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**Federal Law by Decree No. 3 of 2003 Regarding the  
Organization of Telecommunications Sector, as  
amended**

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

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- ◆ Amended by Federal Law by Decree No. (5) of 2008 Amending the Provisions of the Federal Law by Decree No. (3) of 2003 Regarding the Organization of the Telecommunications Sector, published in the Official Gazette: Edition 485 (repeated), Year 38, Shawal 1429H, October 2008.
- ◆ Please note that some articles of Federal Law by Decree No. 3 of 2003 have been amended, and some have been retranslated. In this regard, please refer to Endnotes on page No. 41.

## **FEDERAL LAW BY DECREE NO. 3 OF 2003 REGARDING THE ORGANIZATION OF THE TELECOMMUNICATIONS SECTOR**

We, Zayed bin Sultan Al Nahyan, President of the State of the United Arab Emirates, having regard to 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 and its amendments, 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 approval of the Cabinet,

have issued the following Law by Decree:

## CHAPTER 1 - DEFINITIONS

### Article (1)<sup>1</sup>

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

<b>State:</b>	the United Arab Emirates;
<b>Government:</b>	the government of the United Arab Emirates;
<b>Governmental Entities<sup>15</sup>:</b>	federal ministries and local departments, authorities and public organizations 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;
<b>Authority:</b>	the General Authority for Regulating the Telecommunications Sector;
<b>Board:</b>	the Board of Directors of the Authority;
<b>Chairman:</b>	the chairman of the Board of Directors of the Authority;
<b>Board Members:</b>	the persons appointed to the Board in accordance with the provisions of the Law;
<b>Director General:</b>	the Director General of the Authority;
<b>Executive Order:</b>	the executive order issued in accordance with the Law;

<b>Regulated Activities:</b>	either the operation of a Public Telecommunications Network or the supply of Telecommunications Services to subscribers <sup>2</sup> and all other types of activities specified by the Board in accordance with the provisions of the Law;
<b>Licensees:</b>	Etisalat Corporation and such entities as may be licensed by the Authority pursuant to the provisions of the Law and its Executive Order;
<b>License:</b>	a license issued pursuant to the provisions of the Law and its Executive Order which allows the Licensee to carry out any of the Regulated Activities;
<b>Interconnection:</b>	the linking by whatever means of Telecommunications 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 Telecommunications Services provided by another entity;
<b>Interconnection Agreement:</b>	an agreement under which Interconnection will be achieved pursuant to the rules and conditions issued by the Authority;
<b>Telecommunications Network:</b>	a system comprising one or more items of apparatus or means of communication medium for broadcasting, transmission, switching or receiving of Telecommunications Services, by means of electric, magnetic, electro-magnetic, electro-chemical or electro-mechanical energy and any other means of communication medium;

**Public Telecommunications Network:** a Telecommunications Network operated by the Licensee for the provision of Public Telecommunications Services by the Licensee pursuant to the provisions of the Law;

**Private Telecommunications Network:** a Telecommunications Network operated exclusively to serve the requirements of and to benefit one person or a group of persons who have a common ownership;

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

- 1- wired and wireless telecommunications;
- 2- voice, music and other sounds;
- 3- visual images;
- 4- signals used in radio and TV broadcasting;
- 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 Telecommunications Network;
- 7- the construction maintenance and operation of networks for telegraph, telephone, telex, leased circuits, domestic and international data networks, Internet and Wireless Transmission; and
- 8- any other Telecommunications Services approved by the Board;

**Public Telecommunications Services:** any Telecommunications Services provided to all subscribers or a part thereof in consideration of a fee;

<b>Wireless Transmission:</b>	the transmitting or receiving of electro-magnetic energy which may be used for the conveyance of data, messages, voice or visual images, or for the operation or control of machinery or apparatus;
<b>Telecommunications Apparatus:</b>	apparatus made or adapted for use in transmitting, receiving or conveying any of the Telecommunications Services through a Telecommunications Network;
<b>Etisalat Corporation:</b>	the Emirates Telecommunications Corporation regulated by Federal Law No. (1) of 1991 Regarding Emirates Telecommunications Corporation;
<b>Private Lands:</b>	any land owned by, granted to or leased to any person other than Governmental Entities <sup>15</sup> ;
<b>Public Lands:</b>	all lands under the control or ownership of any Governmental Entity <sup>15</sup> , excluding Private Lands; and
<b>Law:</b>	the Federal Law by Decree No. (3) of 2003 Regarding the Organization of the Telecommunications Sector and its amendments.



