Decree and its Executive Order. Etisalat may retain copies of any such items as may be necessary to enable it to carry out certain functions as approved by the Authority in accordance with the provisions of this Federal Law by Decree.

Article (65)

1. The Supreme Committee is authorised and empowered to issue necessary orders, to transfer to the Authority from Etisalat, with effect from the date ordered by the Supreme Committee, such assets and rights as the Supreme Committee considers necessary to enable the Authority to carry out the functions determined by this Federal Law by Decree which were carried out by Etisalat. This provision shall apply to Etisalat and third parties.
2. Any such resolutions concerning the transfer effected thereby may include penalties for failure to comply with the transfer and the decision of the Supreme Committee in this regard shall be final and binding.

Article (66)

The Supreme Committee shall adjudicate in any matter arising out of the interpretation or application of any of the provisions of Article 65 of this Federal Law by Decree.

Article (67)

All Public Institutions shall, on request, take all necessary steps to facilitate the transfer or the registration of any assets or rights from Etisalat to the Authority pursuant to the instructions issued by the Supreme Committee in accordance with Article (65) of this Federal Law by Decree.

Article (68)

The Supreme Committee may instruct Etisalat to perform some of the functions given to the Authority under the provisions of this Federal Law by Decree for a period not more than one year after this Federal Law by Decree comes into force. Etisalat shall keep proper records of, and keep the Authority fully and promptly informed of all actions taken by Etisalat and, in particular, shall provide to the Authority copies of all documents relating to such actions taken by Etisalat when requested to do so by the Authority.

Article (69)

A determination or regulation concerning technical specifications or standards of telecommunications equipment issued by Etisalat which is effective on the date this Federal Law by Decree comes into force shall continue in force until such time as it expires or is invalidated, revoked, cancelled or until the Authority takes any other decision it deems appropriate thereon.

Article (70)

1. Any licence or permission granted or approved by Etisalat under Articles 4(f), 10(1) or 10(2) of Federal Law No. (1) of 1991 Regarding Emirates Telecommunications Corporation or by the Ministry of Communications under Federal Law No. (7) of 1973

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Regarding wire and wireless Communications and Apparatus shall, to the extent that it is not inconsistent with the provisions of this Federal Law by Decree, continue in force until such licence shall expire or be replaced by a new licence, authorisation or permit issued by the Authority pursuant to the provisions of this Federal Law by Decree.

2. The Authority shall have the power to determine as to whether such licence or permission so granted or approved is compatible with the provisions of this Federal Law by Decree.

CHAPTER 9

PENALTIES

Article (71)

A person shall be punished with imprisonment of not more than two years and a fine of not less than Dirhams 50,000 and not more than Dirhams 200,000, or either of these punishments if:

1. he conducts any of the Regulated Activities without being licensed to do so or being exempted from the necessity to obtain a licence pursuant to the provisions of this Federal Law by Decree;
2. he intentionally alters, destroys or otherwise suppresses a document or information required by the Supreme Committee or the Authority pursuant to this Federal Law by Decree;
3. he does not amend his status pursuant to the provisions of this Federal Law by Decree within the period specified in Article 81.

Article (72)

A person shall be punished with imprisonment of not more than one year and a fine of not less than Dirhams 50,000 and not more than Dirhams 200,000 or either of these punishments if he:

1. provides or contributes to the provision of Telecommunication Services in violation of public order or public morals;
2. uses Telecommunication Services or Apparatus in a grossly offensive or nuisance manner towards others or any other unlawful use;
3. copies, discloses, or spreads the content of any communication through a Public Telecommunication Network without having the right to do so;
4. intentionally and unlawfully accesses a Telecommunication Network or obstructs any Telecommunication Services;
5. abuse or unlawfully use Telecommunication Services without authorisation or permission;
6. intercepts the contents of telephone calls without prior permission by the competent judicial authorities;
7. violates the provisions of Article (50) of this Federal Law by Decree.

Article (73)

A person shall be punished with imprisonment of not more than one year and a fine of not more than Dirhams 200,000 or either of these punishments if he:-

1. manufactures, uses, sells or offers for sale or use, to be connected to a Public Telecommunication Network, any Telecommunication Apparatus which he knows has not been approved in accordance with the provisions this Federal Law by Decree.
2. intentionally contravenes Article 57 of this Federal Law by Decree and such violation results in damage to lines, wires, cables, apparatus or equipment owned by or under the management or disposal of a Licensee.

Article (74)

A person shall be punished with a fine of not less than Dirhams 50,000 and not more than Dirhams 200,000 if he:

1. manufactures, supplies or offers to supply Telecommunication Apparatus which does not conform to any regulations or guidelines or instructions or decisions issued by the Authority pursuant to the provisions of this Federal Law by Decree or its Executive Order.
2. Refrains from submitting the Telecommunication Apparatus which is under his control for testing and assessment in accordance with the provisions of this Federal Law by Decree, its Executive Order or the regulations, decisions and instructions issued pursuant thereto, or if he prevents any official or authorised employee from entering his premises in accordance with the provisions of this Federal Law by Decree or its Executive Order.
3. knowingly uses or employs any person who is unqualified for the installation, setting up, connection, modification or maintenance of any Telecommunication Apparatus in accordance with the rules issued by the Authority.
4. presents a description or publishes an advertisement in respect of any Telecommunication Apparatus in order to promote such apparatus in the course of any trade or business which does not comply with the requirements imposed by the Authority.
5. fails to comply with the provisions of this Federal Law by Decree or its Executive Order or the regulations, decisions, instructions or rules issued pursuant thereto.

