

*The following English text is a translation of the Lebanese Telecommunications Law No. 431. It has been prepared as a matter of courtesy. Only the Arabic text is authentic. In case of divergence of interpretation, the Arabic text shall prevail.*

## TELECOMMUNICATIONS LAW

### NO. 431

AS RATIFIED BY THE LEBANESE PARLIAMENT AND PROMULGATED BY THE PRESIDENT OF THE REPUBLIC.

## **PART I - GENERAL PROVISIONS**

### **Article 1: Scope of the Law**

The present Law regulates the Telecommunications Services sector in the Lebanese Territories and includes the rules for its transfer, or the transfer of its administration, in full or in part, to the private sector, including the role of the State in the telecommunications sector.

### **Article 2: Definitions**

The following words and expressions shall each have the corresponding meanings:

**"Minister"** or **"Ministry"**: The Minister or Ministry in charge of Telecommunications, unless otherwise specified.

**"Authority"** or **"TRA"**: The Telecommunications Regulatory Authority of Lebanon established by virtue of the present Law.

**"Members"**: Individuals appointed to the TRA by the Council of Ministers.

**"The Company"**: Liban Telecom

**"Network"**: An integrated system of equipment and facilities employed to provide one or more Telecommunications Services.

**"Radio Frequencies"** or **"Radio Frequency Spectrum"**: The electromagnetic radiation waves naturally propagated along the radio frequency spectrum, used for the transmission and/or reception of data.

**"Allocation"**: Allotment by the TRA of segments of the Radio Frequency Spectrum for various uses and services.

**"Assignment"**: Designation by the TRA of specific Radio Frequencies that a Licensee has the right to use to provide a Telecommunications Service.

**"Information"**: Symbols, signs, signals, writings, sounds or any other type of data.

**"License"**: An authorization granted by the TRA to provide Telecommunications Services and/or the use of Radio Frequency Spectrum.

**"Person"**: A natural or legal person having legal personality.

**"Service Provider"**: A Person who provides, directly or indirectly, Telecommunications Services.

**"Service Provider with Significant Market Power"**: A Service Provider that, due to his control of essential facilities or his position in the market, has the ability to affect in practice the subscription terms related to prices and supply in a specific Telecommunications Services market. Essential telecommunications facilities means a Public Telecommunications Service or infrastructure that is provided exclusively or predominantly by one or a small number of Service Providers and that cannot be feasibly dispensed with, economically or technically, to provide the service.

**"Licensee"**: A Person who holds a valid License duly granted by TRA.

**"Customer" or "Subscriber"**: A Person who receives Telecommunications Services and pays the corresponding fees for a certain period of time by virtue of an agreement, that he enters into or accepts the terms thereof, set forth by a Service Provider.

**"User"**: Any Person using a Telecommunications Service, whether or not he pays for such a service.

**"Interconnection"**: The physical and logical link between telecommunications Networks used by one or more Service Providers in order to enable their Users or Subscribers to communicate with each other or to communicate with Users or Subscribers of another Service Provider, and to connect any one service to any other service via domestic or international Networks.

**"Telecommunications Services"**: The transmission and/or routing of Information by wires, radio signals, optical means, electromagnetic systems or any other method, as well as providing the necessary infrastructure for that purpose.

**"Public Telecommunications Network"**: Fully interconnected and integrated telecommunications system consisting of various transmissions and switching means used to provide Basic Telephony Service and other Public Telecommunications Services.

**"Public Telecommunications Services"**: Generally available Telecommunications Services provided to the public or to a group of persons, including Basic Telephony Services.

**"Basic Telephony Services"**: Providing a Domestic Telecommunications Service for the transmission of a two-way or multi-way real-time fixed voice telephone service through a Public Telecommunications Network.

**"Private Telecommunications Services"**: Telecommunications Services provided to specific groups of Users either within the premises of a single building or contiguous facilities, or within the premises of non-contiguous buildings by way of connection via a private line service for transmission and reception by one Person or by his employees or otherwise by different Persons belonging to one group or their employees.

**"Domestic Telecommunications Services"**: Telecommunications Services provided within the Lebanese territory.

**"International Telecommunications Services"**: Telecommunications Services provided between Lebanon and abroad.

**"Private Line Service"**: A Telecommunications Service providing a Subscriber with the exclusive usage of infrastructure for a limited period of time, as well as for a specific capacity, provided that the Subscriber pays a fee based on the total available capacity not on the capacity actually used.

Private Line Services may be provided either as a Private or a Public Telecommunications Service.

**"Value Added Services"**: Services characterized by:

a) Adaptation in the form, content, code, protocol or any other representation of the data transmitted by a Subscriber or User through the telecommunications Network without changing their content.

b) Provision of data to a User or Customer including re-composition of data transmitted by them; or

c) Provision of stored data for interaction with a User or a Customer.

**"Telecommunications Equipment"**: Any equipment, excluding Customer Premises Equipment, used to provide Telecommunications Services, including computer hardware and software.

**"Customer Premises Equipment"** or **"CPE"**: Equipment used by a Customer, subscribing to Public or Private Telecommunications Services, to originate, route, or terminate any telecommunication, including telephone handsets used for wired or wireless communications, fax machines, computer modems, modulation and demodulation mechanisms, associated devices and wiring at the Customer's premises where such equipment has been installed.

**"Re-sale"**: The provision of Telecommunications Services to Customers through another Service Provider on a profit basis.

Any word or group of words not defined under the present Law shall be interpreted according to definitions adopted or to be adopted by the TRA based *inter alia* on international telecommunications treaties to which Lebanon is party, as well as on other definitions provided by the International Telecommunications Union (ITU).

## **PART II - Institutional Framework of the Telecommunications Sector**

### **Chapter I: The Ministry**

#### **Article 3: Powers of the Minister**

A- The Minister shall be vested with the following powers:

1) to set the general rules for regulating Telecommunications Services in Lebanon, to supervise the implementation of these rules through reports submitted by the TRA, and to propose draft laws and decrees relating to the telecommunications sector to the Council of Ministers;

2) to represent Lebanon at official meetings held by international telecommunications organizations;

- 3) to propose the appointment of the Chairman and Members of the TRA Board to the Council of Ministers pursuant to the provisions of Article 7 of the present Law;
- 4) to designate and supervise Service Providers who will participate in international telecommunications organizations, satellite and submersed cable organizations, or other organizations created pursuant to international conventions and treaties.
- 5) to approve the decisions taken by the TRA board pursuant to Articles 10, 11 and 49 of the present Law;
- 6) to propose fees for monitoring and managing Radio Frequencies, such fees to be set by decrees issued by the Council of Ministers; and
- 7) to propose fees for the use of Radio Frequencies, such fees to be set by decrees issued by the Council of Ministers.