**CHAPTER 2 - SUPREME COMMITTEE FOR  
THE SUPERVISION  
OF THE TELECOMMUNICATIONS SECTOR<sup>3</sup>**

**Article (2)**

[Repealed]

**Article (3)**

[Repealed]

**Article (4)**

[Repealed]

**Article (5)**

[Repealed]

# **CHAPTER 3 - THE GENERAL AUTHORITY FOR REGULATING THE TELECOMMUNICATIONS SECTOR**

## **Part 1 – Establishment of the Authority**

### **Article (6)**

It is hereby established an independent public authority, called the “General Authority for Regulating the Telecommunications 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)<sup>1</sup>**

- A. The Authority shall be managed by a Board of Directors that shall be created and its special provisions defined by a federal decree for a period of four years renewable for other similar periods. The Board shall have jurisdiction to:

- 1- issue the Executive Order of the Law after approval from the Cabinet;
  - 2- establish the general policy for the telecommunications sector in the State, presenting it to the Cabinet for approval and overseeing its implementation after the approval;
  - 3- issue any general directives or instructions relating to the telecommunications sector and necessary for national security or international relations after approval from the Cabinet;
  - 4- issue decisions, rules, regulations, and instructions regarding the implementation of the Law and its Executive Order including issuing decisions for establishing legal entities operating in the telecommunications sector, determining the fees of the services and facilities provided to the Licensees and to whom such fees should be paid;
  - 5- issue, extend, revoke and suspend Licenses pursuant to the provisions of the Law and its Executive Order;
  - 6- determine fees of Licenses, authorizations, approvals and services issued or provided by the Authority pursuant to the provisions of the Law, its amendments or its Executive Order;
  - 7- issue the internal rules for its conduct of business; and
  - 8- any other functions delegated to it by the Law and its Executive Order.
- B- The Authority shall have a Director General appointed by a federal decree, who shall be the Authority's legal representative and be responsible before the Board for managing the daily business of the Authority. The Executive Order shall determine the functions of the Director General.

### **Article (11)<sup>4</sup>**

[Repealed]

## **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 Board<sup>5</sup>. The Authority may provide to the Board<sup>5</sup> any necessary proposals in relation to the general policy of such sector and shall, at the end of each financial year, submit to the Board<sup>5</sup> 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 Telecommunications 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 telecommunications sector in order to promote the interests of subscribers<sup>2</sup>;
- 3- ensure that Licensees meet quality standards of performance and adhere to the terms and conditions of the Licenses granted to them;
- 4- encourage, promote, and develop the telecommunications and information technology industries in the State; and
- 5- promote and enhance the telecommunications 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)<sup>1</sup>**

The Authority shall have the competence to issue Licenses in accordance with the provisions of the Law, as well as issue regulations, instructions, decisions and rules regulating the following:

- 1- tariffs, charges and fees levied by Licensees as determined by the Board;

- 2- anything related to the use and Interconnection of Telecommunications Networks and Telecommunications Services provided by the Licensees, co-location and sharing of infrastructure by such Licensees, including the special conditions for costs of such Interconnection, access, site-sharing, time-scales and principles for negotiations and completion of agreements between concerned entities in relation to the foregoing matters. It shall also issue dispute resolution policies to resolve disputes between the parties to such agreements;
- 3- the conditions, level and scope of services provided by the Licensees to subscribers, universal service and emergency services including the standards and quality of the provided services, terms of supply, the handling of subscriber complaints and disputes, provision of information to subscribers, usage of subscriber personal information and the provision of bills to subscribers;
- 4- regulating and ensuring competition in the telecommunications sector without prejudice to the applicable laws and regulations;
- 5- requesting any information required for the activities of the Authority;
- 6- setting out the specifications of the equipment used by the Licensees, including their technical standards and types;
- 7- importing, manufacturing, using and managing Telecommunications Apparatus and issuing their respective approvals;
- 8- the allocation of telephone numbers, numbering plans and number portability;
- 9- regulating the usage of radio spectrum pursuant to the Law, including the allocation, re-allocation, usage of these frequencies and granting their authorizations;
- 10- the terms of provision and preparation of directory services and directory enquiries services;
- 11- issuing rules to prevent interference with telecommunications in the State by radio or electrical waves or any other means;
- 12- qualifying persons in installing, connecting, adjusting and maintaining Telecommunications Apparatus;
- 13- publishing announcements relating to Telecommunications Apparatus; and
- 14- performing such other functions as the Cabinet 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 decision of the Board<sup>6</sup>. In respect of the succeeding financial years of the Authority, the budget of the Authority shall be prepared by the Director General, and approved and issued by the Board.

