

Federal Law by Decree No. 3 of 2003, as amended

regarding the organization of Telecommunications Sector



2022

Federal Law by Decree No. (3) of 2003 regarding the Organization of the Telecommunications Sector, as amended¹

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² Renamed to TDRA based on Article 1 of Federal Decree No. (23) of 2020

FEDERAL LAW BY DECREE NO. (3) OF 2003 REGARDING THE ORGANIZATION OF THE TELECOMMUNICATIONS SECTOR

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

Having considered the Constitution, and

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

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

Federal Law No. (7) of 1976 establishing the State Audit Institution and its amendments;

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

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

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

Federal Law No. (1) of 1991 regarding Emirates Telecommunications Corporation;

Federal Law No. (10) of 1992 issuing the Law of Evidence in Civil and Commercial Transactions;

Federal Law No. (18) of 1993 issuing the Commercial Transactions Code;

Federal Law No. (7) of 1999 issuing the Pension and Social Security Law; and, on the basis of the proposal of the Prime Minister and the approval of the Cabinet, have issued the following Law by Decree:

CHAPTER 1

DEFINITIONS



Article (1)¹

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

UAE: the United Arab Emirates

Government: the government of the United Arab Emirates

Government Entities: Federal ministries and local departments, authorities and public organizations linked thereto, including the armed forces, police and security services of the State but excluding any commercial company or establishment even if it is owned by any of the foregoing or in which any of the foregoing may have an interest

TDRA: Telecommunications and Digital Government Regulating Authority²

Board: the Board of Directors of TDRA

Chairman: the Chairman of the Board of Directors of TDRA

Board Members: the persons appointed to the Board in accordance with the provisions of the Law

Director General: the Director General of TDRA

Executive Order: the executive order issued in accordance with the Law

Regulated Activities: either the operation of a Public Telecommunications Network or the supply of Telecommunications Services to subscribers and all other types of activities specified by the Board in accordance with the provisions of the Law

Licensees: Etisalat Corporation and such entities as may be licensed by TDRA pursuant to the provisions of the Law and its Executive Order

¹ Replaced by Federal Law by Decree No. (5) of 2008 Amending Federal Law by Decree No. (3) of 2003 Organizing the Telecommunications Sector

² Name changed from «TDRA» to «TDRA» based on Federal Law by Decree No. (23) of 2020

License: a license issued pursuant to the provisions of the Law and its Executive Order which allows the Licensee to carry out any of the Regulated Activities;

Interconnection: the linking by whatever means of Telecommunications Networks in order to allow users of one entity to communicate with users of the same or another entity or enabling the users to make use of Telecommunications Services provided by another entity

Interconnection Agreement: an agreement under which the Interconnection will be achieved pursuant to the rules and conditions issued by TDRA

Telecommunications Network: a system comprising one or more items of apparatus or means of communication for transmitting, broadcasting, switching or receiving of Telecommunications Services, by means of electric, magnetic, electro-magnetic, electro-chemical or electro-mechanical energy and any other means of communication

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

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

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

- 1 Wired and wireless telecommunications
- 2 Voice, music and other sounds
- 3 Visual images
- 4 Signals used in radio and TV broadcasting
- 5 Signals used to operate or control any machinery or apparatus

- 6 The installation, maintenance, adjustment, repair, replacement, moving or removal of apparatus which is or will be connected to a Public Telecommunications Network
- 7 The construction, maintenance and operation of networks for telegraph, telephone, telex, leased circuits, domestic and international data networks, Internet and Wireless Transmission
- 8 Any other Telecommunications Services approved by the Board¹

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

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

Telecommunications Apparatus: apparatus made or adapted for use in transmitting, receiving or conveying any of the Telecommunications Services through a Telecommunications Network;

Etisalat Corporation: the Emirates Telecommunications Corporation regulated by Federal Law No. (1) of 1991 regarding Emirates Telecommunications Corporation;

Private Lands: any land owned by, granted to or leased to any person other than Government Entities;

Public Lands: all lands under the control or ownership of any Government Entity, excluding Private Lands; and

Decree-Law: the Federal Law by Decree No. (3) of 2003 regarding the Organization of the Telecommunications Sector and its amendments.

