

The Syrian Telecommunication Law

Issued by Law No. 18 of 2010

Table of Content

Chapter 1 – General Provisions and Definitions.....	5
Article 1 Purpose of Regulation of the Telecommunication Sector	5
Article 2 Definitions	5
Chapter Two - The Ministry	10
Article 3 Functions of the Ministry.....	10
Chapter Three - The Telecommunications Regulatory Authority.....	11
Article 4 Establishing the Authority	11
Article 5 The Authority's Functions and Powers:	12
Article 6 The Authority's Structure.....	15
Article 7 The Board of Commissioners	16
Article 8 Board Membership Termination or Expiration.....	16
Article 9 Advisory Committees Related to the Board	17
Article 10 The Director General	17
Article 11 The Executive Body of the Authority.....	17
Article 12 Conflict of Interest.....	17
Article 13 The Duty of Confidentiality in Working with the Authority	18
Article 14 Working Outside the Authority for the Interest of Third Parties	18
Article 15 Disciplinary Accountability	18
Article 16 Budget and Accounts of the Authority	18
Article 17 Resources.....	19
Chapter Four – The SyTC	20
Article 18 Formation and Purpose of SyTC	20
Article 19 Compliance with the Law of Commerce and Companies.....	20
Article 20 SyTC's Replacement of STE.....	21
Article 21 Taking Interest in Other Companies	21
Article 22 True Share Capital of SyTC.....	21
Article 23 Government Oversight.....	22
Chapter Five – Licenses.....	22
Article 24 Public Telecommunications Networks	22
Article 25 Private Telecommunications Networks	22
Article 26 Grant of Telecommunications Licenses.....	23

Article 27	Duty of Confidentiality of Licensees.....	24
Chapter Six – Management of the Radio Frequency Spectrum.....		24
Article 28	Regulating and Managing Frequency	24
Article 29	The Supreme Committee for Radio-Frequency Spectrum Planning	25
Article 30	License Required for Frequencies	25
Article 31	Entry, Ownership and Usage Frequency Stations and Equipment	25
Article 32	Frequency Licensing.....	26
Article 33	Frequency Usage Fees	26
Article 34	Frequency Evacuation.....	26
Article 35	Frequency Revision and Reallocation	27
Article 36	Compliance with International Treaties and Other Legislation	27
Chapter Seven - Numbering		27
Article 37	The National Numbering Plan	27
Chapter Eight - Type Approval.....		27
Article 38	Type Approval	28
Chapter Nine - Regulating the Telecommunications Market.....		28
Article 39	Determination of Significant Market Power.....	28
Article 40	Competition and Consumer Protection Regulation	28
Article 41	Obligations of Interconnection and Access to Telecommunications Facilities	29
Article 42	Cost-Oriented and Accounting Separation Obligations.....	29
Article 43	Equal Treatment of Users	30
Chapter Ten - Universal Service		30
Article 44	Scope of Universal Service.....	30
Article 45	Universal Service Providers.....	30
Article 46	The Universal Service Support Fund.....	31
Chapter Eleven - Public and Private Property		31
Article 47	Use of Public Property	31
Article 48	Use of Private Property	31
Article 49	Expropriation	32
Chapter Twelve - Privacy, Data Protection and National Security		32
Article 50	Privacy and Data Protection.....	32
Article 51	National Security	32

Chapter Thirteen - Resolving Disputes and Complaints.....	34
Article 52 Dispute Resolution Committee.....	34
Article 53 Arbitration.....	34
Article 54 Complaints.....	35
Article 55 Fines Imposed by the Authority.....	35
Article 56 Referral to the Public Prosecution Office.....	36
Article 57 Petitions for Review of Decisions issued by the Authority.....	36
Article 58 Challenge.....	36
Chapter Fourteen - Law Enforcement Officers and Penalties.....	37
Article 59 Law Enforcement Officers.....	37
Article 60 Observing Related Laws.....	37
Article 61 Breach of the Duties of Office within the Authority.....	37
Article 62 Breach of the Duty of Confidentiality.....	38
Article 63 Installing Networks or Providing Services Without a License.....	38
Article 64 Vandalizing Networks or Equipments.....	39
Article 65 Misuse of Radio Frequencies.....	39
Article 66 Misconduct in the Provision Services.....	40
Article 67 Using Fraudulent Methods.....	40
Article 68 Importing, Manufacturing or Possessing Unlicensed Equipment.....	40
Article 69 Corporate Liability.....	41
Chapter Fifteen - Transitional Rules.....	41
Article 70 Regularization of Situations.....	41
Article 71 Temporary and Exclusive Rights of the SyTC.....	42
Article 72 Temporary and Exclusive Rights of PAWTS.....	43
Article 73 Council of Minister's Powers in the Transitional Period.....	43

Chapter 1 – General Provisions and Definitions

Article 1 Purpose of Regulation of the Telecommunication Sector

The telecommunications sector is considered a national resource, and it shall be regulated under this Law for the purpose of:

- 1) Setting the rules for regulation and development of the telecommunications sector and the telecommunications services in all forms in Syria, to meet the needs of the society and the national economy.
- 2) Restructuring the telecommunications sector and specifying the roles of the key stakeholders, particularly the Ministry of Telecommunications and Technology and the Telecommunications Regulatory Authority established pursuant to this Law.
- 3) Ensuring fair competition among Operators and Service Providers, operating in the telecommunications sector and protecting the customers and users of Telecommunications Services.

Article 2 Definitions

- (a) In the application of this Law, the following terms and expressions shall have the meanings indicated next to each of them unless the context indicates otherwise:

“Law”: The Telecommunications Law.

“Executive Provisions” The Executive Provisions to the Telecommunications Law

“Ministry”: The Ministry of Telecommunications and Technology.

“Minister”: The Minister of Telecommunications and Technology.

“Authority” The Authority for the regulation of the Telecommunications Sector established hereunder.

“Board” or **“Board of Commissioners”**: The Board of Commissioners in the Authority.

“Chairman” or **“Chairman of the Board”**: the Chairman of the Board of Commissioners.

“Director General”: the Authority's Director General.

“Syrian Telecommunications Establishment (“STE”): the Public Telecommunication Establishment, founded according to Decree No.1935 dated 10/7/1975 and its amendments.

“Company” (“SyTC”): the Syrian Telecommunications Company, established according to this Law.

“Public Authority for Wireless Telecommunications Services (“PAWTS”): the authority established pursuant to the Legislative Decree No. 48 dated 23/8/2009 and its amendments.

“Relevant Security Agencies”: the security agencies of the State, which are in charge of Telecommunications matter pursuant to the laws and regulations in force.

“Person”: any natural or legal person.

“Electronic Means”: any electronic, electric, magnetic, electromagnetic, optical, digital or any other similar means used to process, preserve, store or exchange data or information.

“Telecommunications”: any conveyance, emission, reception, or transmission of signs, signals, sounds, scripts, images (still or animated), data or any other type of information through Electronic Means.

“Radio-Frequency Spectrum” or “Spectrum of Radio Frequencies”: the electromagnetic waves of frequencies ranging from 3 KHz to 3000 GHz (unless a different frequency range was specified in the international Radio Regulations) which are utilized emission, transmission or reception of the specific signals for Telecommunications.

“National Frequency Plan”: the Allocation and usage plan for radio frequencies in Syria.

“Civil Radio Frequencies Spectrum”: the Radio Frequencies Spectrum used for civil purposes, pursuant to the National Frequency Plan.

“Radio Telecommunications”: Telecommunications that use the Radio-Frequency Spectrum.

“Information Technology” or “Information Technologies”: the technologies employed in processing, creating, transferring, exchanging, retrieving, displaying, storing, and using, through electronic means information, data, signals, codes, sounds, scripts, images (still or animated), or any other type of information.

“Radio Broadcasting”: the broadcasting of radio or television programming to the public using the Radio-Frequency Spectrum, satellites or cables.

“Public Telecommunications Services”: the Telecommunications Services available to the public.

“Telecommunications Equipment”: any equipment, devices, or tools used for Telecommunications purposes.

“Radio Telecommunication Equipment”: the Telecommunications Equipment used for the purpose of radio Telecommunications.

“Radio Telecommunications Station”: any station, site or facility used for the purpose of Radio Telecommunications.

“Telecommunications Terminal Equipment”: the Telecommunications Equipment used by the subscriber to benefit from Telecommunications Services.

“Telecommunications Network”: a system consisting of stations, telecommunications nodes, wires, cables, radio connections that allows the provision of Telecommunications between two or more points.

“Fixed Telecommunications Network”: a Telecommunications Network in which the peripherals are fixed in a specific location.

“Mobile Telecommunications Network”: a Telecommunications Network in which the terminals are connected via wireless and are able to connect while in motion.

“Public Telecommunications Network”: a Telecommunications Network used to provide Public Telecommunications Services.

“Private Telecommunications Network”: a Telecommunications Network operating exclusively for the benefit of one Person or a group of Persons in any form of joint-ownership.

“Licensee”: a Person who has acquired a license granted by the Authority pursuant to this Law.

“Operator”: a person licensed to operate a Telecommunications Network and provide Telecommunications Services through it.

“Public Telecommunications Operator”: an Operator licensed to operate a Public Telecommunications Network and provide Public Telecommunications Services.

“Service Provider”, or **“The Supplier”**: a person licensed to provide Public Telecommunications Services, directly or indirectly.