Article (75)

A Licensee may, after obtaining prior approval from the Authority, place an apparatus or any other medium under surveillance if such Licensee had reasonable justifications to lead such Licensee to believe that the apparatus is being used in performing any of the offences prescribed in Article 72 of this Federal Law by Decree.

Article (76)

An order shall be issued to seize the Telecommunication wire and wireless Apparatus and any other equipment or apparatus used in contradiction of this Federal Law by Decree, its Executive

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Order, or the regulations, decisions, instructions or rules issued pursuant thereto. The court may, when necessary, order the destruction of such apparatus and equipment.

Article (77)

Where a juridical person is guilty of an offence under this Chapter such juridical person shall be punished with the fine specified for such offence under this Chapter.

Article (78)

The application of the punishments prescribed by this Federal Law by Decree shall not prejudice a stricter punishment prescribed by any other law.

Article (79)

The punishment of the offences prescribed by this Federal Law by Decree shall be doubled if the offence is repeated.

CHAPTER 10

FINAL PROVISIONS

Article (80)

Federal Law No. (1) of 1991 regarding the Emirates Telecommunications Corporation shall be amended as set out hereunder subject to any relevant transitional provisions under this Federal Law by Decree:

1. Articles 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 40, 42, 43, 44, 45, 46 and 48 shall be repealed.
2. Article 1 shall be amended by deleting reference to, and definition of,
 - (A) "the Minister";
 - (B) "Communications Equipment";
 - (C) "the Schedule"; and
 - (D) "Service Lines".
3. Article 24 of Federal Law No. (1) of 1991 referred to shall be amended by inserting the following sentence at the beginning of the said Article:

"subject to the regulations, instructions, decisions and policies issued by the General Authority for Regulating the Telecommunication Sector".
4. The second paragraph of Article 41 of Federal Law No (1) of 1991 referred to shall be amended as follows:

"The Articles of Association shall be issued pursuant to a resolution by the Council of Ministers and the amendment of the Articles and the replacement thereof shall be pursuant to a resolution issued by the Supreme Committee for the Supervision of the Telecommunication Sector".
5. The provisions of Articles 4, 21, 25, 31, 33 and 47 of Federal Law No (1) of 1991 shall be replaced with the following provisions:

Article 4

- (1) Etisalat shall undertake telecommunications services, operate, maintain and develop the entire public telecommunications system in the State and also between the State and the foreign countries in accordance with the provisions of any laws relating to telecommunications and may exercise the powers to achieve its objectives including:
 - (A) to establish, maintain and operate local and international telegraphic, telephonic, telex, leased circuits and data networks.

- (B) to establish, maintain and operate TV transmission excluding production and broadcasting of programmes.
 - (C) to administer, connect, hire and deal in telephonic services.
 - (D) to plan, construct, and possess equipment and stations of transmitters and receivers related to Etisalat's activity.
 - (E) to offer consultancy and training services in the field of wire and wireless telecommunications.
 - (F) to prepare, publish, distribute and promote the telephone directory, commercial directory (yellow pages), bulletins, information and data and other matters related to the telecommunications activity or the services provided by Etisalat whether for the purpose of information, trade, publicity or any other purposes.
- (2) Etisalat may without prejudice to its basic objects, invest, utilise and employ its funds in any other commercial, financial or servicing fields which in the opinion of the Board shall enhance such funds or reap profits to Etisalat in accordance with the applicable rules in the State.
- (3) Etisalat may, for the purpose of achieving the objects provided for in this section:
- (A) conclude contracts and agreements,
 - (B) establish companies, enter into or share in partnerships in accordance with the applicable rules in the State.

Article (21)

The Board shall, pursuant to the regulations issued by the Telecommunication Regulatory Authority, determine the charges for the services provided by Etisalat, controls and conditions for provision of such services and the formula and forms of contracts to be concluded with the beneficiaries.

Article (25)

*The administration of Etisalat shall be undertaken by a Board of Directors comprised of eleven members, seven thereof including the Chairmanship shall represent the Government and shall be appointed by a Federal Decree. The other members shall be elected by the shareholders. Appointments and elections for Board Members might be for more than one time pursuant to the articles of association.

*This article was amended by the Federal law by Decree no. (1) of 2005

Article (31)

Each shareholder of Etisalat shall have the right to attend the General Meeting, discuss the topics listed on the Agenda and question the members of the Board who shall be bound to reply to the questions in so far as it shall not expose Etisalat's interest for damage. The shareholder may resort to the General Meeting if he considers the reply to

his questions as insufficient and the decision of the General Meeting shall be obligatory for implementation.

The Government shall be represented in the General Meeting by the State's Minister for Finance and Industry.

Article (33)

Etisalat shall comply with the general policy of the Supreme Committee for the Supervision of the Telecommunication Sector and obey any general or specific directives issued by the Supreme Committee in this respect.

Article (47)

The Board shall issue the financial and administrative by-laws for management of Etisalat and shall determine the staff's conditions of service which do not conflict with the decisions issued by the Supreme Committee for the Supervision of the Telecommunication Sector.

Article (81)

All juridical persons existing at the time this Federal Law by Decree comes into force which carry out any of the Regulated Activities must conform their status in accordance with the provisions of this Federal Law by Decree within ninety days from date it comes into force. The Supreme Committee may by resolution extend such period to other similar periods.

Article (82)

Any provision which contravenes any of the provisions of this Federal Law by Decree shall hereby be repealed.

Article (83)

The Supreme Committee shall issue the Executive Order, regulations, resolutions and necessary instructions to implement the provisions of this Federal Law by Decree.

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Article (84)

This Federal Law by Decree shall be published in the Official Gazette and shall become effective on the date of such publication.

**Zayed bin Sultan Al Nahyan
President of the State of the United Arab Emirates**

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