¹ "Supreme Committee" has been replaced with "Board of Directors" according to Federal Law by Decree No. (5) of 2008 Amending Federal Law by Decree No. (3) of 2003 Organizing the Telecommunications Sector

CHAPTER 2

BOARD OF DIRECTORS FOR² SUPERVISING THE TELECOMMUNICATIONS SECTOR



² "Supreme Committee" has been replaced with "Board of Directors" according to Federal Law by Decree No. (5) of 2008 Amending Federal Law by Decree No. (3) of 2003 Organizing the Telecommunications Sector

Article (2)¹
[Repealed]

Article (3)²
[Repealed]

Article (4)³
[Repealed]

Article (5)⁴
[Repealed]

1,2,3,4
Repealed in accordance with Federal Law by Decree No. [5] of 2008 Amending Federal Law
by Decree No. [3] of 2003 Organizing the Telecommunications Sector



CHAPTER 3

TELECOMMUNICATIONS AND DIGITAL GOVERNMENT REGULATORY AUTHORITY¹



¹ Name changed from «TRA» to «TDRA» based on Federal Law by Decree No. [23] of 2020 Amending Federal Law by Decree No. [3] of 2003 Organizing the Telecommunications Sector

Part 1

Establishment of TDRA

Article (6)

It is hereby established an independent public authority, called the “Telecommunications and Digital Government Regulating Authority”¹ for the purpose of carrying out the duties and tasks entrusted to it under this Decree-Law and its Executive Order.

Article (7)

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

Article (8)

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

Article (9)

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

¹ Name changed from «TRA» to «TDRA» based on Federal Law by Decree No. (23) of 2020 Amending Federal Law by Decree No. (3) of 2003 Organizing the Telecommunications Sector

Article (10)¹

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

- 1 Issue the Executive Order of the Law after approval from the cabinet
- 2 Establish the UAE National Telecommunications Policy, present it to the cabinet for approval and oversee its implementation after the approval
- 3 Issue any general directives or instructions relating to the telecommunications sector and necessary for national security or international relations after approval from the cabinet
- 4 Issue decisions, rules, regulations, and instructions regarding the implementation of the Law and its Executive Order including issuing decisions for establishing legal entities operating in the telecommunications sector, determining fees of services and facilities provided to Licensees and to whom such fees should be paid
- 5 Issue, extend, revoke and suspend Licenses pursuant to the provisions of the Law and its Executive Order
- 6 Determine fees of Licenses, authorizations, approvals and services issued or provided by TDRA pursuant to the provisions of the Law, its amendments or its Executive Order
- 7 Issue the internal rules for its conduct of business; and
- 8 Any other functions delegated to it by the Law and its Executive Order

B. TDRA shall have a Director General appointed by a federal decree, who shall be TDRA's legal representative and be responsible before the Board for managing the daily business of TDRA. The Executive Order shall determine the functions of the Director General.

Article (11)² [Repealed]

¹ Replaced by Federal Law by Decree No. (5) of 2008 Amending Federal Law by Decree No. (3) of 2003 Organizing the Telecommunications Sector

² Repealed by Federal Law by Decree No. (5) of 2008 Amending Federal Law by Decree No. (3) of 2003 Organizing the Telecommunications Sector

Part 2

Functions, Duties, and Powers of TDRA

Article (12)

TDRA is the competent body to oversee the telecommunications sector and Licensees in accordance with this Decree-Law, its Executive Order and the instructions of the Board¹. TDRA may provide to the Board² any necessary proposals in relation to the general policy of such sector and shall, at the end of each fiscal year, report to the Board on its activities and work undertaken during that year.

Article (13)

TDRA shall exercise its functions and powers under this Decree-Law and its Executive Order to:

- 1** Ensure that Telecommunications Services are provided throughout the UAE to satisfy the demands of those who wish to make use of such services;
- 2** Enhance the level of service provided by the telecommunications sector in order to promote the interests of subscribers;
- 3** Ensure that Licensees meet quality standards of performance and adhere to the terms and conditions of the Licenses granted to them;
- 4** Encourage, promote, and develop the telecommunications and information technology industries in the UAE; and
- 5** Promote and enhance the telecommunications system in the UAE by training, qualifying, and the establishment of relevant educational institutions, and through obtaining the latest apparatus, equipment, and facilities provided by telecommunications technology.