### **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 Board<sup>5</sup> 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 Board<sup>5</sup> 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 decisions issued by the Board<sup>5</sup>;
- 4- any other revenues the Authority collects in pursuance of its activities and functions; and
- 5- any other financial resources approved by the Board<sup>5</sup>.

### **Article (18)**

The Authority shall collect the fees imposed by the Board<sup>5</sup> in relation to the Licenses issued by the Board<sup>5</sup> and the authorizations, approvals, services of the Authority and any other amounts regarding radio spectrum.

### **Article (19)**

Following the approval of the Cabinet or its delegate<sup>7</sup>, 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 Cabinet or its delegate<sup>7</sup>.

### **Article (20)**

The Authority may invest its funds in any form of investment approved by the Board<sup>12</sup>.

### **Article (21)**

The Authority and its 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 Cabinet or its delegate<sup>7</sup> 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 Cabinet or its delegate<sup>7</sup>.

# **CHAPTER 4 - RESTRUCTURING OF THE TELECOMMUNICATIONS SECTOR**

## **Part 1 – Etisalat Corporation**

### **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 Corporation 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 and the right to impose and amend such fees shall transfer to the Board<sup>5</sup>.

### **Article (25)**

Subject to the provisions of any transitional provisions of this Federal Law by Decree, all functions conferred on Etisalat Corporation by Federal Law No. (1) of 1991 Regarding Emirates Telecommunications Corporation that conflict with the powers, competences, and functions of the Board<sup>5</sup> and the Authority under this Federal Law by Decree shall cease to be performed by Etisalat Corporation.

### **Article (26)<sup>1</sup>**

The Emirates Investment Authority shall assume, as from the date of the coming into force of the provisions of this Law by Decree, responsibility for representing the Government as a shareholder in corporations and companies in the telecommunications sector, and shall exercise the required powers, unless their articles of association state otherwise.

### **Article (27)**

Etisalat Corporation 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 Board<sup>5</sup>.



## **Part 2 – Licensees**

### **Article (28)**

The Board<sup>5</sup> shall, by decision, determine the various types of Regulated Activities for which Licenses may be issued and the required terms for prospective Licensees.

In all cases no License shall be issued to any entity unless such entity is a juridical entity established pursuant to a decision issued by the Board<sup>5</sup>. Such juridical entity may, after obtaining the approval of the Board<sup>5</sup>, 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 entities<sup>8</sup> 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 Board<sup>5</sup>. 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 Telecommunications Apparatus and ensure non-discrimination when providing such services and apparatus.

### **Article (31)**

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

### **Article (32)**

The Board<sup>5</sup> shall determine the form and substance of each License granted pursuant to this Federal Law by Decree, and shall include conditions specifying the duration of the License and may include conditions required by the Board<sup>5</sup>.

### **Article (33)**

An application for a License must be submitted to the Authority in the form prescribed by the Authority and must fulfill all the conditions set out by the Board<sup>5</sup>. The Authority shall within a maximum period of thirty days from the date of submission of the application, review the application and report its findings and recommendations thereto to the Board<sup>5</sup>.