“Telecommunications Market”: a set of Telecommunications Services or products, subject to offer and demand, with homogeneous competition conditions in a given geographic area and which price and service characteristics make them economic substitutes for consumers. The expression **“The Telecommunications Market”** shall be used to include all the Telecommunication Markets as defined herein.

“Significant Market Power”: the ability of a Licensee to influence a Telecommunications Market, when it has a share of 25 per cent or more of such market. The Authority may amend this percentage or determine the conditions of influence in Telecommunications Markets based on the relevant market’s situation and the positions of Licensees therein.

“Dominant Position”: An extreme form of Significant Market Power whereby a Licensee having a Significant Market Power in a Telecommunications Market, has the ability to control the activities

of such Market and preclude the existence or the continuation of competition therein. The Authority shall designate such position in the Telecommunications Markets, taking into account the rules of the competition and antitrust law in force.

“User”: any person who uses or benefits from Public Telecommunications Services.

“Subscriber”: any person that receives Telecommunications Services based on a subscription contract with an Operator or Service Provider.

“Allocation”: (concerning the Radio-Frequency Spectrum): the apportionment of segments of the Radio Frequency Spectrum among the various services that use such Spectrum.

“Assignment”: (concerning the Radio-Frequency Spectrum): the assignment of certain frequencies for usage by Frequency Licensees, taking into account the Allocation of such Spectrum.

“Supreme Committee for Radio-Frequency Spectrum Planning”: the committee founded pursuant to this Law for the purpose of developing, revising and amending the National Plan for Radio-Frequency Spectrum.

“National Numbering Plan”: the plan developed by the Authority for the allocation and usage of subscribers’ and services’ access-numbers to be used in the provision of Telecommunications Services.

“Telecommunications Facilities”: the facilities, networks, requirement, and tangible and intangible resources that are owned, possessed or provided by a Telecommunications Operator or Service Provider.

“Essential Telecommunications Facilities”: the Telecommunications Facilities are owned, possessed or provided by a limited number of Licensees, which use is required by other Operators or Service Providers to provide their services, because it would not be technically or economically feasible to duplicate them or provide an alternative. These Facilities include buildings, towers, antennas masts, cables, channels, local loop, switches, easements – right of way and others, as determined by the Authority.

“Interconnection” or **“Network Connection”**: the physical or logical connection between Telecommunications Networks, at technically feasible points, for the purpose of allowing Subscribers in one of the networks to connect with Subscribers in another network, or acquire services provided by that other network..

“Access”: the making available by one Operator of its Telecommunications Facilities or Telecommunications Network to another Operator, or getting telecommunications services from such Operator, including in particular giving access to Telecommunications Facilities, making available roaming over mobile telecommunication networks, connection of Telecommunications Equipment by wire or wireless means.

“Reference Interconnection Offer” “Reference Offer”: a reference document of a standard format developed by the Licensee and approved by the Authority that includes the technical, operational and financial conditions offered by a Licensee for interconnection and access by other Operators to its Telecommunications Facilities. The Reference Interconnection Offer must include: (a) the technically feasible points of interconnection (POI); the interconnection services; the access to be made available to the available Telecommunications Facilities; the schedule for such access; the price of the interconnection services and access to the Telecommunications Facilities; the quality conditions of the interconnection services and access to the Telecommunications Facilities; troubleshooting procedures; the procedures for requesting access to the Telecommunications Facilities; the Forecast of Network Development of the Licensee disclosed to the Authority; and any other condition required by the Authority.

“Authorization”: the permission to import, manufacture, assemble or use any Telecommunications Equipment pursuant to the standards and specifications established by the Authority. This Authorization is subject to a fee established by the Authority.

“Type Approval”: the mechanism followed by the Authority to determine the standard specifications and technical requirements for Telecommunications Equipment and Telecommunications Stations in a way that guarantees their compatibility with existing Telecommunications Networks or Services. Equipment providers, operators and users must abide to these specifications.

“License”: a deed of license granted by the Authority, or any agreement or contract signed by the Authority with a third person, for the purpose of allowing it to build, operate or manage a Public Telecommunications Network, or to provide Public Telecommunications Services or any other service decided by the Authority, or using frequencies within the Radio-Frequency Spectrum.

“Class License” or “Normal License”: a License granted to any person that applies for it and meets the qualification standards and conditions established by the Authority regarding that type of License.

“Individual License: a license granted to a specific Person according to specific conditions. Individual Licenses can be granted to a limited number of Persons and for specific durations. Individual licenses can be granted using competitive selection methods, such as contests or auctions, or other selection methods.

“Initial License Fee”: the monetary fee paid by the Licensee to the government upon being granted the License.

“Revenue Sharing”: the percentage that the Licensee is obliged to pay to the State from its total revenues pursuant to the conditions specified in the License.

“Annual License Fees”: the fees that the Licensees pay to the Authority on an annual basis in return for the responsibilities carried by the Authority in regulating the telecommunications markets. This fee is to be calculated based on a percentage from the Licensees’ operational revenues, as determined by the Authority or set out in the License provisions.

“Frequency License” or “Frequencies License”: a license to use one frequency or more within the Radio-Frequency Spectrum to provide radio Telecommunications.

“Frequency License Fees”: the fees, initial and annual, paid by the Licensee to the Authority for being licensed to use frequencies.

“Universal Service”: the making available of Public Telecommunications Services to all members of society, independent of their geographical location, even in economically unfeasible locations, at suitable quality and prices pursuant to the conditions determined by the Authority as and when necessary.

“Universal Service Contribution”: the monetary contribution paid by the Licensee to the Authority to support the Universal Service Fund, according to the License provisions and the provisions of this Law.

“Value-Added Services”: any service added to the available basic Telecommunications Services, for the purpose of facilitating Telecommunications or providing new Telecommunications Services.

“Traffic Data”: any data processed resulting from the conveyance of a communication on a Public Telecommunications Network and the creation of appropriate billing information.

“Location Data”: any data processed in a Telecommunications Network, indicating the geographic position of the Terminal Equipment of a user of a Public Telecommunications Service.

“Notice”: a letter addressed by registered mail.

(b) Any word or phrase that was not defined in this Law shall be interpreted pursuant to the definitions approved by the Ministry, subject to international treaties, recommendations and conventions.

Chapter Two - The Ministry

Article 3 Functions of the Ministry

(a) Subject to the provisions of the Legislative Decree Number 35 dated 15/5/2004 which determines the functions of the Ministry of Telecommunications and Technology, the Ministry shall undertake the following functions:

- 1) Set the general policy for the Telecommunications and Information Technologies sector in Syria, and establish the strategies and plans that are in line with that policy, and oversee their implementation.
- 2) Define the telecommunications market structure; determine the general directions pertaining to its promotion, growth, and the provision of telecommunications and

information services and ensure their security, in a manner consistent with global technological evolution.

- 3) Set the policy for the provision of Universal Service to meet the requirements of economic and social development.
- 4) Identify plans that encourage investment in the Telecommunications and Information Technology sector, and that create suitable conditions to provide telecommunications and information services for users at fair prices.
- 5) Prepare draft legislation related to the Telecommunications and Information Technology sector, in consultation with the Authority.
- 6) Participate in preparing the National Plan for Radio-Frequency Spectrum.
- 7) Represent Syria before countries and organizations, and in international and regional and Arab unions, in all matters relating to Telecommunications and Information Technology, in coordination with other concerned authorities.
- 8) Ensure compliance with the obligations specified in international, regional and Arab agreements in the Telecommunications and Information Technology sector that Syria joined or is a party to.
- 9) Encourage training and capacity building activities, and promote research and development innovation and creativity, in the Telecommunications and Information Technology field; determine the financing needed to implement these activities; and participate in their implementation; propose the establishment of laboratories and research and development centers, and create training and educational programs, necessary for these purposes.
- 10) Increase awareness of the importance of Telecommunications and Information Technology in economic and social development in Syria.

Chapter Three - The Telecommunications Regulatory Authority

Article 4 Establishing the Authority

- (a) A regulatory authority named “The Telecommunications Regulatory Authority” shall be established in the Syrian Arab Republic. The Authority shall be linked to the Minister. It shall be responsible for regulating the Telecommunications sector according to the provisions of this Law. The Authority shall be a separate legal entity enjoying administrative and financial independence. Its headquarters shall be located in Damascus.

- (b) The Authority will assume upon its establishment all the duties related to regulation of Telecommunications that were formerly performed by the Syrian Telecommunications Establishment.