^{1,2} “Supreme Committee” has been replaced with “The Board” according to Federal Law by Decree No. (5) of 2008 Amending Federal Law by Decree No. (3) of 2003 Organizing the Telecommunications Sector

Article (14)^{1,2}

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

- 1** Tariffs, charges and fees levied by Licensees as determined by the Board;
- 2** Anything related to the use and Interconnection of Telecommunications Networks and Telecommunications Services provided by Licensees, co-location and sharing of infrastructure by such Licensees, including the special conditions for costs of such Interconnection, access, site-sharing, time-scales and principles for negotiations and completion of agreements between concerned entities in relation to the foregoing matters. TDRA shall also issue dispute resolution rules to resolve disputes between the parties to such agreements;
- 3** The conditions, level and scope of services provided by Licensees to subscribers, universal service and emergency services including the standards and quality of the provided services, terms of supply, the handling of subscriber complaints and disputes, provision of information to subscribers, usage of subscriber information and the provision of bills to subscribers;
- 4** Regulating and ensuring competition in the telecommunications sector without prejudice to the applicable laws and regulations;
- 5** Requesting any information required for the activities of TDRA;
- 6** Setting out the specifications of the equipment used by Licensees, including their technical standards and types;
- 7** Importing, manufacturing, using and managing Telecommunications Apparatus and issuing their respective approvals;
- 8** The allocation of telephone numbers, set out the numbering and number portability plan;

¹ Replaced by Federal Law by Decree No. (5) of 2008 Amending Federal Law by Decree No. (3) of 2003 Organizing the Telecommunications Sector.

² Based on the Amendment No. (23) of 2020 on Federal Law by Decree No. (3) of 2003 on the Organization of the Telecommunications Sector, clauses (23 – 15) have been added.

- 9 Regulating the usage of radio spectrum pursuant to the Law, including the allocation, re-allocation, usage of these frequencies and granting their authorizations;
- 10 the terms of provision and preparation of directory services and directory enquiries services;
- 11 issuing controls to prevent interference with telecommunications in the UAE by radio or electrical waves or any other means;
- 12 qualifying persons in installing, connecting, adjusting and maintaining Telecommunications Apparatus;
- 13 publishing announcements relating to Telecommunications Apparatus; and
- 14 performing such other actions as determined by the Cabinet.
- 15 Proposing and preparing strategies, policies and legislation related to the integrated digital development of the UAE Government, including networks, systems, programs, services and digital platforms, and following-up on implementation after obtaining the approval of the Cabinet.
- 16 Proposing, preparing and implementing regulations and guidelines related to digital government services, including standards of optimal use and utilization of ICT projects by federal government entities.
- 17 Coordinating UAE Government programs and projects in the field of technologies and digital development, and providing technical advice to various federal government entities to ensure the availability of an advanced digital environment.
- 18 Preparing, implementing and managing digital transformation programs and projects for UAE government services in coordination with the concerned entities, in accordance with international best practices in designing, developing and providing services.

- 19 Creating and managing digital government enablers, including shared digital government systems, networks, and infrastructure in the federal government, in accordance with the best solutions, programs and advanced technical specifications, in a manner that enhances the efficiency and effectiveness of the federal government's digital systems and programs, and supports the integration and interdependence between various systems.
- 20 Setting standards and specifications for the digital government and submitting reports to the Cabinet on the extent to which federal government entities comply with these standards and requirements in order to enhance efficiency and integration.
- 21 Coordinating with the concerned entities in the UAE to ensure that the digital government systems and enablers, networks and digital infrastructure in the federal government comply with the standards and requirements in order to enhance its readiness to address and address risks and threats
- 22 Developing and implementing government programs to raise the level of quality and efficiency of digital government services and provide a distinct and smooth customer experience.
- 23 Developing and implementing an integrated system to monitor and evaluate the performance of the UAE digital government services to raise the level of quality and efficiency of services and provide a distinct and smooth customer experience.

Part 3

Financial Affairs

Article (15)

The fiscal year of TDRA shall commence on the first day of January and end on the last day of December of each year, except that the first fiscal year of TDRA shall commence on the date this Decree-Law comes into force and shall end on the last day of December of the following year.