B- The Ministry shall be composed of the following:

- a Directorate General of Posts;
- a Directorate General of Telecommunications;
- a Common Administrative Division and
- a General Control Division.

The Directorate General of Telecommunications shall be composed of the following:

- an Economic Affairs Division;
- a Technical Affairs and Research Division and
- an International Relations Division.

The Directorate General of Posts shall be composed of the following:

- a Post Division;
- a Control Division and
- a Financial Division.

Schedule 1 of the present Law designates the positions for staff categories 1 and 2.

## **Chapter II: The TRA**

### **Article 4: Formation of the TRA**

The Telecommunications Regulatory Authority of Lebanon is established under the present Law. The TRA shall be endowed with legal personality and administrative and financial autonomy to exercise the powers and duties set forth herein. The Council of Ministers, upon the proposal of the Minister, shall determine the TRA's administrative and financial organization and appoint its Chairman and Members by way of decree.

The TRA shall not be subject to regulations governing public institutions but shall be subject to the *a posteriori* supervision of the Audit Court (ديوان المحاسبة).

### **Article 5: Duties and Powers of the TRA**

1) The TRA shall be responsible for carrying out the following:

- a) to prepare draft decrees and regulations relating to the implementation of the provisions of the present Law; to refer such drafts to the Minister, and to give its opinion on all draft laws and decrees related to the telecommunications sector;
- b) to take the necessary decisions and measures pursuant to the provisions of the present Law;
- c) to promote competition in the telecommunications sector;
- d) to organize concessions, issue Licenses, ensure compliance with License terms and conditions, monitor, amend, suspend and withdraw Licenses in accordance with the provisions of the present Law and its implementing decrees;
- e) to establish Interconnection rules and review Interconnection contracts upon request of one or more telecommunications Services Providers or at its own initiative;
- f) to establish technical standards and rules, ensure compliance with them and establish and manage the numbering system;

- g) to monitor the tariffs of Service Providers with Significant Market Power pursuant to the provisions of the present Law;
  - h) to determine and collect tariffs and fees pursuant to the provisions of the present Law;
  - i) to enforce the present Law within its prerogatives and to establish rules and regulations pursuant to the present Law, including the formulation of standards and procedures for the handling and resolution of complaints and other requests that might arise out of the present Law;
  - j) to monitor anti -competitive behavior and ensure market transparency;
  - k) to assist educational and health care institutions in the implementation of their programs by the use of Telecommunications Services, and to facilitate the access of disabled persons to Telecommunications Services;
  - l) to act as a mediator and arbitrator to resolve disputes arising between Licensees as a result of the implementation of the present Law;
- 2) In carrying out its responsibilities, the TRA shall take into consideration international best practices for the regulation and management of Telecommunications Services.
- 3) The TRA shall commit to the principle of promoting the modernization of Telecommunications Equipment and Networks in line with state of the art technologies and regulatory principles. For this purpose, the TRA shall develop rules for the collection and consideration of comments and proposals provided by Service Providers and stakeholders, forming, where necessary, advisory committees pursuant to Article 10 of the present Law.
- 4) The TRA shall prepare and submit an annual report, through the Minister, to the Council of Ministers within three months following the end of the fiscal year. This report shall be published in the Official Gazette. It shall include a summary of the steps taken by the TRA to fulfill its duties and the extent of its contribution towards the realization of the objectives set out in this Law.

**Article 6: Management of the TRA**

- 1) The TRA shall be composed of a Chairman and four Members who shall carry out their duties on full-time, exclusive basis. They shall be appointed by decree of the Council of Ministers, upon the proposal of the Minister, for a non renewable and non-extendable term of five years. The TRA Chairman and Members shall hold university degrees in fields related to telecommunications,

economics, business, law, finance, engineering or computer science and have experience in these fields. None of the aforementioned persons can be dismissed or have his appointment terminated for any reason other than those set out in the present Law.

- 2) The TRA shall hold meetings and take decisions by absolute majority of the Members legally composing the Board.

#### **Article 7: Impediments to Appointment**

Pursuant to appointment conditions stipulated under Article 4 of Legislative Decree N° 112/59 dated 12/06/59 (Employees Regulations), except for age and competition conditions, the Chairman and Members shall not be any of the following:

- 1) Any Person who has a direct or indirect interest with any Person providing Telecommunications Services, or supplying Telecommunications Equipment or CPE inside Lebanon or for Lebanon, or any person who has a direct or indirect connection with the telecommunications sector in Lebanon;
- 2) Any Person who has been declared insolvent or bankrupt by a judicial decision;  
or
- 3) Any Person who has been indicted in a disciplinary proceeding resulting in a penalty other than a reprimand or warning.

#### **Article 8: End of Membership**

- 1) The term of office of the Chairman and TRA Board Members shall come to an end upon the expiry of the term of appointment, or in the event of death, resignation, termination or dismissal.
- 2) In the case of gross default in the fulfillment of the obligations of appointment or in the case of violation of the conditions set out in Article 7 of the present Law, the term of office of the Chairman and Members shall be terminated by a decree issued by the Council of Ministers, upon the proposal of the Minister, based on the existence of gross default or violation as ascertained, upon the request of the Minister, by a committee composed of the President of the State Consultative Council (رئيس مجلس شورى الدولة), the President of the High Court for Magistrates (رئيس مجلس القضاء الأعلى) and the President of the Audit Court (رئيس ديوان المحاسبة). The decision of the committee shall be adopted by majority vote.



- 3) In case of vacancy in the position of Chairman or Member of the TRA Board, the Council of Ministers shall, within one month at most, fill the vacancy for the remaining period of the initial appointment in accordance with the rules of appointment defined under the present Law.

In case of vacancy of the position of the Chairman, the eldest Member shall replace him.

### **Article 9: Remuneration**

The Chairman and Members shall be entitled to a monthly lump sum remuneration that shall be determined by a decree issued by the Council of Ministers upon the proposal of both Ministers of Telecommunications and Finance.

### **Article 10: Employee Regulations**

The TRA shall develop special regulations for its employees. Where necessary, it may seek the assistance of Lebanese or non-Lebanese experts to carry out a specific task for a limited period.