### **Article (34)**

The Board<sup>5</sup> shall have the authority to grant or refuse a License to an applicant. The Board's<sup>5</sup> 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 License pursuant to the provisions of this Federal Law by Decree shall not operate to relieve a person from any obligation to obtain any licenses or authorizations 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 Board<sup>5</sup> may, if required, exercise the following powers<sup>9</sup>:

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

The Board<sup>5</sup> 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 Governmental Entity<sup>15</sup> may provide Telecommunications Services to clients or subscribers<sup>2</sup> through a Public Telecommunications Network unless licensed by the Board<sup>5</sup> pursuant to the provisions of this Federal Law by Decree. The establishment and operation of Private Telecommunications Networks shall be regulated by the Executive Order and the decisions issued by the Board<sup>5</sup>.
- 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 decisions.
- 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 and 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 Corporation 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 Corporation shall:

- 1- comply with any regulations, guidelines or License 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; and
- 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 Corporation provides for its own services or those of its subsidiaries or companies.

## **Part 2 – Telecommunications Apparatus Approval**

### **Article (42)**

The Authority shall have exclusive competence in issuing all authorizations and approvals in relation to Telecommunications Apparatus comprised in or intended for use in connection with a Telecommunications Network or in the provision of a Telecommunications Service in accordance with the Executive Order issued pursuant to this Federal Law by Decree and the instructions of the Board<sup>5</sup> to the Authority.

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

### **Article (43)**

Governmental Entities<sup>15</sup> shall be exempted from obtaining the approval of the Authority in respect of Telecommunications Apparatus used or to be used by the Governmental Entities<sup>15</sup>.

## **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 the Board<sup>5</sup>.

## **CHAPTER 6 - FREQUENCY MANAGEMENT AND ALLOCATION**

### **Article (45)<sup>4</sup>**

[Repealed]

### **Article (46)<sup>1</sup>**

- 1- A committee called the 'Co-ordination Committee' shall be constituted by a decision of the Cabinet or its delegate chaired by the Director General and having as members representatives of the Authority as well as representatives of the Armed Forces, Ministry of Interior, State Security and the National Media Council. Other entities' representatives may also be included, if required, by a decision by the Board.
- 2- The Co-ordination Committee shall have the competence to put in place a national frequency plan for radio spectrum allocated to Telecommunications Services to be approved by the Board in order to ensure the efficient and proper use of radio spectrum without any interference or jamming. 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 Telecommunications Services over Telecommunications 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 licenses or authorizations relating thereto.

### **Article (48)<sup>1</sup>**

The Authority shall have the competence to distribute, allocate, and revoke radio spectrum. Any such allocation 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 competent body<sup>10</sup> and the Co-ordination Committee, prepare and publish a plan for the reallocation of radio spectrum currently authorized for use in the provision of Telecommunications 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 authorization 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 authorization, there shall be paid to the Authority by the entity to whom the authorization 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 thereto.



# **CHAPTER 7 - OPERATION AND PROTECTION OF TELECOMMUNICATIONS NETWORKS AND LINES**

## **Part 1 – Operation of Networks**

### **Article (52)**

Governmental Entities<sup>15</sup> shall, in accordance with their respective jurisdictions, grant all Licensees of Public Telecommunications Networks, without payment, rights to occupy and use Public Lands as well as rights of way, and rights of access to Public Lands so as to enable them to perform their activities as set out in their respective Licenses, including:

- 1- the construction of buildings and other installations;
- 2- the installation of equipment and apparatus; and
- 3- the establishment, extension, development, and maintenance of Public Telecommunications 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 Lands occupied by any of the Governmental Entities<sup>15</sup> to be determined by a decision of the Board<sup>5</sup>.

### **Article (54)**

A Licensee licensed to operate a Public Telecommunications Network, may after obtaining the approval of the Board<sup>5</sup> 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 Telecommunications Network,

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

### **Article (55)**

Licensees operating Public Telecommunications Networks shall be exempted from all duties and taxes applicable to Public Lands 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 Board<sup>5</sup> may issue regulations authorizing Licensees to enter to Private Lands 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 Telecommunications 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 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 molesting them 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 PROVISIONS**

### **Article (60)**

The Board<sup>5</sup> may issue any company owned by Etisalat Corporation a temporary License for the purpose of authorizing 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 License pursuant to the provisions of this Federal Law by Decree and its Executive Order.

### **Article (61)**

Etisalat Corporation 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 competent body<sup>10</sup> 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 authorization to Etisalat Corporation.