Article (16)

TDRA shall have an independent budget. In respect of the first fiscal year, the budget shall be set by the Board¹. In respect of the succeeding fiscal years, the budget shall be prepared by the Director General, and approved and issued by the Board.²

Article (17)

The financial resources of TDRA are derived from the following:

- ¹ Any funds assigned to TDRA in the general budget of the UAE
- ² Such License fees as charged by the Board³ pursuant to the provisions of this Decree-Law, its Executive Order and the regulations issued accordingly
- ³ Such fees as may be charged by the Board⁴ for any services provided by TDRA or the authorizations or approvals granted by TDRA pursuant to the provisions of this Decree-Law, its Executive Order and the decisions issued by the Board⁵
- ⁴ Any other revenues TDRA collects in pursuance of its activities and functions; and

¹ It should be noted through this amendment that the budget for the first fiscal year of TDRA was issued by a decision of the Supreme Committee in accordance with the provisions of this Law

^{2,3,4,5}

Replaced by Federal Law by Decree No. (5) of 2008 Amending Federal Law by Decree No. (3) of 2003 Organizing the Telecommunications Sector

5 Any other financial resources approved by the Board¹

Article (18)

TDRA shall collect the fees imposed by the Board in relation to the Licenses issued by the Board² and the authorizations, approvals and services of TDRA as well as any other amounts regarding radio spectrum.

Article (19)

Following the approval of the Cabinet or its delegate⁵, TDRA may raise loans from the Government or raise loans from banks and other financial institutions (whether in the UAE or elsewhere) and may create and issue debentures or bonds on such terms as determined by the Cabinet or its delegate

Article (20)

TDRA may invest its funds in any form of investment approved by the Board

Article (21)

TDRA and its dealings thereof shall be exempted from all Government fees and taxes

Article (22)

TDRA shall be exempted from the prior control of the State Audit Institution as set out in Federal Law No. (7) of 1976 and its amendments. The Audit Institution shall not interfere in the business of TDRA and the decisions of its Board or in the policies determined by the Cabinet or its delegate⁶ as applied by TDRA

Article (23)

- 1** The Board³ shall appoint an independent auditor, registered with the appropriate entities in the UAE, to audit its accounts and report on the results of the audit
- 2** TDRA shall submit a copy of its audited accounts after its approval by the Board⁴ to the Cabinet or its delegate, accompanied by the auditor's report

1,2,3,4

"Supreme Committee" has been replaced with "the Board" according to Federal Law by Decree No. (5) of 2008 Amending Federal Law by Decree No. (3) of 2003 Organizing the Telecommunications Sector

5,6

"Supreme Committee" has been replaced with "the Cabinet or its delegate" according to Federal Law by Decree No. (5) of 2008 Amending Federal Law by Decree No. (3) of 2003 Organizing the Telecommunications Sector

CHAPTER 4

RESTRUCTURING OF THE TELECOMMUNICATION SECTOR



Part 1

Etisalat Corporation

Article (24)

The exclusive privilege of carrying telecommunications, operating, maintaining and developing a public telecommunications system within the UAE and between the UAE and foreign countries conferred on Etisalat Corporation by Article 4 of Federal Law No. (1) of 1991 regarding Emirates Telecommunications Corporation, shall hereby cease to exist but without prejudice to the fees payable for services and facilities provided by the Government to Etisalat and which are payable to the Government pursuant to the provisions of the laws, regulations and decisions in force on the date this Decree-Law is issued. The right to impose and amend such fees shall transfer to the Board¹.

Article (25)

Without prejudice to any transitional provisions of this Decree-Law, Etisalat Corporation shall not exercise any of the powers conferred upon it by Federal Law No. (1) of 1991 regarding Emirates Telecommunications Corporation that conflicts with the powers, competences and functions of the Board² or TDRA under this Decree-Law and its Executive Order.

Article (26)³

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

Article (27)

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

^{1,2,4}

"Supreme Committee" has been replaced with "the Board" according to Federal Law by Decree No. (5) of 2008 Amending Federal Law by Decree No. (3) of 2003 Organizing the Telecommunications Sector

³

Replaced by Federal Law by Decree No. (5) of 2008 Amending Federal Law by Decree No. (3) of 2003 Organizing the Telecommunications Sector

Part 2

Licensees

Article (28)

The Board¹ shall, by decision, determine the various types of Regulated Activities for which Licenses may be issued and the required terms for prospective Licensees.