### **Article 11: Budget and Funding**

#### **First- Budget:**

- 1) The TRA shall have both administrative and financial autonomy. It shall be subject only to the *a posteriori* control of the Audit Court (ديوان المحاسبة). Its funds shall be managed through a special account to be opened with the Central Bank of Lebanon.
- 2) The TRA shall, within three months of its constitution, establish special procedural rules for the administration of such funds, subject to the approval of both Ministers of Telecommunications and Finance.
- 3) The TRA shall prepare, at least three months prior to the end of the fiscal year, a budget for the following year and submit it to the Minister, who shall, within 30 days of its registration at the relevant office of the Ministry, approve such budget or otherwise refer it to the Council of Ministers for a ruling.
- 4) From January 1st and until the approval of its budget, the TRA may continue to collect revenues and disburse expenditures on the basis of “continuing resolution” based on the previous year’s budget.

**Second- Funding:**

- 1) The TRA shall draw its revenues from the following sources:
  - a) fees collected from licensing applications and annual fees paid by Licensees for the management, supervision, enforcement and implementation of the functions entrusted to the TRA, provided that the total amount of fees collected is commensurate with the actual total cost of regulating the sector and, when necessary, with the overall turnover of Public Telecommunications Services Providers;
  - b) fees collected for Radio Frequency monitoring and management which shall be determined by decree, upon the proposal of the Minister and the recommendation of the TRA, based on studies of the actual cost of Radio Frequency management;
  - c) a percentage of the usage fees of radio frequency as specified under Article 17 of the present Law, to be determined by decree, upon the proposal of the Minister, provided that the fees do not exceed 10 percent of the revenues generated in relation to radio frequency usage;
  - d) unconditional grants and donations from sources with no direct or indirect interest in the telecommunications sector, subject to the approval of the Council of Ministers; and
  - f) sums due to the TRA and held by the Ministry that shall be transferred from the treasury account to the TRA account twice a year during the months of February and July.
- 2) In addition to the above revenues, the TRA shall, for a maximum period of two years from the date of its constitution, receive extraordinary funds from contributions specially allocated in the public budget. Upon the lapse of the two-year period, all operations of the TRA shall be funded in accordance with the provisions of Article 11, Second part, Paragraph 1.
- 3) Revenues from the concession process shall not be listed as ordinary revenues of TRA and shall be deposited in the treasury account.
- 4) Any annual deficit or surplus shall be carried forward to the TRA's budget for the following year, provided that such excess does not exceed 20 percent of the budget of the previous year. The TRA may also allocate appropriate reserves for special purposes provided such reserves do not exceed 15 percent of its annual budget.
- 5) Any surplus resulting from TRA activities shall be transferred on a quarterly basis to the treasury account.

- 6) The TRA's accounts shall be subject to an internal audit as well as to an audit by independent audit firms pursuant to Article 73 of Law 326 dated June 28, 2001 (2001 Budget Law).

**Article 12: Disclosure of Information:**

- 1) Except for information that may jeopardize commercial confidentiality and the principle of competition, the TRA shall make available to the public all its data, documents, records and other information. Anyone who wishes to have access to, or a copy of, such information shall submit a written request and pay applicable fees fixed by the TRA on the basis of cost recovery.
- 2) At the end of each fiscal year, the TRA shall publish in the Official Gazette and at least two other daily newspapers a statement indicating its assets together with a summary of its budget.

**Article 13: TRA Decisions:**

All decisions taken by the TRA shall be reasoned and motivated and shall mention the causes and objectives of such decisions.

TRA motivated decisions shall be enforceable from the date of their notification to the concerned parties or from the date of their publication in the Official Gazette.

**Article 14: Review of Decisions**

- 1) Each stakeholder has the right to request the TRA to review its decisions within two months from the date of publication or notification. Within two months from the date of issuing the decision or from the date of filing a request for review, the TRA may, at its own initiative, reverse its decision, suspend its implementation or take any temporary measure to maintain the *status quo* to prevent any damage until the final decision is reached either administratively or judicially.
- 2) The State Consultative Council (مجلس شورى الدولة) shall look into requests and claims related to administrative decisions taken by the TRA, in accordance with the procedures and deadlines adopted by said Council. Disputes arising between the TRA and its employees, workers or contractual parties, fall within the jurisdiction of the competent judicial courts. Arbitration clauses, when included in contracts with third parties, shall be enforced.

### **PART III**

#### Management of Radio Frequency Spectrum

##### **Article 15: Radio Frequency Spectrum**

- 1) The Radio Frequency Spectrum is a public property and shall not be subject to sale; its leasing or licensing shall be subject to the provisions of the present Law. The TRA shall have exclusive authority to manage, allocate and monitor the use of Radio Frequencies Spectrum.
- 2) The TRA may develop an annual plan for the Allocation of Radio Frequencies used for commercial communications between Service Providers, radio and TV transmission and operations, and wireless telecommunications of public administrations and institutions as well as all other natural and legal Persons including amateurs.

The use of Radio Frequencies for radio and TV transmission services shall be determined in consultation with the Ministry of Information, and the relevant administrations and councils according to the applicable laws and regulations. Any dispute in this respect shall be referred to the Council of Ministers for a ruling.

- 3) At the expense of the applying party, the TRA shall publish all applications for Licenses to use Radio Frequencies in the Official Gazette and two local newspapers. In the event any objection is filed, the TRA shall give the applicant one month to respond.

The TRA shall issue an acceptance or a refusal of the application, explaining in its decision the material facts considered and the legal grounds for the decision.

- 4) The TRA shall have the right to alter the frequencies assigned under a License provided that the alteration does not influence the quality and effectiveness of the service. Prior notice shall be given at least three months before the implementation of such a decision.
- 5) The TRA may cancel a License without any compensation if the Radio Frequencies assigned in the License are not used for a period of six months during one calendar year.

**Article 16: Licensing the Use of Radio Frequencies**

- 1) Whenever possible, and where the provision of a Telecommunications Service necessitates the use of Radio Frequency Spectrum, the TRA shall issue a single License covering both the provision of the Telecommunications Services and the use of the required Radio Frequency Spectrum.
- 2) An application for a License to use Radio Frequencies shall include information related to the financial, legal and technical qualifications of the applicant, as required by the TRA for establishing and operating a station using Radio Frequencies. The TRA may request updated information during the processing period of the application. It may also request additional information during the period of the License or upon an application for License renewal.
- 3) In determining the Allocation plan for Radio Frequencies, the TRA shall comply with the general policy set out by the Council of Ministers, consistent with the requirements of the sectors using such Radio Frequencies, and the recommendations of International Telecommunications Union (ITU) or any other specialized international organization of which Lebanon is a member. In exercising its powers, the TRA shall also take into consideration the adopted Allocation plans for Radio Frequencies.

**Article 17: Collection of fees for the use of Radio Frequencies**

Fees for the use of Radio Frequencies shall be determined by a decree issued by the Council of Ministers upon the proposal of the Minister and at the recommendation of the TRA. These fees shall be collected directly by the Ministry.