Article 5 The Authority's Functions and Powers:

- (a) The Authority shall have the following duties and powers:
- 1) Establish principles, regulations and rules for regulation of the Telecommunications sector, in accordance with the provisions of this Law and the general directions and policies of the Ministry, and shall take decisions that are necessary for such purpose. This shall include: studying and analyzing the Telecommunications Markets and determining the level of regulation [required] within these markets; establishing licensing procedures; managing and using the civil Radio Frequency Spectrum, numbering, and other Telecommunications resources; establishing accounting separation procedures [to be followed] by Licensees; interconnection and access to Telecommunications Facilities; providing Universal Service; pricing of services; promoting competition; consumer protection; setting technical specifications; type approval; dispute settlement procedures among stakeholders in the Telecommunication Market; and any other matter included in this Law, or for which a decision is necessary to implement its provisions.
 - 2) Give opinion regarding legislations related to the Telecommunications sector, and participate in their implementation.
 - 3) Establish the general principles that Operators and Telecommunications Service providers are subject to, and the conditions, criteria and procedures for awarding Licenses for Telecommunications Networks and Services, and for using civil Radio Frequency Spectrum.
 - 4) Take the necessary steps to ensure compliance by the Licensees with the Licenses' conditions, especially with respect to the following:
 - (a) provision of services, and roll-out plans and implementation of universal service obligations,
 - (b) use of required Telecommunications resources,
 - (c) pricing of services,
 - (d) fees for interconnection, use of infrastructure and Telecommunication Facilities,
 - (e) ensure good quality of services provided,

- (f) safeguarding the confidentiality and privacy of information obtained through the provision of services.
- 5) Establish the basis for determining the Initial License Fees and the Annual License Fees, for all types of Licenses.
- 6) Collect the fees and fines it imposes.
- 7) Promote fair competition in the Telecommunications sector; and regulate it in a way to ensure the efficient provision of Telecommunications Services; prevent anti-competitive practices or any person's abuse of its dominant position in the market; and take all necessary measures to achieve these purposes, including by requiring the provision of the necessary disclosures.
- 8) Manage the civil Radio Frequency Spectrum and regulate its usage in the territories of the Syrian Arab Republic, its regional waters and air and space domain; this includes:
 - (a) Participate in preparing the National Frequency Plan, and ensure the optimal usage of such Spectrum, in coordination with the Ministry of Defense and other concerned authorities.
 - (b) Create a national register of Radio Frequency Spectrum, and maintain its civil part with the Authority.
 - (c) Grant the public access to the regulations regarding Radio Frequency Spectrum.
- 9) Coordinate the Allocation and Assignment of radio frequencies with the appropriate authorities in other countries, in accordance with the effective recommendations and conditions of the International Telecommunication Union, and other relevant regional and international organizations, in coordination with the Ministry of Defense and other concerned authorities in Syria.
- 10) Grant Licenses to Operators and Service Providers and other types of Users, for the usage of frequencies in the civil part of the Radio Frequency Spectrum, in accordance with the National Plan for Radio-Frequency Spectrum, and ensure compliance with the conditions for such Assignment, the terms of the Licenses granted, and the provisions of this Law.
- 11) Prepare and oversee implementation of the National Numbering Plan, and allocate numbers to Licensees in accordance with this Plan.
- 12) Ensure the availability of interconnection, interoperability, and Access to Telecommunications Facilities, according to License conditions or according to

the regulations issued by the Authority for those purposes pursuant to provisions of this Law.

- 13) Set up a mechanism to determine the Universal Service obligations of Service Providers and Operators. Assess the cost of Universal Service and the contributions required from Operators and Service Providers and certify their accounts for costs incurred as a result of their compliance with the provision of Universal Service.
- 14) Review price models to ensure their fairness, by benchmarking them against similar models used in other Arab and regional Telecommunications Markets; and take measures to control them when the market situation so requires.
- 15) Establish procedures to receive, consider, and review complaints from Users and Licensees; and for dispute settlement between Users, Licensees and any other parties in the field of Telecommunications, and take the appropriate measures in their respect.
- 16) Resolve disputes between Licensees regarding application of the Law, including with respect to [any]:
 - (a) Refusal to execute or implement interconnection agreements or allow necessary access to Telecommunications Facilities.
 - (b) Collocation of facilities erected in public sites or on private property.
- 17) Setting, adopting and publishing the technical specifications and interconnection standards between the different Telecommunications Equipment and Networks, including Radio Equipment and the equipment of Telecommunications Stations and the public telecommunications networks.
- 18) Provide Type Approval for Telecommunications Equipment, and grant the necessary Authorizations; monitor the use of such equipment; and coordinate with the appropriate authorities when importing them. The Authority may delegate this [function] to other authorities based on procedures that it shall establish in advance.
- 19) Regulate amateur radio; develop rules to establish amateur radio societies; grant amateur radio operators certificates to allow them to practice their hobby, subject to rules adopted by the Authority in coordination with the Ministry of Defense, and taking into consideration the Relevant Security Agencies.
- 20) Establish technical rules for health, safety and environmental protection to be complied with in the Telecommunications sector, particularly when installing and operating Telecommunications Equipment. The Authority shall oversee the

implementation of these rules and enforce compliance in coordination with the concerned authorities.

- 21) Enter into contracts with local and international expert firms, and seek the assistance of local and foreign experts, as needed for the function of the Authority, without compliance with the provisions set out in the Public Functionaries Act, in order to ensure its ability to attract the most skilled human expertise in the Authority's field of operations and development. The Minister shall issue recruitment contracts with such experts subject to the approval of the President of the Council of Ministers.
 - 22) Represent Syria before other countries, international and regional bodies, and Arab associations, in all matters concerning the Telecommunications and Information Technology sector, in coordination with the Ministry and other concerned authorities.
 - 23) Determine the requirements for the security of Telecommunications. The Authority shall monitor Operators to ensure their compliance with these requirements.
 - 24) Collect information regarding the Telecommunications sector to prepare and publish reports, booklets, instructions and indicators, and; prepare media programs to increase public awareness of the importance of Telecommunications.
 - 25) Prepare and publish an Annual Report, which shall include the Authority's plans and activities.
- (b) The Authority shall carry out all of its functions, and exercise all of its powers in an effective, organized, nondiscriminatory, objective and transparent manner, according to the provisions of this Law.
- (c) The Authority shall take into consideration international best practices related to the regulation and administration of Telecommunications Services when carrying out its functions. The Authority shall establish a process to collect comments and proposals from Operators, Service Providers, other concerned parties and individuals.
- (d) Any regulations and decisions adopted by the Authority shall be published in the Official Gazette.

Article 6 The Authority's Structure

- (a) The Authority shall consist of:
- 1) The Board of Commissioners, and
 - 2) An Executive Body, headed by the Director General.

Article 7 The Board of Commissioners

- (a) The Board of Commissioners shall consist of seven members, including the Chairman of the Board and his Deputy. They shall have expertise and specialization in the fields of Telecommunications and Information Technology, economy, law, and administration. All members must be natural persons holding the Syrian Arab nationality.
- (b) The Board's members shall be appointed by Decree, based on a proposal by the Minister, which shall determine their salaries and compensation. At least the Chairman and his deputy shall work full time at the Authority.
- (c) Notwithstanding paragraph (B) hereof, the Minister shall act as Chairman, following the constitution of the Authority and the formation of the Board, for a transitional period to be determined by the Council of Ministers.
- (d) The term of office in the Board is four years, renewable once for a similar term.
- (e) If the office of a member becomes vacant, for any reason, a replacement shall be appointed according to the provisions of this Law.
- (f) The deputy Chairman shall exercise the function of the Chairman in case of absence of the Chairman for valid reason or [in case the office of the Chairman] becomes vacant

Article 8 Board Membership Termination or Expiration

The membership of any of the Board members shall not expire and cannot be terminated unless one of the following events occurs:

- 1) Death.
- 2) Expiry of the term of office.
- 3) A member submits his resignation, which is accepted by the Prime Minister.
- 4) The presence of a conflict of interest as provided herein as well as in the Executive Provisions.
- 5) Conviction of a crime or dishonest offense.
- 6) Negligence in performing the tasks and duties assigned to him, as determined by the Council of Ministers.
- 7) Inability to perform the tasks and duties assigned to him, as determined by the Council of Ministers.

Article 9 Advisory Committees Related to the Board

The Board of Commissioners may form temporary or permanent advisory committees. The Executive Provisions shall determine the tasks of the permanent advisory committees and their rules of procedure.

Article 10 The Director General

- (a) The Director General shall be appointed by Decree, which shall determine his salary and compensation.
- (b) The Director General shall have experience in the Telecommunications and Information Technology field.

Article 11 The Executive Body of the Authority

- (a) The Authority shall have its own Executive Body; the number of its staff members shall be determined by Decree.
- (b) The internal bylaws of the Authority shall be issued by resolution of the Council of Ministers, on proposal of the Minister.
- (c) The employment regulations for the Authority shall be issued by a resolution of the Council of Ministers, on proposal of the Minister. This resolution shall particularly determine the formalities and conditions for hiring staff of the Authority, or entering into contract with them; their rights and obligations, salaries and compensation, benefits, privileges and other incentives given to them.
- (d) The Authority's financial regulations shall be issued by resolution of the Council of Ministers, on proposal of the Minister, in agreement with the Minister of Finance.
- (e) The staff members in the Authority shall be exempted from the rules of the Public Functionaries Act No. 50 of 2004 and its amendments and they shall be subject to the provisions of the Authority's employment regulations and its financial regulations.

Article 12 Conflict of Interest

- (a) Any member of the Board of Commissioners, their spouse, descendants, predecessors, or relatives up to the third degree, shall not participate with or hold any direct or indirect financial interest in any of the Licensees for the duration of their tenure in the Board.
- (b) The Director General, or any staff member of the Authority holding a managerial position, or his spouse, predecessors, descendants or relatives up to the third degree,

shall not participate with or hold any direct or indirect financial interest in any of the Licensees, throughout his tenure in office or employment.

- (c) The Council may waive some minor interests referred to in paragraph (B) of this article, which are not in conflict with the requirements of the office or employment. The Board's resolution shall include the reasons upon which such waiver was granted.
- (d) In addition to the provisions included in this Law and the Executive Provisions, the relevant laws and regulations in force are applicable to any violation of the provisions set out herein.