### **Article (62)**

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

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

### **Article (63)**

The competent body<sup>10</sup> 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 Corporation 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 Corporation in connection with any function carried out by Etisalat Corporation which is now given to the Authority or the Board<sup>5</sup> under this Federal Law by Decree and, it shall be the duty of Etisalat Corporation 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 Corporation 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 Board<sup>5</sup> is authorized and empowered to issue necessary orders, to transfer to the Authority from Etisalat Corporation, with effect from the date ordered by the Board<sup>5</sup>, such assets and rights as the Board<sup>5</sup> considers necessary to enable the Authority to carry out the functions determined by this Federal Law by Decree which were carried out by Etisalat Corporation. This provision shall apply to Etisalat Corporation and third parties.
- 2- Any such decisions concerning the transfer effected thereby may include penalties for failure to comply with the transfer and the decision of the Board<sup>5</sup> in this regard shall be final and binding.

### **Article (66)**

The Board<sup>5</sup> 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 Governmental Entities<sup>15</sup> shall, on request, take all necessary steps to facilitate the transfer or the registration of any assets or rights from Etisalat Corporation to the Authority pursuant to the instructions issued by the Board<sup>5</sup> in accordance with Article (65) of this Federal Law by Decree.

### **Article (68)**

The Board<sup>5</sup> may instruct Etisalat Corporation to perform some of the functions given to the Authority under the provisions of this Federal Law by Decree for a period of not more than one year after this Federal Law by Decree comes into force. Etisalat Corporation shall keep proper records of, and keep the Authority fully and promptly informed of all actions taken by Etisalat Corporation and, in particular, shall provide to the Authority copies of all documents relating to such actions taken by Etisalat Corporation 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 Corporation 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 license or permission granted or approved by Etisalat Corporation under Articles 4(f), 10(1) or 10(2) of Federal Law No. (1) of 1991 Regarding Emirates Telecommunications Corporation or by the competent body<sup>10</sup> under Federal Law No. (7) of 1973 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 license shall expire or be replaced by a new License, authorization 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 license or permission so granted or approved is compatible with the provisions of this Federal Law by Decree.

## **CHAPTER 9 - PENALTIES**

### **Article (71)<sup>1</sup>**

A person shall be penalized with imprisonment of not more than two years and a fine of not less than AED 50,000 and not more than AED 1,000,000 or either of these penalties if that person:

- 1- conducts any of the Regulated Activities without being licensed to do so or being exempted from the necessity to obtain a License pursuant to the provisions of the Law;
- 2- intentionally alters, damages or otherwise suppresses a document or piece of information required by the Board or the Authority pursuant to the provisions of the Law; or
- 3- does not amend that person status pursuant to the provisions of the Law and within the specified time frame in Article (81) of the Law.

### **Article (72)<sup>1</sup>**

A person shall be penalized with imprisonment of not more than one year and a fine of not less than AED 50,000 and not more than AED 1,000,000 or either of these penalties if that person:

- 1- uses Telecommunications Apparatus in an offensive or disruptive manner, or so as to be a nuisance towards others, or for any unlawful purpose;
- 2- copies or discloses, without a right to do so, the content of any communication, telephone message or any of the Telecommunications Services whether or not working under any Licensee or related to a Licensee by any relationship enabling that person to reveal the contents of any communication or telephone message or any of the Telecommunications Services; or
- 3- violates the provisions of Article (50) of the Law.

### **Article (72) repeated (1)<sup>11</sup>**

A person shall be penalized with imprisonment of not less than one year and a fine of not less than AED 50,000 and not more than AED 1,000,000 or either of these penalties if that person:

- 1- intentionally and unlawfully accesses a Telecommunications Network or obstructs any Telecommunications Services; or
- 2- exploits without a right any of the Telecommunications Services.

### **Article (72) repeated (2)<sup>11</sup>**

A person who intercepts the contents of telephone calls without prior permission by the competent judicial authorities shall be penalized with imprisonment, a fine, or either of these penalties.

### **Article (72) repeated (3)<sup>11</sup>**

A person shall be penalized with imprisonment of not more than one year and a fine of not more than AED 50,000 or either of these penalties if that person uses Telecommunications Services in an offensive or disruptive manner, or so as to be a nuisance towards others, or for any unlawful purpose.

### **Article (72) repeated (4)<sup>11</sup>**

A person shall be penalized with imprisonment and a fine of not more than AED 1,000,000 or either of these penalties if that person uses fraud or counterfeit documents in order to obtain any of the Telecommunications Services, subscribe to them or make them available for others.