**Part IV**

**Licensing of Telecommunications Services Providers and Related Obligations**

**Article 18: Principle of Equality and Competition**

In order to ensure equal opportunity and competition, Licenses shall be awarded for the provision of Public and Private Telecommunications Services, including Basic Telephony Services, to Service Providers meeting the conditions and requirements set out by the TRA. The provision of Telecommunication Services shall not be subject to discrimination or to restrictions. In addition, such

restrictions shall not be imposed on the ownership or operation of the infrastructure necessary for the provision of these services.

Compliance with the provisions of the present Law and of the regulations established by the TRA is considered to be one of the conditions of every License even if not expressly mentioned in the License itself.

### **Article 19: Telecommunications Services Licensing**

- 1) Licenses shall be awarded to providers of the following Public Telecommunications Services by decree issued by the Council of Ministers, upon the proposal of the Minister, after conducting an international public auction, and according to specifications and conditions prepared by the TRA:
  - a) Basic Telephony Services,
  - b) mobile telephone services,
  - c) international telephone services, and
  - d) new categories of Licenses for the provision of Public Telecommunications Services, including UMTS, at the national or international level.
  
- 2) The TRA shall license providers of the following Telecommunications Services:
  - a) Private Line Services,
  - b) public telecommunications offices and payphones,
  - c) leased line services,
  - d) national and international telex and telegraph services,
  - e) Internet services,
  - f) data services, and
  - g) any other Telecommunications Services for which the TRA deems a License is necessary.

### **Article 20: Licensing Procedures**

- 1) Without prejudice to the provisions of Article 19 of present Law, the TRA shall establish a procedure to be used for the application and processing of Licenses. The TRA shall award a License to any Person or group of Persons who meet the required qualifications and specifications. In the event it is impossible to accept all applications submitted, the TRA shall adhere to the principles of transparency and competition in its selection process. The TRA may base its selection on standards it adopts, provided that such standards are made public. Applications shall be made available for public review pursuant to Article 12 of present Law.

- 2) The TRA may, in addition to the qualifications, standards and requirements specified in the present Law, issue regulations requiring its prior approval for the installation and operation of equipment, without prejudice to the rights of Licensees providing services using Radio Frequencies.
- 3) Licenses shall include the basic obligations of the Licensee pursuant to the provisions of the present Law and the regulations established by the TRA to meet its objectives, including fees, the provision of information to the TRA, the acceptance of inspection, licensing terms, and the conditions related to License termination and renewal.
- 4) No Person shall provide or offer any Telecommunications Services except in conformity with the provisions of the present Law and of the regulations issued by the TRA. Any infringement thereof, including the provision of a service requiring a License without the necessary License, shall make the involved party liable for the penalties provided for under Article 41 of the present Law.

#### **Article 21: Value Added Services**

The TRA shall not impose any restrictions on the provision of Value Added Services. However, the TRA may restrict the rights of any Service Provider with Significant Market Power from providing such services by imposing restrictions related to rules of organization, tariffs and accounting, or by way of any other precautionary measure consistent with the provisions of the present Law.

#### **Article 22: Telecommunications Equipment and Customer Premises Equipment**

The TRA shall not impose any restriction on the supply, development, manufacture, sale, lease, installation or maintenance of Telecommunications Equipment and CPE, unless explicitly provided for under the present Law or under the regulations issued pursuant to the provisions of the present Law.

However, the TRA may restrict the capacity of Service Providers with Significant Market Power to provide Telecommunications Equipment and CPE, by imposing restrictions related to rules of organization, tariffs, accounting, and by way of any other precautionary measure consistent with the provisions of the present Law.

**Article 23: Approval of Equipment – Standards**

- 1) The TRA shall set standards and technical requirements applicable to all Telecommunications Equipment and CPE, in order to prevent any harm to telecommunications Networks and hazards to public health or safety. Any Person importing Telecommunications Equipment or CPE is bound under this Law to comply with all standards and technical requirements set by the TRA. Licensees shall also comply with these standards and technical requirements when connecting Telecommunications Equipment and CPE to Public Telecommunications Networks.
- 2) The TRA may set general or special standards to ensure performance, adequate operation, and interconnectivity between different categories of equipment and to ensure compliance of their specifications with the provisions of the present Law and of the regulations established by the TRA pursuant to the provisions of the present Law.
- 3) For this purpose, the TRA may seek the assistance of public health and safety officials, Service Providers and manufacturers in order to determine the conditions for equipment type approval. The TRA may also resort to industrial advisory panels for the testing, development and updating of the equipment. Any infringement of this Article shall make the party involved liable for the penalties provided for under Article 41 of the present Law.

**Article 24: Transfer of Licenses**

- 1) A Licensee may not assign his License to any other Person. Where a Licensee is a legal person, legal or administrative control over the Licensee may not be transferred without the prior approval of the TRA and provided that such transfer or assignment complies with the provisions of the present Law and of the regulations established by the TRA pursuant to the provisions of the present Law.
- 2) The TRA may suspend, revoke or terminate any License in the event of:
  - a) repeated failure to comply with a binding order;
  - b) willful and repeated breach of licensing conditions, the provisions of the present Law or of the regulations established pursuant to the provisions of the present Law;



- c) death of the Licensee where none of his legitimate heirs meets the requirements of the License; and
- d) bankruptcy or liquidation of the Licensed company.

## **Part V**

### **Public Telecommunications Services**

#### **Article 25: Special Provisions Governing Public Telecommunications Services Providers**

In addition to the preceding provisions related to Service Providers, Public Telecommunications Services Providers shall be subject to the following:

- 1) The License shall be awarded for a maximum period of twenty years. A Licensee shall notify the TRA of its desire to renew the License two years prior to its expiry date.

The request for renewal of the License shall be submitted to the Council of Ministers which shall issue a decision within six months from the date of filing of the request for renewal at the Secretariat of the Council of Ministers.

The absence of a decree authorizing the renewal of the License within the aforementioned six month period shall be deemed an implicit refusal to renew the License.

- 2) Any Public Telecommunications Services License shall include mandatory and optional infrastructure expansion targets related to the scope of services, and standards that ensure high quality of service, as deemed appropriate by the TRA in the public interest.

Quality of service standards include, but are not limited to, requirements related to the service access delay, call completion rates, fault incidence and time to repair, dial tone delays and other faults that occur during the call.

The TRA shall establish procedures for standards, reporting and monitoring compliance with infrastructure expansion targets and quality of service standards.

Any License shall include clear conditions to ensure continuity of service upon the expiry of the License.