Article 13 The Duty of Confidentiality in Working with the Authority

Any member of the Board of Commissioners, the Director General or any staff member of the Authority shall not disclose to any third party any confidential information received directly or indirectly while performing the tasks of his job or otherwise as a result thereof. This prohibition shall remain in effect after leaving office or the position.

Article 14 Working Outside the Authority for the Interest of Third Parties

- (a) No employee of the Authority, including the Director General, shall work for a third party, or provide consultancy services or any other similar services related to the Authority's activities or responsibilities during their tenure in office or employment. They may not carry out such work or provide such consultancy service for a period of one year following their leaving of office or employment, except if approved by the Board of Commissioners.
- (b) Teaching or lecturing in universities or other educational institutions are excluded from the provisions of paragraph (A) of this article, provided that the Board's approval is obtained.

Article 15 Disciplinary Accountability

The members of the Board of Commissioners and the Director General and the Authority's Executive Body are subject to the rules of the "Disciplinary Courts Law No. 7 for the year 1990" and its amendments.

Article 16 Budget and Accounts of the Authority

- (a) The Authority shall have an independent budget, which shall be prepared by the Director General, and approved by the Board of Commissioners. The Authority's financial year begins on the first day of January and ends on the thirty-first of December.

- (b) The Authority's accounts are subject, after being audited by the approved auditor, to review by the Central Department for Financial Audit, which shall submit a report of this review to the Prime Minister.
- (c) The Authority shall keep a general reserve equal to two times its total annual expenditures, as set forth in its previous Annual Budget. This amount shall accrue from the excess of its resources, except amounts collected on behalf of the State for Licensing Fees and Revenue-Sharing with the Licensees, after deducting capital and current expenditures needed by the Authority, the percentage allocated as bonuses for the Board members and staff of the Authority, and the percentage determined by the Board to support the Universal Service Fund referred to in Article 46 of this Law. Any additional amounts shall be transferred to the State's Public Treasury.
- (d) The percentages set out in paragraph (C) of this article are to be determined by a resolution from the Council of Ministers, based on a proposal by the Board of Commissioners and subject to the approval of the Minister and the Minister of Finance.
- (e) In case there is a balance sheet deficit within the Authority in any financial year, it shall be covered by the general reserve, and if the general reserve is not sufficient to compensate for the deficit, the Ministry of Finance will compensate for such deficit.
- (f) Within three months from the end of the financial calendar year, the Chairman of the Board shall submit, through the Minister, an annual report to the Prime Minister regarding the activities of the Authority and its financial position in the previous financial year.
- (g) The Chairman and the Board Members shall be discharged after approval of the balance sheet and final accounts by the Central Department for Financial Audit, within a period not exceeding one year from the end of the relevant financial year.

Article 17 Resources

The Authority's [financial] resources consist of the following:

- 1) Initial and Annual License Fees.
- 2) Revenue Shares with the Licensees.
- 3) Licensing applications submission fees, Annual License Fees, Authorization Fees, and renewal fees.
- 4) Initial and Annual Frequency License Fees.
- 5) Penalties and fines, which are collected by the Authority from the Licensees if they fail to fulfill their License obligations.

- 6) The fees collected by the Authority in return of the services it performs.
- 7) Any fees or other contributions imposed on Licensees according to the License provisions or regulations issued by the Authority.
- 8) Returns on investments made by the Authority.
- 9) Loans and credit facilities.
- 10) Grants, donations, gifts, aids, testaments or assistance received by the Authority, subject to the approval of the Prime Minister.
- 11) Appropriations allocated to the Authority in the State's public budget.
- 12) Any other resources approved by the Prime Minister.

Chapter Four – The SyTC

Article 18 Formation and Purpose of SyTC

- (a) A joint stock company called “The Syrian Telecommunications Company” (“SyTC”) shall be formed in the Syrian Arab Republic. The State, represented by the Public Treasury, shall own all its shares.
- (b) The main purpose of the Company shall be to provide Telecommunications Services to the public, in compliance with the provisions of this Law. The Company operates under the government guarantee. Its funds and assets are private State property

Article 19 Compliance with the Law of Commerce and Companies

- (a) The Company is subject to the Law of Commerce and the Companies’ Act as then in force, and their amendments, in the absence of any specific provisions herein.
- (b) The Company's Articles of Association shall be issued by Resolution of the Council of Ministers, according to the laws and regulations in force, except if stated otherwise herein. The Articles shall set out in particular the composition of the general assembly of the Company. The process for publishing the Company's Articles, and registration in the commercial register, shall be subject to the Law of Commerce and the Companies’ Act as then in force, in a manner not inconsistent with the provisions of this Law.
- (c) All financial, accounting, procurement, labor and employment bylaws of the Company shall be issued by resolution of the Council of Ministers.
- (d) The Board of Directors of the Company shall prepare its remaining bylaws.

Article 20 SyTC's Replacement of STE

- (a) Following the completion of the formalities of publication of the Articles of the Company, the Company shall replace the Syrian Telecommunications Establishment founded pursuant to decree 1935 dated 10/7/1975 and its amendments, in all its rights and obligations, as well its powers and functions, except for matters regarding the regulation of Telecommunications. After completion of such formalities the Syrian Telecommunication Company shall become the legal successor to the Syrian Telecommunications Establishment. Ownership of all STE's assets, whether tangible or intangible, and all its rights and obligations inside and outside of Syria, pertaining to all matters related to the execution and operation of Public Telecommunications Networks and systems, and the provision of Telecommunication Services, shall vest with SyTC.
- (b) After incorporation of SyTC and its publication [in the commercial register], all employees of STE shall be transferred *de jure* and made employees of SyTC, with the exception of those working in the Telecommunications regulation area, who shall be transferred to [and made employees] of the Authority. All contracting parties, contractors experts and subscribers of STE, shall be transferred, and be deemed employees, contracting parties, contractors, experts and subscribers of the Company. They shall maintain their previous rights and privileges and shall remain liable to the Company to perform all their duties.

Article 21 Taking Interest in Other Companies

SyTC shall have the right, subject to approval by its General Assembly and the Minister, to set up or take interest in other companies inside or outside of Syria, or to contract with other companies inside or outside of Syria, to realize some of its objectives.

Article 22 True Share Capital of SyTC

- (a) Within a period not exceeding five years from the publication of its Articles, the SyTC shall conduct a full valuation of all its assets, tangible and intangible. In light of such valuation, SyTC shall be restructured both functionally and financially; its Articles shall be amended and the value of its share capital shall be set out therein. Such amendments to the Articles shall be ratified by resolution of the Council of Minister, subject to proposal of SyTC's Board of Directors and approval by SyTC's General Assembly.
- (b) Following final incorporation, valuation of its assets, completion of its financial restructuring, and determination of its real share capital, SyTC shall issue to the owner of shares final share certificates in the number of shares that it owned. Such shares shall be governed by the provisions of the chapter governing shares of joint stock companies in the Companies Act in force.
- (c) The Company shall be exempted from all duties and taxes relating to its incorporation and conversion of legal personality in the manner set out herein.

Article 23 Government Oversight

- (a) SyTC's business shall be subject to the oversight of the Council of Ministers, the Ministry of Telecommunications and Technology, the Ministry of Finance and the Ministry of Economy and Trade, in respect of all matters pertaining to the implementation of this Law, the Law of Commerce and the Companies' Act in force.
- (b) The Prime Minister or the Minister of Telecommunications and Technology shall have the right to request at any time the Central Department for Financial Auditing, the auditors of the Company or any [other] delegated auditor to conduct a financial audit of the Company's accounts, records and all its business. The auditor so appointed shall submit a report of its findings to the requesting authority.

Chapter Five – Licenses

Article 24 Public Telecommunications Networks

- (a) No person shall establish, operate or administer any Public Telecommunications Network, provide Public Telecommunications Services, initiate or terminate international telecommunications in Syria, or make any advertisement thereof unless that person has been awarded a License to do so from the Authority according to the provisions of this Law and the regulations adopted by the Authority.
- (b) No person shall connect any Telecommunications Network or any unlicensed Telecommunications Equipment to a licensed Public Telecommunications Network, in accordance with this Law without the Authority's permission.
- (c) The competent municipal unit according to the local administration law in force, may not grant permits to construct, raise or adjust tower structures for providing telecommunications services, unless the applicant has obtained the approval of the Authority. The Authority shall publish the technical specifications for this permission, including the coordination procedures with the Ministry of Defense.

Article 25 Private Telecommunications Networks

- (a) Private Telecommunications Networks may be established and operated without a License from the Authority, provided that such networks do not use Radio Frequency or other public resources; and do not pass through public property. The Authority shall, issue general regulations pertaining to the establishment and operation of this type of network.
- (b) Any licensed Operator must notify the Authority prior to establishing any Private Telecommunications Networks that connect to or use its basic infrastructure, in accordance with the regulations adopted by the Authority for that purpose.

- (c) Private Telecommunications Networks may be connected to each other or to a Public Telecommunications Network pursuant to a written agreement reached between such parties, and in accordance with instructions issued by the Authority specifying the technical conditions and guidelines necessary for interconnection. The Authority may require that its approval must be obtained with respect to interconnection of specific types of such networks.
- (d) Persons who own, operate, or manage Private Telecommunications Networks shall not provide Public Telecommunications Services by means of these networks, unless pursuant to a License.