The previous actions shall be considered an aggravating circumstance if committed with the intention to commit a crime.

### **Article (72) repeated (5)<sup>11</sup>**

A person shall be penalized with imprisonment and a fine of not less than AED 50,000 and not more than AED 1,000,000 or either of these penalties if that person provides others with any of the Telecommunications Services without obtaining the required documents as set out by the Executive Order of this Law.

### **Article (73)<sup>1</sup>**

A person shall be penalized with imprisonment of not more than one year and a fine of not more than AED 1,000,000 or either of these penalties if that person:



- 1- manufactures, uses, sells or offers for sale or use Telecommunications Apparatus to connect them to a Telecommunications Network knowing that such apparatus has not been licensed or approved in accordance with the provisions of any applicable laws; or
- 2- intentionally violates Article (57) of the Law and such violation results in damage to lines, wires, cables, apparatus or equipment owned by or under the management or control of a Licensee.

### **Article (74)<sup>1</sup>**

A person shall be penalized with a fine of not less than AED 50,000 and not more than AED 1,000,000 if that person:

- 1- manufactures, supplies or offers any Telecommunications Apparatus to be used in the State and which does not comply with the regulations, directives, instructions and decisions issued by the Authority pursuant to the provisions of the Law or its Executive Order;
- 2- refrains from submitting the Telecommunications Apparatus which is under its control for testing in accordance with the provisions of the Law, its Executive Order or the regulations, decisions, instructions and rules issued pursuant thereto, or if it does not allow any authorized personnel from accessing its premises in accordance with the provisions of the Law or its Executive Order;
- 3- a Licensee knowingly uses or employs any person who is unqualified for or inadequately experienced with the installation, setting up, modification or maintenance of any Telecommunications Apparatus in accordance with the rules issued by the Authority; or
- 4- presents a description or publishes an advertisement in respect of a Telecommunications Apparatus in order to promote such apparatus in the course of a trade or business without complying with the requirements issued by the Authority.

### **Article (75)**

A Licensee may, after obtaining prior approval from the Authority, place an apparatus or any other medium under surveillance if such Licensee has 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 Telecommunications wire and wireless Apparatus and any other equipment or apparatus used in contradiction of this Federal Law by Decree, its Executive 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.

### **Article (79) repeated (1)<sup>11</sup>**

A person shall be penalized with a fine of not less than AED 50,000 and not more than AED 200,000 if that person violates any other provision of the Law, its Executive Order, regulations, decisions, instructions or rules issued thereto.

### **Article (79) repeated (2)<sup>11</sup>**

The Board may impose administrative fines against the Licensees for violating the provisions of the Law, its Executive Order, decisions, regulations, policies, or instructions issued by the Board or Authority.

The Cabinet shall issue a decision with the schedule of the violations and fines imposed on the Licensees. Each violation shall not be of more than AED 10,000,000.

## 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 Telecommunications 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 decision by the Council of Ministers and the amendment of the Articles and the replacement thereof shall be pursuant to a decision issued by the Board<sup>5</sup> for the Supervision of the Telecommunications 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 Corporation 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 Corporation's activity;
  - (E) to offer consultancy and training services in the field of wire and wireless telecommunications; and
  - (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 Corporation whether for the purpose of information, trade, publicity or any other purposes.
- (2) Etisalat Corporation may without prejudice to its basic objects, invest, utilize 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 Corporation in accordance with the applicable rules in the State.
- (3) Etisalat Corporation may, for the purpose of achieving the objects provided for in this section:
- (A) conclude contracts and agreements, and
  - (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 Telecommunications Regulatory Authority, determine the charges for the services provided by Etisalat Corporation, 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 Corporation 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.<sup>13</sup>

## **Article (31)**

Each shareholder of Etisalat Corporation 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 Corporation'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 Corporation shall comply with the general policy of the Board<sup>5</sup> and obey any general or specific directives issued by the Board in this respect.

## **Article (47)**

The Board<sup>14</sup> shall issue the financial and administrative regulations for management of Etisalat Corporation and shall determine the staff's conditions of service which do not conflict with the decisions issued by the Board<sup>5</sup>.

## **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 Board<sup>5</sup> may by decision extend such period to other similar periods.