**Article 26: Universal Service Obligation**

- 1) The TRA shall establish a plan for licensing Public Telecommunications Services in a way that will ensure the availability of such services to all nationals and residents in all regions of the country.
- 2) Licenses awarded to Public Telecommunications Services Providers shall determine their obligations to provide universal geographic coverage, voice services, directory services, emergency call services, and alternatives to Users who do not need extensive use of such services, without discrimination.

Applicants for a License must prove their technical and practical capability to meet these obligations during the License period. A Licensee shall be allowed to recoup the actual costs incurred from its compliance with these obligations on an aggregate basis through tariff arrangements approved by the TRA. In the event such arrangements are insufficient, the TRA may resort to other mechanisms to finance this cost, including the establishment of a “Universal Service Fund” financed through mandatory contributions imposed on other Public Telecommunications Services Providers.

**Article 27: Resale of Service**

The TRA may include in Licenses granted to Service Providers with Significant Market Power certain obligations requiring the resale of their services without restriction. Such obligations shall not extend to the resale of Basic Telephony Services, the provision of which has been exclusively granted to Liban Telecom for a limited period. The TRA shall determine the obligations relating to the resale of such services following the end of the exclusivity period.

**Article 28: Rates and Tariffs**

- 1) Service Providers shall set the rates and tariffs of Public Telecommunications Services based on cost and market conditions.
- 2) Public Telecommunications Services Providers shall notify the TRA and publicize detailed information on tariffs, service prices and costs, and applicable terms and conditions as well as User rights and measures available

in the event of undue billing or other disputes or claims related to bills or service provision.

- 3) The TRA may monitor and regulate the rates and tariffs of all public Telecommunications Services by any means it deems appropriate, such as by issuing regulations, including conditions in the License document, or conducting an accounting of operational costs and revenues. In the interest of consumer protection, the TRA may impose prices and tariffs on Service Providers if it becomes aware of monopoly pricing or of a situation that enables monopoly pricing.
- 4) All Public Telecommunications Services Providers shall offer their services pursuant to the prices and tariffs notified to the TRA. Such prices, tariffs or other terms of service shall not be changed without prior notification to the TRA and provided that the TRA does not object to such changes in a motivated decision issued within 60 days.  
The silence of the TRA, by the end of the period mentioned in the previous paragraph, is deemed an implicit approval of the new prices and tariffs.

#### **Article 29: Interconnection**

- 1) All Service Providers with Significant Market Power shall establish Interconnection with other Service Providers for the transmission and receipt of data, provide the necessary facilities and arrangements for that purpose, and establish and apportion the charges thereof, pursuant to the conditions set by the TRA.
- 2) Interconnection among Service Providers shall be established by agreement within a maximum period specified by the TRA. In the event that Public Telecommunications Services Providers fail to agree on terms of Interconnection within the maximum period specified by the TRA, the TRA may, at its own initiative, impose Interconnection terms pursuant to its own rules and requirements.  
The TRA shall publish, at the expense of the concerned parties, a summary of the basic terms of the Interconnection agreements in the Official Gazette and in two local newspapers.
- 3) The TRA may approve or impose amendment to the provisions relating to Interconnection between Public Telecommunications Services Providers authorized by foreign countries in accordance with the international accounting rate framework, including the accounting rates and settlement arrangements agreed upon by the concerned parties before the agreement becomes effective.

- 4) Public Telecommunications Services Providers shall comply with all international treaties and bilateral agreements relating to international accounting arrangements, as well as with any rules adopted by the TRA concerning such arrangements where international services are provided pursuant to an international accounting rate framework.
- 5) Disputes arising between Public Telecommunications Services Providers over Interconnection terms and practices shall be resolved by arbitration in equity unless otherwise specified by the Interconnection agreement.

The TRA shall set the rules and procedures for the arbitration of disputes resulting from Interconnection agreements.

### **Article 30: Competitive Markets**

- 1) In determining whether a Public Telecommunications Service Provider has Significant Market Power, the TRA shall take into account the extent of his influence in the Lebanese market. Regulatory arrangements resulting from such a determination shall be limited to the relevant region.
- 2) The TRA may review any existing or proposed agreement or any contractual relationship between a Public Telecommunications Service Provider with Significant Market Power and his affiliates, or between it and another Public Telecommunications Service Provider, in order to ensure that such relationships or agreements do not restrict competition without ensuring a corresponding increase in benefits to market stakeholders.

The TRA may review all other agreements that may have an anti-competitive effect on the Lebanese telecommunications market and take suitable measures to remedy the resulting situation.

- 3) The TRA shall ensure that Public Telecommunications Service Providers with Significant Market Power do not abuse their market position. The TRA may prohibit such Service Providers from obtaining additional Public Telecommunications Services Licenses, require such Service Providers to comply with regulations, tariffs or accounting rules, or take any other precautionary measures as deemed appropriate to secure a competitive market. The TRA may initiate such measures before or after any agreement or contractual relationship is proposed or any abuse of Significant Market Power has occurred in order to preserve the development of competitive telecommunications markets.

- 4) The TRA may protect fair competition or impose conditions on Public Telecommunications Services Providers through a number of measures, including:
  - a) amendment of licensing conditions;
  - b) suspension of approval of any request to transfer control of a License pursuant to provisions of Article 24 of the present Law; and
  - c) taking of decisions applicable to all Public Telecommunications Service Providers.
  
- 5) The TRA may take any necessary measure to ensure competition including, but not limited to, measures dealing with:
  - a) anti-competitive cross-subsidies;
  - b) use of information obtained from competitors that will result in unfair competition; and
  - c) failure to supply other Service Providers, on a timely basis, with the technical information relating to essential facilities and the commercial information necessary to provide their services.
  
- 6) The TRA may take all possible measures to raise the level of competitiveness of the Lebanese telecommunications market rather than imposing restrictions on the behavior or activities of Public Telecommunications Service Providers with Significant Market Power.

The TRA shall immediately reconsider such measures as soon as it becomes clear that the evolution of market competition requires their revocation or amendment.
  
- 7) In exercising the duties determined in this Article, the TRA shall take into consideration the provisions of the present Law and the competition principles adopted by countries with competitive telecommunications markets.

### **Article 31: Numbering Management**

- 1) The TRA shall be responsible for managing the numbering needed for Customers and Users of Public Telecommunications Services.
  
- 2) The TRA shall manage the numbering plan in a non-discriminatory manner, making the details of the numbering plan available to the public. The TRA shall ensure that Service Providers obtain numbers without any unjustified delay; that changes in numbering do not cause unusual disturbance to

Customers, Users, and Service Providers; and that the allocation of numbers does not result in competitive advantage or any obstruction to the activities of Service Providers.