Article 26 Grant of Telecommunications Licenses

- (a) The Authority shall grant Individual or Class licenses for specific durations, according to the provisions of this Law, to operate Telecommunications Networks or provide Telecommunications Services.
- (b) An Individual License is required in the following cases:
 - 1) Use of Radio Frequency Spectrum.
 - 2) Use of numbering pursuant to the National Numbering Plan.
 - 3) To provide the following services:
 - (a) Fixed line public telephone services.
 - (b) Public mobile Telecommunications Services.
 - (c) Satellite Telecommunications Services.
 - (d) International Telecommunications Services.
- (c) The services set out in paragraph (B) of this article for which Individual Licenses are provided may be amended pursuant to a resolution from the Council of Ministers, based on a reasoned proposal from the Board of Commissioners.
- (d) The Authority may hold an auction or a contest or any other forms of selection for Individual Licenses in accordance with rules and procedures issued by the Authority. Such form of selection shall be announced at least three months prior to the date of holding in the manner that the Authority shall deem appropriate.
- (e) The award of an Individual License is subject to ratification of the Council of Minister's if the value of the License exceeds two hundred million Syrian Pounds. This upper limit may be adjusted by a resolution from the Council of Ministers. The Council of

Ministers may, subject to a proposal from the Minister, determine types of Licenses that require ratification of the Council of Ministers, regardless of the value of the License.

- (f) The License granted pursuant to the provisions of this Law does not relieve from any additional approvals or licenses as may be required pursuant to any other law in force.
- (g) The Executive Provisions shall determine the licensing requirements, the procedures for filing License applications, the content of a License, and the procedures for ensuring that Licensees comply with License provisions and conditions.

Article 27 Duty of Confidentiality of Licensees

- (a) Any Licensee, or any Person working for a Licensee, shall not use any information that belongs to another Licensee for any purpose other than the purpose for which it was obtained, or disclose it in any way without obtaining prior approval from the Licensee, owner of such information.
- (b) Any Licensee, or any Person working for a Licensee, shall not tamper with any subscribers' data, or use it for any other purpose other than the purpose for which it was obtained, or disclose it in any way without obtaining approval from the Subscriber.

Chapter Six – Management of the Radio Frequency Spectrum

Article 28 Regulating and Managing Frequency

- (a) The Radio Frequency Spectrum is a limited national economic resource. The Authority shall regulate and manage the Radio Frequency Spectrum, in accordance with the provisions of this Law, in a manner that does not conflict with the powers of the Supreme Committee for Radio-Frequency Spectrum Planning.
- (b) Within the framework of the National Frequency Plan, the Authority is responsible for the assignment of civil radio frequencies, the coordination of their use and for controlling compliance by Licensees with the conditions consented in their Licenses.
- (c) The Authority, in coordination with the Ministry of Defense and the Relevant Security Agencies, may use any methods required to verify compliance by the Licensees with the provisions of their Frequency usage license, including establishing and developing the necessary systems for managing and monitoring Radio Frequency Spectrum.
- (d) The Authority shall keep all tables, records, logs, reports and copies necessary to carry out the functions set out in this Article.
- (e) The Authority ensures that the procedures for allocating frequencies are objective, transparent and nondiscriminatory.

Article 29 The Supreme Committee for Radio-Frequency Spectrum Planning

A committee named “The Supreme Committee for Radio-Frequency Spectrum Planning” (“SCRFP”) shall be established, by resolution of the Council of Ministers. It shall have for function to prepare, revise and amend the National Frequency Plan, to allocate the spectrum's segments between civilian and military services. This Committee shall include as members representatives from competent authorities, particularly the Ministry of Defense, the Ministry of Telecommunications and Technology, the Ministry of Information and the Ministry of Interior, in addition to the Authority. The resolution establishing the Committee shall appoint its Chairman.

Article 30 License Required for Frequencies

- (a) Subject to paragraph (B) of this Article, No Person shall operate a Telecommunications Network which uses Radio Frequency Spectrum, or operate or use any Radio Equipment associated with a Telecommunication Network, or any Radio Frequency Equipment, without obtaining a License therefore from the Authority.
- (b) The armed forces and the Security Agencies may use the Radio Frequency Bands assigned to them without obtaining a License from the Authority, provided that no interference is caused thereby to other radio frequencies.
- (c) Radio and television broadcasting Service Providers, whether terrestrial or satellite, must obtain Licenses to use the frequencies assigned to them by the Authority, in addition to the requirements of any other law, which requires licenses to provide such services.
- (d) No vessel that arrives at the Syrian ports or coasts or aircraft that lands in the Syrian airports shall use its own Radio Equipment for any purpose other than the purposes of sea or air navigation, rescue and emergency operations without obtaining a license for use of the required Radio Frequencies.
- (e) No foreign vehicle shall use the Radio Equipment located in Syria except after obtaining a License therefore.
- (f) The Authority may exclude certain types of Radio Equipment from the need to be licensed for frequency usage, in coordination with the Ministry of Defense and the Relevant Security Agencies, provided that it shall announce such types and their specifications.
- (g) The license granted according to the provisions of this Law is considered a personal license, and is nontransferable to a third party without prior written approval by the Authority.

Article 31 Entry, Ownership and Usage Frequency Stations and Equipment

- (a) Subject to the exceptions set out in paragraph (d) of Article 30, and in paragraphs (b) and (c) of this Article, no Radio Equipment shall be owned or used in the Syrian territories, or on board a vessel or aircraft registered in Syria, unless a Frequency License is obtained pursuant to the provisions of this Law; nor Radio Stations and Equipment shall enter into the country, unless their entry is allowed by the Authority, in coordination with the Ministry of Defense and the Relevant Security Agencies.
- (b) The Syrian Armed Forces and Security Agencies shall be exempt from the relevant provisions of paragraph (a) of this Article.
- (c) The Authority has the right, in coordination with the Ministry of Defense, to exclude the following parties from the rules of paragraph (A) of this article:
 - 1) Foreign vessels, aircrafts, land transportation vehicles and transit services passing through Syrian territorial waters, skies or territories or landing in its seaports or airports.
 - 2) Foreign embassies and their equivalent, on condition of reciprocal treatment.

Article 32 Frequency Licensing

- (a) An application for Frequency License shall be according to the procedures set forth in the Executive Provisions.
- (b) The Authority may hold a contest, auction or any other selection process to grant Radio Frequency Licenses according to rules and procedures defined by the Board of Commissioners. An announcement of the selection process shall be made at least three months prior to its holding, in the manner that the Authority shall deem appropriate.

Article 33 Frequency Usage Fees

- (a) The Authority shall determine and publish the licensing fees for use of a Frequency or a Frequency band for radio Telecommunications Services.
- (b) Foreign embassies and their equivalent are exempt from these fees, on condition of reciprocal treatment.

Article 34 Frequency Evacuation

- (a) The Authority shall, for the purpose of providing Telecommunications Services according to recognized international rules and treaties, have the right to vacate frequency bands from existing occupants in exchange for an agreed fair compensation. The Authority shall grant these occupants an appropriate period for executing such evacuation.

- (b) Any user of frequencies who is subject to the provision of paragraph (a) of this Article shall inform the Authority in writing that such Frequencies are available for Assignment by the Authority.

Article 35 Frequency Revision and Reallocation

- (a) The Authority shall, as from the effective date of this Law, revise all the conditions of the existing Frequency Licenses and shall have the right to modify them in accordance with procedures to be determined, in coordination with their occupants, for the purpose of ensuring the optimum use of the Radio Frequency Spectrum.
- (b) All Radio Frequency Spectrum users shall, as of the effective date of this Law, submit complete data about the Frequencies they are using to the Authority within a period to be determined by the Authority. The Authority shall grant them a Frequency License in compliance with the conditions it determines and in accordance with their actual needs, in a manner consistent with the National Frequency Plan, and taking into account the present situation of Operators.

Article 36 Compliance with International Treaties and Other Legislation

- (a) In exercising the powers and functions provided for in this chapter, the Authority shall comply with the obligations arising from international treaties to which Syria is a party.
- (b) The provisions of legislations regulating air and maritime traffic and meteorology shall also be respected.

Chapter Seven - Numbering

Article 37 The National Numbering Plan

- (a) The Authority shall prepare the National Numbering Plan. It shall oversee its implementation and ensure that it is complied with, for use to provide Telecommunication Services, in accordance with the provisions of this Law.
- (b) When preparing the National Numbering Plan, the Authority shall consult, in a transparent and nondiscriminatory manner, with the relevant authorities.
- (c) It is prohibited to use a numbering for purposes other than those set forth in the National Numbering Plan with respect to that number.
- (d) The Executive Provisions shall set forth the procedures for number assignment, and the conditions to reject or withdraw applications for number assignment.

Chapter Eight - Type Approval

Article 38 Type Approval

- (a) The Authority shall set technical rules and standards specifications applicable to Telecommunications Equipment and Telecommunication Stations to ensure their compatibility with the existing Telecommunications Networks or Services and without affecting on public health, safety, the environment, or national security.
- (b) No person shall import, manufacture, assemble or commercialize Telecommunications Equipment without obtaining an Authorization from the Authority, pursuant to its approved standards and specifications, in coordination with the Ministry of Defence and the Relevant Security Agencies.
- (c) The Executive Provisions shall determine the procedures for Type Approvals, which shall be consistent with international specifications, the mechanism for importing Telecommunications Equipment for which the Authority has not identified specifications and the procedures to withdraw, modify and cancel Type Approvals.