### **Article (81) repeated<sup>11</sup>**

The Authority, in carrying out its functions, may detect violations of the Law. The Authority's employees, who are selected by a decision by the Minister of Justice and with the co-ordination of the Authority, shall have the power of judicial officers regarding crimes committed in breach of the provisions of the Law, its Executive Order, decisions, regulations, or instructions issued thereof and within the scope of responsibility of each.

### **Article (82)**

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

### **Article (83)**

The Board<sup>5</sup> shall issue the Executive Order, regulations, decisions, and necessary instructions to implement the provisions of this Federal Law by Decree.

### **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**

Issued at the Presidential Palace in Abu Dhabi:

Dated: 20 Ramadan 1424H

Corresponding to: 15/11/2003

## ENDNOTES

- 1- Amended by Federal Law by Decree No. (5) of 2008 Amending the Provisions of the Federal Law by Decree No. (3) of 2003 Regarding the Organization of the Telecommunications Sector.
- 2- In the translation of this Article, the word “user” used in the previous translation has been replaced by the word “subscriber”, not because of a legislative change, but because the word “subscriber” more accurately reflects the meaning of the original Arabic.
- 3- Chapter 2 (Articles (2) to (5)) was repealed by Federal Law by Decree No. (5) of 2008 Amending the Provisions of the Federal Law by Decree No. (3) of 2003 Regarding the Organization of the Telecommunications Sector.
- 4- Repealed by Federal Law by Decree No. (5) of 2008 Amending the Provisions of the Federal Law by Decree No. (3) of 2003 Regarding the Organization of the Telecommunications Sector.
- 5- The term “Supreme Committee” was replaced with the term “Board” pursuant to the Federal Law by Decree No. (5) of 2008 Amending the Provisions of the Federal Law by Decree No. (3) of 2003 Regarding the Organization of the Telecommunications Sector.
- 6- The term “Supreme Committee” was replaced with the term “Board” pursuant to the Federal Law by Decree No. (5) of 2008 Amending the Provisions of the Federal Law by Decree No. (3) of 2003 Regarding the Organization of the Telecommunications Sector. However, it must be noted that despite this amendment, the first financial budget of the Authority was actually set by a decision of the Supreme Committee, in accordance with the provisions of this law, as it was constituted at that time.
- 7- The term “Supreme Committee” was replaced with the term “Cabinet or its delegate” pursuant to the Federal Law by Decree No. (5) of 2008 Amending the Provisions of the Federal Law by Decree No. (3) of 2003 Regarding the Organization of the Telecommunications Sector.
- 8- In the translation of this Article, the phrase “juridical Licensee” used in the previous translation has been replaced with the phrase “juridical entity”, not because of a legislative change, but because the substituted phrase more accurately reflects the meaning of the original Arabic.
- 9- In the translation of this Article, the phrase “perform the following authorities” has been replaced by the phrase “exercise the following powers”, not because of a legislative change, but because the substituted phrase more accurately reflects the meaning of the original Arabic.

- 10- The term “Ministry of Communications” was replaced with the term “competent body” pursuant to the Federal Law by Decree No. (5) of 2008 Amending the Provisions of the Federal Law by Decree No. (3) of 2003 Regarding the Organization of the Telecommunications Sector.
- 11- Added pursuant to Federal Law by Decree No. (5) of 2008 Amending the Provisions of the Federal Law by Decree No. (3) of 2003 Regarding the Organization of the Telecommunications Sector.
- 12- In the translation of this Article, the phrase “The funds of the Authority may invest its fund in the manner” used in the previous translation has been replaced with “The Authority may invest its funds in any form of investment”, not because of a legislative change, but because the substituted phrase more accurately reflects the meaning of the original Arabic.
- 13- Amended by Federal Law by Decree No. (1) of 2005 Amending the Provisions of the Federal Law by Decree No. (3) of 2003 Regarding the Organization of the Telecommunications Sector.
- 14- The first reference to “Board” in this Article refers to the Board of Etisalat. The second reference is to the Board of the Authority.
- 15- In the translation of this Article the phrase “Public Institution(s)” has been replaced by the phrase “Governmental Entities” not because of a legislative change, but because the substituted phrase more accurately reflects the meaning of the original Arabic.