**Article 32: Annual or Periodic Reports**

- 1) The TRA may request all Public Telecommunications Service Providers or any category of Service Provider to submit, as the need may arise, annual or periodic reports containing specific information deemed necessary by the TRA to exercise its functions in regulating the telecommunications sector.
- 2) The TRA may request the provision of copies of all contracts and agreements as well as any kind of arrangements entered into between Public Telecommunications Service Providers or between Public Telecommunications Service Providers and resellers as well as any related information.
- 3) All reports and information provided by Public Telecommunications Service Providers are strictly confidential and shall not be disclosed by the TRA to any other party.

**Article 33: The Obligation to Submit Reports**

The TRA shall submit to the Council of Ministers annual reports showing collected revenues and explaining how such revenues have been utilized, in addition to an evaluation of the tenders launched during the previous year.

**Part VI**

**Use of Public and Private Properties**

**Article 34: Environmental Protection and Classified Sites**

Due observance of laws and regulations pertaining to the protection of the environment and classified tourist and historical sites is required in all telecommunications systems using public or private properties and in all Licenses granted to Service Providers.

**Article 35: Use of Public Properties**

- 1) Licensed Telecommunications Service Providers may, for the purpose of providing Telecommunications Services to the public in compliance with the conditions set hereunder, enter any public properties including streets, pavements, drainage systems, and railway tracks, for the construction and maintenance of Telecommunications Services infrastructure in, along, above or under such public properties. Whenever necessary, the Licensed Service Providers may, with the approval of the relevant government department, alter the appearance and specifications of such public property in order to be able to provide their Telecommunications Services, provided that such alteration does not obstruct the use of the property for its intended purpose.
- 2) Licensed Service Providers must obtain the approval of the relevant government department before entering any public property, carrying out certain works, or erecting any installations.

In the event it is not possible to obtain such approval on acceptable terms and conditions for any reason whatsoever within one month of the filing of the request for approval, the Service Provider shall submit a written request to the TRA, within another period of one month, to intervene with the government department concerned. In the event of any disagreement between the TRA and the government department concerned, the matter shall be raised before the Council of Ministers for making an adequate final decision.

- 3) Conditions for the use of public properties, procedures for requests for such use, and the basis for the allocation of charges, compensations and fees shall be established by a decree issued by the Council of Ministers, upon the proposal of the Minister, based on a study prepared by the TRA and on the opinion of the relevant governmental authority.

**Article 36: Use of Private Properties**

Licensed Service Providers shall have the benefit of easements on private properties upon approval of the TRA pursuant to the provisions of the present Law, subject to the following conditions:

- 1) Service Providers are entitled to construct and install the necessary infrastructures and the basic equipment required for the operation of their Networks in the common areas of a property after giving notification to the

TRA and the owners or owners association, if any, of the work to be undertaken at specific locations, and soliciting their comments on the project three months prior to the commencement of work.

The approval of the TRA and the owners or owners association is mandatory before the commencement of any type of work. In the event the owners or the owners association object to the proposed work, the matter shall be referred to the TRA which will intercede to resolve the matter amicably in order to ensure service provision.

In the event the Service Provider arbitrarily rejects a solution, the TRA may order it to implement measures that the TRA deems appropriate from a technical and legal point of view. In the event the owners or the owners association arbitrarily reject a solution proposed by the TRA, the TRA may dispense with such work, depriving the owners of the property of Telecommunications Services, or may proceed with the expropriation of the parts necessary for the implementation of the required work, provided that such expropriation is feasible and necessary for the provision of Telecommunications Services.

The installation of on/off switches on walls and façades which do not overlook public roads however requires only notification of the owners or owners association three months prior to the work. Their objections, if any, shall not be an impediment unless the TRA finds such objections to be justifiable.

- 2) Service Providers shall place their infrastructure facilities at the disposal of other Service Providers upon request in accordance with written agreements notified to TRA and kept in its records.
  - a) Requests for the shared use of infrastructure shall be made in writing and shall be answered within 60 days of the date of request.
  - b) Requests for shared use of infrastructure shall not be rejected without valid and justified reasons made in writing.
  - c) The party requesting the shared use of infrastructure shall pay all costs related to such use.
  - d) Procedures for the resolution of disputes arising from the shared use of infrastructure which are referred to the TRA by Service Providers shall be set by decree.



- 3) Service Providers benefiting from easements shall have the right to send their employees or agents to inspect, operate and maintain their equipment installed on private properties after giving notice, within reasonable time, to the owners or occupants. In the event the owners or occupants reject or prevent the employees or agents of the Service Provider from entering the properties, those employees or agents shall not resort to forced entry without judicial order. Owners who refuse entry shall be liable for all damages sustained by Service Providers benefiting from such easements.
- 4) The installation of equipment on private properties shall be without prejudice to the owners' right to repair, alter or demolish their private properties provided that the owners notify the affected Service Provider at least three months prior to the commencement of such work.
- 5) Service Providers benefiting from easements over private properties shall be liable for all physical or moral damage caused to the owners or occupants as a direct and undeniable result of the installation, operation and maintenance of their equipment.

Easements, expropriations and assignments made in favor of the Ministry shall remain valid, with no right of rebuttal or claim in respect thereof, as a result of any changes resulting from the application of the present Law.

## **Part VII**

### **Control and Inspection Procedures** **And imposing Penalties**

#### **Article 37: Control and Inspection Personnel**

The TRA shall establish a special control and inspection unit comprised of personnel who shall have the status of a special police force for the telecommunications sector. Reports submitted by them shall have the same status of evidence as reports made by the judicial police. Public prosecutors and investigation judges may seek the assistance of personnel from the special unit when gathering evidence and investigating cases brought before them. The special unit personnel involved must take the necessary oath before the Civil Court of Appeal before commencing their duties.

**Article 38: Enforcement and Inspection Procedures**

- 1) The TRA shall establish control and inspection regulations, subject to the approval of the Minister, consistent with the provisions of the laws and regulations in force. The TRA shall organize periodic work programs for enforcement and inspection personnel and issue orders for conducting surprise control and inspection operations either at its own initiative or on the basis of received information.
- 2) Controllers and inspectors may enter all public and private properties where necessary in the execution of their official duties, in order to inspect or collect information related to existing or planned facilities or installations, review records and documents and extract copies thereof, and request presentation of any useful document or information. Provisions of the Penal Procedure Code and the judicial police force procedures will govern cases of forced entry and issuance of infringement reports whenever there is sufficient evidence indicating an infringement.
- 3) All information that the inspectors and controllers become aware of in the course of their duties shall be treated as confidential and may only be disclosed to their direct superiors or upon the request of the competent judicial authorities. These rules of confidentiality shall apply to all persons who are privy to such information by virtue of their work at the TRA or the Ministry.
- 4) Any Person who provides controllers or inspectors with false records, documents or verbal information shall be liable to prosecution for forgery and false testimony.