Chapter Nine - Regulating the Telecommunications Market

Article 39 Determination of Significant Market Power

The Authority shall identify and define the Telecommunications Markets subject to regulation in Syria, determine the Licensees who have Significant Market Power, and those who have a Dominant Position, in those Markets, and determine the special obligations to be imposed on such Licensees. The Executive Provisions shall set forth the conditions related thereto.

Article 40 Competition and Consumer Protection Regulation

- (a) Subject to the provisions of Law No. 2 of 2008 regarding consumer protection, and Law No. 7 of 2008 regarding competition and antitrust, and their amendments, this Law shall apply to all matters that concern regulating competition and consumer protection in the Telecommunications Markets in Syria. The Authority shall have jurisdiction to review matters related thereto.
- (b) The Authority shall determine the practices, which it deems anti-competitive. Licensees are prohibited from engaging in any such practices, and generally any action that disrupts or limits competition. The Executive Provisions shall set out the conditions related thereto.
- (c) The Authority shall adopt the necessary procedures to counter anti-competitive practices in accordance with the provisions of this Law, the Executive Provisions and the relevant License provisions. These procedures may include:
 - 1) Instruct a Licensee to refrain from carrying out any anti-competitive practice.

- 2) Impose a fine on a Licensee, according to the provisions of this Law and its Executive Provisions.
- 3) Freeze or cancel the License, partially or totally, according to the provisions of this Law and its Executive Provisions.

Article 41 Obligations of Interconnection and Access to Telecommunications Facilities

- (a) A Licensee designed as having a Dominant Position in the market shall draft a Reference Interconnection Offer and to allow Access to its Telecommunications Facilities, in accordance with the forms approved by the Authority for this purpose. Such Reference Offers shall be submitted to the Authority for approval.
- (b) Any Licensee having a Dominant Position must meet any reasonable request for interconnection, at technically feasible points, in the manner established by the Authority. In this event, the Licensee shall apply similar conditions in all similar circumstances, without discrimination, irrespective of the question whether the party requesting the interconnection is a subsidiary of the Licensee.
- (c) Any Licensee having a Dominant Position in the Market must meet all reasonable requests for Access to its Essential Telecommunications Facilities, in the manner determined by the Authority, and such that it is not inconsistent with the Reference Offer set out in paragraph (A) hereof, and the Licensee's future plans disclosed to the Authority. In this event, the Licensee shall apply similar conditions in all similar circumstances, without discrimination, irrespective of the question whether the Licensee requesting the interconnection is a subsidiary of the Licensee
- (d) The Authority may, in special cases, and in order to ensure interoperability, impose obligations on Licensees that are not designated as having a Dominant Position to meet the request by another Licensee for Interconnection or Access to its Telecommunications Essential Facilities, in accordance with terms that [the Authority] shall set forth.
- (e) The Licensee having a Dominant Position in the Market have the obligation to set in its Reference Offers its tariffs for Interconnection and Access to its Telecommunications Facilities, in a transparent manner and without cross-subsidization or bundling.
- (f) The Executive Provisions shall define the conditions for providing Interconnection and Access to Telecommunications Facilities.

Article 42 Cost-Orientation and Accounting Separation Obligations

- (a) Licensees with Significant Market Power have the obligation to set their wholesale and retail prices in a cost oriented, and technically and economically efficient manner. The Authority shall periodically verify the Licensees' compliance with this provision.

- (b) Licensees with Significant Market Power must keep separate accounts for their services such that the costs and revenues of each service is shown separately, using a cost model accounting system approved by the Authority. The Authority may determine the services subject to the provisions of this paragraph.
- (c) A Licensee having a Dominant Position in the Market shall comply with the minimum and maximum tariffs set by the Authority. It shall be allowed to provide special offers in specific cases and for specific periods, provided that they obtain prior approval of the Authority.

Article 43 Equal Treatment of Users

Licensees must treat Subscribers and Users equally in similar circumstances.

Chapter Ten - Universal Service

Article 44 Scope of Universal Service

- (a) The following services are included in Universal Service to the public:
 - 1) Access to the public fixed line telephone network.
 - 2) Access to the internet.
 - 3) Public payphones.
 - 4) The printed or electronic telephone directory.
 - 5) Directory services.
 - 6) Emergency services.
 - 7) Any other services that the Authority may include, subject to the Minister's approval.
- (b) The Authority shall set the conditions for providing such services to all members of society, irrespective of their geographical location, and especially with respect to tariffs and quality. Such conditions shall be ratified by the Minister.

Article 45 Universal Service Providers

The Authority shall establish a mechanism to determine which Licensees must provide Universal Service. This mechanism shall be approved by the Minister. The Authority shall oversee the ongoing provision of Universal Service, in particular with respect to its continued suitability, and

the fairness of the obligations imposed on Licensees to serve the needs of consumers, without distortion in the Telecommunications Markets.

Article 46 The Universal Service Support Fund

- (a) A fund may be created within the Authority, called the Universal Service Support Fund, whose purpose shall be to provide the necessary resources to execute development projects in the Telecommunications or Information Technology sector leading to the enhancement of Universal Service, and to reimburse Licensees for their charges in providing Universal Service, in a manner that balances between the costs of providing the service and its revenues.
- (b) The rules regulating the operation of the Universal Service Fund shall be determined by resolution of the Council of Ministers based on a proposal by the Minister, and shall include:
 - 1) Rules regarding the financing of Universal Service.
 - 2) Rules regarding management of the Universal Service Fund.
 - 3) Resources of the funds and grounds for expenditures.
 - 4) Procedures for the movement of money within the Fund and its expenditure.

Chapter Eleven - Public and Private Property

Article 47 Use of Public Property

An Operator of a Public Telecommunications Network, after agreement with the public entity who is owner of the real property or the holder of the right thereto, and subject to a fair compensation payable by the Operator, shall have the right to construct any facilities, connections or wires that are necessary for the construction, development or maintenance of its network on, under, through or alongside public property or private State property. The Executive Provisions to this Law shall specify the conditions for such use, and the procedures of recourse and appeal to the Authority in the event agreement fails to be reached.

Article 48 Use of Private Property

- (a) An Operator of a Public Telecommunications Network, after agreement with the owner of the real property or the holder of the right thereto, and subject to a fair compensation payable by the Operator, shall have the right to construct any facilities, connections or wires that are necessary for the construction, development or maintenance of its network on, under, through or alongside private real property, The Executive Provisions

to this Law shall specify the conditions for such use, and the procedures of recourse and appeal to the Authority in the event agreement fails to be reached,

- (b) The real property's owner or the person holding the rights thereto and the Licensee shall have the right to file a petition for review and to challenge the decision issued by the Authority, pursuant to the provisions set forth in the Executive Provisions.
- (c) A Public Telecommunications Network Operator has the right to install, any facilities, connections, wires, masts, ducts, or any similar [facility], which are necessary for the construction, development or maintenance of its network within the geographical boundaries of the real properties that it owns, after obtaining the approval of the Authority and the competent authorities.

Article 49 Expropriation

If the construction and development of a Public Telecommunications Network requires the installation of masts or ducts or the laying of wires or cables (underground or aerial), through private land and real property or any parts thereof, or to carry out any works of similar nature, within the Telecommunications Networks' expansion plans approved by the authority, which are deemed of public utility, the Authority may request from the Minister to take all necessary action to expropriate such real property or any necessary parts thereof, for the benefit of the Authority, in accordance with the expropriation law in force. The Authority shall set the conditions and procedures for the use of such real properties by Licensees

Chapter Twelve - Privacy, Data Protection and National Security

Article 50 Privacy and Data Protection

- (a) Subject to Article 51 herein, communications between Users are considered private.
- (b) Every Licensee must take all the measures necessary to ensure the secrecy and privacy of the data of its subscribers.
- (c) The Executive Provisions determines the conditions for protecting the privacy of the Traffic Data and the privacy of the Subscriber's Location Data.

Article 51 National Security

- (a) Each Licensee must in a case of emergency or a case involving national security comply with a request of the Prime Minister to grant preference and priority to any communications by the Armed Forces or any civil entity linked to it, or any other entity he specifies.
- (b) Without prejudice to the [right] of privacy of citizens, each Licensee must provide, at their own expense, all necessary technical capabilities for installing and using

interception and tracing equipment within their Telecommunications Networks to enable the competent Security Agencies pursuant to the laws in force to carry out their duties, in realization of the requirements of national security.

- (c) Each Licensee must respond to the interception and tracing requests received from any of the Relevant Security Agencies, pursuant to a warrant issued by a competent judicial authority, according to the laws and regulations in force.
- (d) A Licensee must deal in confidentiality with all data related to such requests for interception and tracing that it receives in accordance with the provisions of this Law, to prevent unauthorized access to or leakage of said data.
- (e) No Telecommunications Network Operator, Service Provider, the affiliates thereof, and the Users of such services shall utilize any encryption of Telecommunications Services devices, without obtaining the Authority's prior approval, in coordination with the Ministry of Defense and the Relevant Security Agencies.
- (f) The Authority shall develop, together with the Ministry of Defense and the competent State agencies, the Telecommunications Operators, an emergency plan for the operation of Telecommunications Services to be implemented in case of emergency, natural or environmental disasters, the announcement of a general or partial mobilization, or in any other case involving national security. The Emergency Plan shall be reviewed and updated periodically. Telecommunications Service Providers and Operators must abide by and implement this plan.
- (g) The Council of Ministers shall issue by resolution, based on a proposal of the Authority, the procedures to be observed in cases in which there is a request for intercepting or tracing communications, including:
 - 1) The required technical capabilities within Public Telecommunications Networks for the tracing of telecommunications.
 - 2) The entities authorized to request such information from Licensees pursuant to this Law.
 - 3) The procedures that must be stipulated in the Licensees' internal regulations, including employment bylaws, on how to respond to interception and tracing requests pursuant to the provisions of this Law.
 - 4) The manner in which a Licensee must submit the required information.
 - 5) The procedures that must be taken by the Licensees to prevent illegal access to data.
- (h) The financial obligations incumbent on Licensees authorized to provide Telecommunications Services shall be reduced to the extent they are directly or

indirectly affected by any obligation imposed upon them, as a result of placing their equipment or services at the disposal of the State upon the declaration of general or partial mobilization, emergency or in cases of natural or environmental disaster.

Chapter Thirteen - Resolving Disputes and Complaints

Article 52 Dispute Resolution Committee

- (a) A permanent committee with judicial powers, named “The Telecommunications Regulatory Authority Committee for Dispute Resolution,” shall be established within the Authority. It shall have jurisdiction to review any civil and commercial disputes arising between Licensees.
- (b) The Committee shall consists of three members, including a judge to be nominated by the Minister of Justice, having expertise and knowledge of Telecommunications and Information disputes; one member of the Board of Commissioners; and an expert specialized in the field of Telecommunications and Information Technology. The Prime Minister shall issue a resolution to form this Committee based on a proposal by the Minister.
- (c) Both members of the Committee shall perform the following oath before its President: “I swear by the Name of the almighty God, to conduct my mission in sincerity and honesty and not disclose the secrets of deliberations.”
- (d) The Committee shall rule on the dispute within a period not to exceed four months from the date on which the dispute was referred to it. The Committee may extend this period one time by a reasoned decision.
- (e) The Committee shall render its decisions in last recourse. Its decisions are subject to challenge before the Court of Cassation in accordance with the times and procedures provided for challenge of judgments rendered by civil appellate courts. The judgment of the Court of Cassation shall be rendered in accordance with the procedures followed by that court.
- (f) The Committee’s rules of procedures, including nomination of its clerk and its staff, shall be issued by resolution of the Council of Ministers. The rules and procedures set forth in the code of civil procedures in force shall apply to all matters not expressly included in the Committee’s rules of procedures, to the extent they are not inconsistent with the provisions of this Law and the Executive Provisions.

Article 53 Arbitration

- (a) Parties may explicitly agree before the start of a dispute or after it has arisen to resort to arbitration. The Dispute Resolution Committee shall refer the dispute between Licensees to arbitration upon the parties’ request.

- (b) The Rules of Arbitration in the Authority shall be issued by resolution of the Board of Commissioners, subject to the provisions of the Arbitration Act No. 4 of 2008, as amended.
- (c) A list of the arbitrators, having expertise and specialization as recognized by the Authority, shall be issued by the Board. Parties may consult this list when an arbitration tribunal is formed.

Article 54 Complaints

- (a) The Board of Commissioners shall review complaints submitted by Users or Licensees related to the application of the provisions of this Law, the Executive Provisions and the Board's resolutions.
- (b) The Board shall issue regulations called “The Complaints Regulations,” which shall include the rules and procedures for reviewing complaints submitted according to this Article.
- (c) The Council has the right to deny a complaint in one of the following two cases:
 - 1) If the facts are not within its jurisdiction.
 - 2) If the facts are not supported with evidence.
- (d) Where a complaint is accepted, the Board's resolution thereupon must include a determination as to whether the facts warrants the imposition of financial penalties, which fall within the Board's jurisdiction, and the taking of decision, where, on such penalties, pursuant to the provisions of Article 55 herein.
- (e) The aggrieved Licensee or User may claim civil damages before the competent court.
- (f) The aggrieved party's right to claim damages shall cease in one year from the date in which a final decision to accept the complaint is issued.

Article 55 Fines Imposed by the Authority

- (a) If it becomes apparent to the Authority that a Licensee is in breach of any provision of this Law, with the exception of the provisions included in Chapter 14 hereof, the Authority shall issue a report of this breach and send a copy of it to the Licensee in breach.
- (b) In the event a Licensee is in breach of its obligations under this Law, the Executive Provisions or the Regulations of the Authority, the Authority may do the following:

- 1) Impose a penalty, as compensation, on the Licensee, payable to the Authority in the maximum amount of ten million Syrian pounds. In the event of a breach by a Licensee with a Dominant Position the fine amount may be increased to a maximum limit of 10% of the Licensee's latest yearly revenues, provided it does not exceed a total of fifty million Syrian Pounds.
 - 2) The Authority may grant the Licensee in breach a period of time to cure the breach. If the Licensee fails to remedy the breach within the cure period, the Licensee shall be subject to a fine for each additional day in which the breach continues.
- (c) The imposed fines shall be collected according to the provisions of this article directly from the Licensee in breach. In the event the Licensee refuses to pay the fine, it shall be collected according to "the Law on Collection of Public Money."
- (d) The Authority may not issue a decision to impose a fine on a Licensee until the Licensee has been granted an opportunity to present its case in writing or during an oral hearing.
- (e) The rules for imposing, calculating and levying fines shall be issued by resolution of the Board of Commissioners, subject to the approval of the Council of Ministers.

Article 56 Referral to the Public Prosecution Office

If it becomes apparent to the Authority that there have been violations of the Law, based on a complaint or a self initiated investigation, such that the Authority believes a crime has been committed, the Director General shall refer the case to the Public Prosecution Office to initiate public prosecution. The Authority's decision to refer the case to the Public Prosecution's Office is not subject to review by any means.

Article 57 Petitions for Review of Decisions issued by the Authority

With the exception of decisions issued according to Article 52 and Article 53 of this Law, any Licensee affected by a regulatory decision issued by the Authority, which has not been properly submitted to public review according to the procedures for general consultation, or by a decision issued directly against it, may petition the Board of Commissioners to review said decision. This petition for review must be filed within sixty days from the day following the publication of the Authority's decision in the Official Gazette, based on the procedures for review adopted by the Authority. The Board must issue a reasoned decision in respect of the petition for review within sixty days of the day following the date of receiving said petition. The petition for review will not prevent execution of the decision, unless the Board decides otherwise.

Article 58 Challenge

The decisions issued according to Article 57 of this Law regarding petitions for review may be challenged before the Court of Administrative Adjudication of the State Council within sixty days from the date the Authority serves its decision regarding the petition for review, and the court shall review the challenge in an expedited manner.

Chapter Fourteen - Law Enforcement Officers and Penalties

Article 59 Law Enforcement Officers

- (a) Notwithstanding the powers of the customs law enforcement officers according to law No. 37 for the year 2006 and law No. 38 for the year 2006 and their amendments, the staff of the Authority designated by the Board shall have enforcement powers with authority to monitor the performance of the provisions of this Law as well as the regulations, resolutions and orders issued by the Authority in application of the provisions of the Law.
- (b) The Authority's enforcement officers shall perform the following oath before the civil court of first instance before carrying out their duties: "I swear by the Name of almighty God to carry out the job assigned to me with integrity and sincerity."
- (c) The Authority's enforcement officers referred to in paragraph (A) of this article may seek the assistance of the police force in performing their tasks.
- (d) The law enforcement officers shall establish reports in each case in which there is a suspected violation of the rules of this Law. The report must include a full description of any such violation that has occurred.
- (e) The Executive Provisions to this Law shall determine the tasks that may be assigned to the Authority's law enforcement officers, and the procedures they must follow in the course of carrying out their tasks and duties.

Article 60 Observing Related Laws

Without prejudice to any other severe punishment included in the penal code or any other applicable law in force, the crimes set forth in the following articles shall be subject to the penalties set out therein.

Article 61 Breach of the Duties of Office within the Authority

- (a) Any member of the Board of Commissioners, the Director General, or any officer of the Authority who is found to have violated the provisions of conflict of interest set out in Article 12 herein, shall be punished by imprisonment from six months to three years, and by a fine of not less than two hundred thousand and no more than one million Syrian Pounds.

- (b) Any member of the Board of Commissioners, the Director General, or any officer of the Authority who is found to have violated the provisions on the duty of confidentiality set out in Article 13 herein shall be punished by imprisonment from one month to six months, and by a fine of not less than two hundred thousand and no more than one million Syrian Pounds.
- (c) The Director General or any officer of the Authority found to have violated the provisions pertaining to work outside the Authority for the interest of a third party set forth in Article 14 herein, shall be punished by a fine of not less than two hundred thousand and no more than one million Syrian Pounds.
- (d) The court shall order the confiscation of any revenues received by those mentioned in paragraph (C) above upon conviction of the said violation.
- (e) All persons or entities that have engaged the Director General or an officer of the Authority knowingly in violation of the provisions pertaining to work outside the Authority for the interest of a third party, as set forth in Article 14 herein, shall be punished by a fine of no less than five hundred thousand and no more than five million Syrian pounds.