**Article 39: Notification and Amicable Settlements**

After verifying that an infringement has occurred, the TRA shall, before imposing an appropriate penalty, notify the infringing party that it must cease the infringement within 30 days in accordance with instructions issued by the TRA pursuant to the present Law and the relevant License conditions.

The TRA may convene a meeting of all the parties involved in order to reach an amicable settlement leading to the cessation of the infringement, compliance with the License conditions and provisions of the present Law, and compensation of the TRA and the parties affected.

**Article 40: Imposition of Penalties**

- 1) Upon verifying that an infringement of the law, License conditions or relevant regulations has occurred, and after notification to the infringing party and convening a meeting to reach an amicable settlement, or deciding to dispense with such means, the TRA may impose penalties provided for under Article 41 of the present Law.
- 2) Penalties imposed by the TRA may be appealed before the Penal Court of Appeal having jurisdiction over the residency/domicile of the party penalized. If several parties are involved in the same infringement or in concomitant infringements, the general provisions of jurisdiction in matters of concomitance of crimes shall be applicable.

Decisions of the TRA shall remain in effect unless the Court of Appeal decides to suspend their enforcement.

**Article 41: Penalties**

The TRA may impose one or more of the following penalties, depending on the seriousness of the infringement and the circumstances of each case:

- 1) Amendment of License conditions or imposition of new conditions to ensure elimination of the infringement and compliance with provisions of the present Law.
- 2) Suspension of the License for a definite period, or revocation of the License; and prohibition of the infringing party from obtaining any License whether provisional or final, upon repeated infringements or the commission of a serious violation as evaluated by the TRA.
- 3) Imposing a fine to be determined by the TRA in light of the seriousness or frequency of the infringement(s), taking into consideration the assets of the natural or legal Person as listed in its balance sheet, the value of used equipment and installations, and the estimated revenues resulting from the infringement, provided that the fine shall not exceed one-fourth of the total value of the Person's assets as shown in its balance sheet.

The TRA may impose an additional fine for every day of delay in eliminating the persisting infringement.

- 4) The fines shall be collected by the Ministry of Finance.

**Article 42: Prosecution**

Measures taken by the TRA shall not prevent penal prosecution before the competent court in cases where the infringement constitutes a crime punishable under applicable laws unless such infringement constitutes only an infringement of the rights of third parties that was resolved amicably under the sponsorship of the TRA.

In the event the competent court decides to confiscate equipment and facilities employed in the infringement, such confiscation shall be deemed to be in favor of the TRA which shall then dispose of them in a sale by auction for the benefit of the Treasury.

**Article 43: Disputes Resolution**

- 1) The TRA shall have the power to resolve, based on complaints filed with it, disputes arising between Service Providers or between Service Providers and their Customers or the Users of their services. The provisions of Articles 41 and 42 shall be observed in any attempt to reach an amicable settlement, provided always that the rights of the defendant shall be respected during the settlement of the dispute.
- 2) Decisions of the TRA in the settlement of disputes may be appealed before the competent Civil Court of Appeal. Rulings of the Court of Appeal are final and may not be subject to any ordinary or extra-ordinary challenge.
- 3) In the event of an infringement of License conditions, the provisions of the present Law, or the regulations established pursuant to the provisions of the present Law is discovered during an examination of a dispute, the TRA shall have the right to notify the infringing party, propose an amicable solution, or impose a suitable penalty, in accordance with the provisions of the preceding Articles.

**Part VIII**  
**Liban Telecom**

**Article 44: Incorporation of the Company**

- 1) A joint stock company shall be established by decree issued by the Council of Ministers upon the proposal of the Minister. The Company shall be governed by the provisions of the Code of Commerce, except for Article 78 thereof, in all areas not specifically addressed under the present Law. The Company shall be called *Liban Telecom* and its objective shall be to provide Telecommunications Services pursuant to the terms of the present Law.
- 2) The decree shall determine the capital of the Company, which may be denominated in a foreign currency, and approve the Articles of Association taking into consideration that all shares of the Company shall be owned upon its constitution by the Lebanese Government which shall remain the sole shareholder until the full or partial privatization of the Company.
- 3) Assets, obligations and current operations whose ownership are expected to be transferred from the Ministry to the Company shall be evaluated by a financial firm or an international auditing firm appointed by the Council of Ministers following a tender process launched in accordance with the applicable rules.

This procedure shall be deemed to fulfill the verification procedure provided for under Article 86 of the Code of Commerce.

- 4) The Company's shares shall be and shall always remain nominative. Notwithstanding any document stating otherwise, the Company's shares, including shares representing contributions in kind, may be listed immediately on the Beirut stock exchange.
- 5) For so long as all of the Company's shares are owned by the State of the Republic of Lebanon, the board of directors of the Company shall be composed of a chairman and members appointed by the Council of Ministers. After partial or full privatization, members of the board shall be selected by the General Assembly, without being required to observe the condition of nationality required under Article 144 of the Code of Commerce. The State of Lebanon shall remain represented on the board of the Company by members nominated by the Council of Ministers in proportion to the number of shares it holds, provided that the number of members representing the State shall not be less than three, for as long as the State remains a shareholder of the Company.

- 6) Upon its incorporation and prior to its privatization, the Company shall be exempted from notary fees pertaining to the State, registration fees of the Commercial Register, as well as fees for the Solidarity Fund of Judges and for the Bar Association, and fiscal stamp duty on capital. Contributions in kind shall also be exempt from registration fees.
- 7) The Company shall appoint a statutory auditor for a period of three years and be exempted from the requirement of having an additional auditor.

**Article 45: Licensing of the Company with Temporary Exclusivity**

- 1) The Company shall be licensed for a period of 20 years to provide the following Telecommunications Services:
  - a) Basic Telephony Service;
  - b) international public voice service;
  - c) national and international telex and telegraph service;
  - d) mobile telephone service;
  - e) national Private Line Service;
  - f) international Private Line Service;
  - g) telecommunications offices and public payphones;
  - h) emergency Telecommunications Services;
  - i) numbering information service and telephone directory;
  - j) any other services deemed necessary by the TRA in the public interest;
- 2) The License granted to the Company may include an exclusive right to provide any of the services listed under items (a), (b) and (c) of the previous clause for a period not exceeding five years from the date of the Company's incorporation.
- 3) In the event the Company fails to provide, in one or more regions, services to which it has exclusive rights, the TRA may grant applicants non-exclusive Licenses to provide such services, provided that the Company is notified in writing at least 60 days before such Licenses are granted.