Article 62 Breach of the Duty of Confidentiality

- (a) Any person found in breach of the provisions pertaining to the duty of confidentiality towards any other Licensee, as set out in paragraph (A) of Article 27 herein, shall be punished by imprisonment from one month to six months, and by a fine of no less than two hundred thousand and no more than one million Syrian pounds.
- (b) Any person found in breach of the provisions pertaining to the duty of confidentiality towards Subscribers, as set out in paragraph (B) of Article 27 herein shall be punished by imprisonment from one month to six months, and by a fine of no less than two hundred thousand and no more than one million Syrian pounds.
- (c) The same punishment set out in paragraph (A) of this article shall apply to anyone who discloses any information acquired, contrary to the duties of his office or work, if it has resulted in damage sustained by any Licensee pursuant to the provisions of this Law.

Article 63 Installing Networks or Providing Services Without a License

- (a) Shall be punished by imprisonment from six months to three years, and by a fine of no less than five hundred thousand and no more than five million Syrian pounds, any person who, without a License from the Authority:
 - 1) Installed or operated a Public Telecommunications Network, or provided Telecommunications Services to the public.

- 2) Constructed Telecommunications infrastructure for a Telecommunications Network.
 - 3) Initiated or terminated international Telecommunications in Syria.
- (b) Any person that connects unlicensed equipment to a Telecommunications Network without first obtaining permission shall be punished by imprisonment from one month to six months, and by a fine of no less than two hundred thousand and no more than one million Syrian pounds.
- (c) The court shall order by its own motion the confiscation of all related equipment, cables and wires used in committing these infractions, while preserving the property and other affected rights of *bona fide* third parties. The court shall determine the appropriate action for the disposal of any such confiscated items.

Article 64 Vandalizing Networks or Equipments

- (a) Any person that has intentionally harmed, demolished or destroyed any buildings or facilities assigned to Telecommunications Networks or their infrastructure, or otherwise performed any modifications on the network components or any of the cables attached to it in such a way that they are rendered unusable in any manner, shall be punished by imprisonment for two to five years, and by a fine of no less than two hundred thousand and no more than one million Syrian pounds. The maximum punishment shall be ordered in case of willful action.
- (b) In the event the subject of the acts set forth in paragraph (A) above is public property, the punishment shall be increased to temporary hard labor, and to a fine of no less than five hundred thousand and no more than five million Syrian pounds.
- (c) In the event the acts set forth in paragraph (A) above occurred due to negligence or lack of caution, the punishment shall be a fine of no less than ten thousand and no more than one hundred thousand Syrian pounds.
- (d) Any person who vandalizes Telecommunications Equipment intended for public use shall be punished by imprisonment from one month to six months, and by a fine of no less than ten thousand and no more than one hundred thousand Syrian pounds.
- (e) In all of the above cases, the court shall order compensation for the specific damages incurred, on application of the aggrieved party.

Article 65 Misuse of Radio Frequencies

- (a) Shall be punished by imprisonment from six months to three years, and by a fine of no less than two hundred thousand and no more than one million Syrian pounds:
- 1) Any person who intentionally uses Radio Frequencies without a License.

- 2) Any person who, without seeking prior approval from the Authority, transfers to a third party a License issued to him to use a Frequency or a frequency band. In addition, the License at issue shall be cancelled.
- (b) Any person who intentionally intercepts Radio Frequencies assigned to others, interferes with them or disrupts them shall be punished by imprisonment from six months to three years, and by a fine of no less than five hundred thousand and no more than five million Syrian pounds.
- (c) Any User of the Radio Frequency Spectrum who fails to disclose to the Authority the full information on Radio Frequencies assigned to it, after the expiration of the grace period determined in paragraph (B) of Article 35 herein, shall be punished by a fine of no less than fifty thousand and no more than five hundred thousand Syrian pounds.

Article 66 Misconduct in the Provision Services

- (a) Shall be punished by imprisonment of from three months to two years, and by a fine of no less than fifty thousand and no more than five hundred thousand Syrian pounds, anyone who:
 - 1) Willfully publishes or discloses the content of any communication using a Public or Private Telecommunications Network, of which that person had access in the course of performing his job.
 - 2) Attempts to obstruct, conceal, eavesdrop on, or tamper with the content of any communication which it was its duty to transmit through a Telecommunications Network
 - 3) Provide or assist in providing Telecommunications Services whose content is in violation of public order or morals. In such cases, the Authority may cancel the License.
- (b) The court shall order adequate compensation for any damages incurred, on application of the aggrieved party.

Article 67 Using Fraudulent Methods

Anyone who has obtained or assisted in obtaining a service from a Telecommunications Service Provider through fraudulent means or methods, knowingly, with the intention of evading payment of the tariffs due shall be punished by imprisonment of three months to two years, and by a fine of no less than fifty thousand and no more than five hundred thousand Syrian pounds.

Article 68 Importing, Manufacturing or Possessing Unlicensed Equipment

- (a) Any person that manufactures without Authorization from the competent authorities, any Telecommunications Equipment for the purpose of their marketing inside the country shall be punished by imprisonment from six months to three years, and by a fine of no less than two hundred thousand and no more than one million Syrian pounds.
- (b) Anyone who is in possession of or installs or operates any radio Telecommunications Equipment without obtaining necessary permission from the competent authorities shall be punished by a fine of no less than ten thousand and no more than one hundred thousand Syrian pounds. This punishment shall not apply in the case of radio equipment for which the Authority has issued a general Authorization to use, install or operate.
- (c) The Laws in force dealing with contraband shall apply in any case where it has been determined that the purpose of smuggling the equipment referred to in paragraph (B) above, or its possession, was their commercialization.
- (d) In all cases, the court shall order the confiscation of any Telecommunications Equipment seized at the place of the crime and all related components thereof.

Article 69 Corporate Liability

A legal person shall be criminally liable pursuant to the penal code then in force for any acts committed by any member of its board or directors, or a manager, officer, representative or employee of the said person, when those acts are conducted in the name of the legal person or through it.

Chapter Fifteen - Transitional Rules

Article 70 Regularization of Situations

- (a) Subject to the provisions of paragraph (G) of this article, any person who, at the date of entry into force of this Law, lawfully provides any of the services subject to the provisions of this Law, operate a Telecommunications Network, or uses any Radio Frequency Spectrum in the country, shall be treated as a lawful license holder under this Law for a limited transitional period of no more than one year. The Authority shall, at the commencement of its duties, oversee and ensure the future compliance of such transitional Licensees with their obligations hereunder.
- (b) The transitional period referred to in paragraph (A) above may be extended for a single additional year pursuant to a resolution of the Council of Ministers, based on a reasoned proposal by the Board of Commissioners.
- (c) Any person referred to in paragraph (A) above who wishes to continue providing Telecommunications Services must submit an application seeking a License therefor from the Authority, pursuant to the provisions hereunder, within a period not to exceed four months from the effective date hereof.

- (d) The Authority may, based upon a justified request from any person referred to in paragraph (A) above, extend the transitional period set out in paragraph (C) above for a single time, and for a maximum of six additional months, if the Authority deems the reasons set forth in the request serious. After the expiration of the transitional period referred to in paragraph (A) above, no person referred to therein shall be allowed to provide any Telecommunications Services, operate a Telecommunications Network or use any Radio Frequency without having been awarded a License, pursuant to the provisions of this Law.
- (e) Upon this Law entering into effect, the Authority may, as necessary, modify the conditions of all active Licenses in a manner that ensures compliance with its provisions. Such modifications are not subject to the provisions regarding modification and revocation of the Individual and Class Licenses set forth in this Law and its Executive Provisions.
- (f) All pending license applications already filed at the time this Law enters into effect shall be transferred to the Authority upon its establishment. No License shall be granted by the Authority in this respect unless in compliance with this Law, and after the Authority commences its functions according to its provisions.
- (g) Existing mobile telecommunications contracts shall remain valid, until an appropriate decision is made regarding their regularization in accordance with the provisions of this Law, within a period not to exceed one year from the date this Law becomes effective.

Article 71 Temporary and Exclusive Rights of the SyTC

- (a) The Syrian Telecommunications Company shall be granted a License by the Authority for twenty years to provide the Telecommunications Services that used to be provided by the Syrian Telecommunications Establishment (“STE”), in addition to other Telecommunications Services as determined by the Authority in accordance with the requirements of the public interest.
- (b) The License granted to the Company shall include a timetable for the retention of the exclusive right to provide some telecommunications services (including fixed-line Telecommunication Services, operating the backbone network, providing international gateways, and others), for a period not to exceed five years from the incorporation date of the Company.
- (c) The Authority may, subject to the approval of the Council of Ministers, grant a non-exclusive License to any other Person to provide any of the services for which the Company holds an exclusive right, if it is established by the Authority that the Company is unable to provide such services according to the License granted to it pursuant to paragraph (A) above, and the Authority shall so inform the Company by six months prior notice.

Article 72 Temporary and Exclusive Rights of PAWTS

The Public Authority for Wireless Telecommunications Services shall be granted a License by the Authority for fifteen years to provide wireless telecommunications services to public entities participating in it, according to its establishing decree.

Article 73 Council of Minister's Powers in the Transitional Period

The Council of Ministers shall take any resolutions which it deems appropriate, during the transitional period following the promulgation of this Law and prior to its effective date, in order to address the existing situations or any ensuing situations with a view to regularizing them with the provisions of this Law and the Executive Provisions.