**PART IX**  
**Transfer of Telecommunications Sector to the Private Sector**

**Article 46: Privatization Process**

The Government of Lebanon may, by a decree issued by the Council of Ministers, and within a period of two years from the date of incorporation of the Company, proceed with the sale of a maximum of 40 percent of the Company's shares to an experienced, specialized and reputed investor from the private sector by way of an international auction held in accordance with terms and conditions to be set by the Higher Council for Privatization upon the proposal of the Minister and issued by virtue of a decree by the Council of Ministers.

The winner of the auction shall be referred to as the "strategic partner" which shall be entrusted with the management of the Company for so long as he continues to own at least half of the shares purchased originally and continues to fulfill the obligations set forth in the terms and conditions, and for as long as the Lebanese State remains the majority owner of the shares in the Company. The Council of Ministers shall, upon the proposal of the Minister, determine the dates for the offering of the remaining shares owned by the Lebanese State to private investors, the percentage of shares offered, the price per share and the procedure to be followed.

**Part X**

**Miscellaneous and Transitory Provisions**

**Article 47: National Security**

Upon the occurrence of events that affect national security, the Council of Ministers may instruct Service Providers to give full priority to the telecommunications needs of the security forces and the civil organizations operating under their control.

**Article 48: Handling of Licenses in Force**

- 1) All Licenses awarded before the date of promulgation of the present Law shall remain valid for a maximum period of one year from the date of enforcement

of the Law. This clause shall not apply to the two mobile phone companies operating currently in Lebanon.

- 2) Licensing applications pending with the Ministry on the date of promulgation of the present Law shall be transferred to the TRA immediately upon its constitution. No License shall be issued until all conditions of the present Law are met and until the TRA has commenced its work in accordance with its by-laws.
- 3) Parties who have entered into contracts with the Ministry to provide Telecommunications Services that require licensing under the present Law may continue to provide such services until the end of the relevant contractual period.

**Article 49: Employees, Workers and Contractual Personnel of the Ministry and OGERO**

**First: Transitory Period**

- 1) Within three months of the date of promulgation of the present Law in the Official Gazette, the Ministry shall issue regulatory decrees pertaining to staff. Staff of the Ministry and OGERO who are required by the Ministry and who possess the necessary qualifications shall be transferred in accordance with the provisions of aforementioned regulatory decrees.
- 2) Terms governing the selection of employees from the staff of the Ministry and OGERO for the TRA and the Company shall be developed within three months following the appointment of the boards of directors of both the TRA and the Company, in coordination with the Minister. The status of the parties concerned shall be determined pursuant to the provisions of the Second part of the present article.
- 3) Any employee or worker of the Ministry or OGERO may request the termination of his or her services within a period starting from the date of publication of the present Law in the Official Gazette and ending six months after the appointment of the boards of both the TRA and the Company. The employee whose resignation is accepted shall be given additional compensation equivalent to the sum of his or her salaries and indemnities over 30 months, provided that this sum shall not be less than 30 million Lebanese Pounds or more than 200 million Lebanese Pounds, and that the period of service of the employee exceeds 5 years. If his period of service is less than 5



years, the employee shall be granted additional compensation equivalent to two months' salary per each year of service, provided that this compensation shall not be less than 30 million Lebanese Pounds or more than 50 million Lebanese Pounds.

A resignation may not be withdrawn after it has been filed with the competent administration.

### **Second: Regularization of Staff Conditions**

The staff conditions of the Ministry and OGERO shall be regularized as follows:

a) Employees of the Ministry:

- 1) For those who remain members of the new Ministry's organization, their employment conditions shall remain the same without change, especially in relation to rank and pay.
- 2) If selected to work at the TRA, they shall be removed from the Ministry's payroll and then re-employed by the TRA in accordance with the procedure governing placement outside the Ministry as described in the employee regulations without the need to renew this procedure annually. Remunerations paid to the employees should not be less than their previous salaries.
- 3) If the employee chooses to work for the Company, with the Company's approval, his rights shall be determined pursuant to the provisions of the present Law. The Company shall prepare a new contract for him based on its own regulations.
- 4) Provisions of this "Second" part of this article shall apply to employees of the Directorate General of Post.
- 5) In all other cases, Ministry employees shall be transferred to other public administrations in accordance with the provisions of the employee regulations governing transfer from one administration to another.

If they cannot be transferred, they shall be put at the disposal of the Ministry, and they will continue to receive their pay and compensation together with their entitled grading until they reach retirement age. The Council of Ministers or the concerned Ministers may charge them, at any time, with tasks to be performed in different public administrations

or establishments. In this event, they shall receive their salaries from the establishment employing them. During this period, the Civil Service Council shall try, whenever possible, to transfer them to vacant posts in other public administrations, in accordance with the employees regulations.

b) Workers and contractual personnel of the Ministry and OGERO:

- 1) If selected to work at TRA, their previous contributions to the National Social Security Fund shall be combined with their subsequent contributions and their monthly remunerations shall not be less than their previous pay and compensations.
- 2) If selected to work at the Company and they accept, they shall be subject to the applicable laws and regulations.
- 3) In all other cases, redundancy provisions applicable at the date of publication of the present law shall be applied.

**Article 50: Transfer of Functions and Assets of the Ministry / OGERO**

- 1) All functions and powers of the Ministry and OGERO defined in the present Law shall be transferred to the TRA, after commencement of its activities pursuant to its by-laws, and to the Company, after finalizing its incorporation procedures.
- 2) Assets to be declassified from public properties, as well as all other assets to be transferred from the Ministry and OGERO to the TRA shall be determined, when necessary, by a decree issued by the Council of Ministers, upon the proposal of both the Ministers of Telecommunications and Finance.
- 3) After settling the rights of OGERO staff and the transfer of its functions, powers and assets, OGERO shall be dissolved pursuant to a decree issued by the Council of Ministers.

**Article 51:**

All legal provisions and regulations that were applicable prior to the enforcement of the present Law shall remain effective until this Law enters into force.

**Article 52:**

If necessary, details of the application of the present Law shall be determined by decrees issued by the Council of Ministers upon the proposal of the concerned Minister.

**Article 53:**

The present Law shall enter into force upon its publication in the Official Gazette.

## Table 1

### Personnel of the Ministry – Categories 1 and 2

Position	Category	Number
Director General of the Post	1	1
Chief of the Post Division	2	1
Chief of Control Division	2	1
Chief of Financial Affairs Division	2	1
Director General of Telecommunications	1	1
Chief of Economic Affairs Division	2	1
Chief of Technical Affairs and Research Division	2	1
Chief of International Affairs Division	2	1
Chief of the joint Administrative Affairs Division	2	1
Chief of General Control Division	2	1

## Telecommunications Draft Law

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