In all cases no License shall be issued to any entity unless such entity is a juridical entity established pursuant to a decision issued by the Board.² Such juridical entity may, after obtaining the approval of the Board³, establish subsidiary companies to carry out certain Regulated Activities.

Article (29)

With exception to acquiring the nationality of the UAE, the provisions of Federal Law No. (8) of 1984 regarding Commercial Companies and the amending or replacement laws thereof shall not apply to juridical entities licensed pursuant to this Decree-Law and its Executive Orders to the extent provided in their memoranda and articles of association as approved by the Board⁴. The competent authorities shall be under an obligation to register such juridical persons.

Article (30)

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

Article (31)

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

4,3,2,1

"Supreme Committee" has been replaced with "the Board" according to Federal Law by Decree No. (5) of 2008 Amending Federal Law by Decree No. (3) of 2003 Organizing the Telecommunications Sector

Article (32)

The Board¹ shall determine the form and substance of each License granted pursuant to this Decree-Law, and shall include conditions specifying the duration of the License and may include conditions required by the Board.²

Article (33)

The application for a License must be submitted to TDRA in the form prescribed by TDRA and must fulfill all the conditions set out by the Board.³ TDRA shall within a maximum period of thirty days from the date of submitting the application, review the application and report its findings and recommendations thereto to the Board.⁴

Article (34)

The Board⁵ shall have the authority to grant or refuse a License to an applicant. The Board's decision in this regard shall be final and binding on the applicant and may not be challenged or appealed in any way whatsoever.

Article (35)

Obtaining a License pursuant to the provisions of this Decree-Law shall not operate to relieve a person from any obligation to obtain any other licenses or authorizations that may be required from any other Government Entity for purposes connected with the conduct of its business.

1,2,3,4,5

"Supreme Committee" has been replaced with "Board of Directors" according to Federal Law by Decree No. (5) of 2008 Amending Federal Law by Decree No. (3) of 2003 Organizing the Telecommunications Sector

Part 3

Exemptions and Exclusions

Article (36)

The Board¹ may, if required, exercise the following powers:

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

The Board² may revoke, amend, or extend any specific exemption or general exemption granted pursuant to this Article.

Article (37)

- 1 No person (whether normal or juridical) nor any Governmental Entity may provide Telecommunications Services to customers or subscribers through a Public Telecommunications Network unless licensed by the Board³ pursuant to the provisions of this Decree-Law. The establishment and operation of Private Telecommunications Networks shall be regulated by the Executive Order and the decisions issued by the Board.⁴
- 2 In all cases, the persons covered by the above paragraph must comply with the terms, conditions and requirements associated with the use of the frequencies allocated to them pursuant to the provisions of this Decree-Law.

1,2,3,4

“Supreme Committee” has been replaced with “Board of Directors” according to Federal Law by Decree No. (5) of 2008 Amending Federal Law by Decree No. (3) of 2003 Organizing the Telecommunications Sector.

CHAPTER 5

NETWORKS, APPARATUS AND NUMBERING



Part 1

Network Interconnection and Site Sharing

Article (38)

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

Article (39)

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

Article (40)

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

In all cases, TDRA's decision shall be final and binding to all parties.

Article (41)

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

- 1 Comply with any regulations, guidelines or License conditions issued pursuant to the provisions of this Decree-Law or its Executive Order relating to Interconnection, co-location or sharing of sites and facilities;
- 2 Subject to the regulations issued pursuant to the provisions of this Decree-Law or its Executive Order, offer and provide Interconnection, co-location or sharing of sites and facilities on terms and conditions (including as to cost and quality) which are in accordance with best international practices; and
- 3 Facilitate, provide facilities and information concerning Interconnection, co-location and site sharing to Licensees and their subsidiaries under the same conditions, and of the same quality as Etisalat Corporation provides for its own services or those of its subsidiaries or companies.

Part 2

Telecommunications Apparatus Approval

Article (42)

TDRA shall have exclusive competence in issuing all authorizations and approvals in relation to Telecommunications Apparatus comprised in or intended for use in connection with a Telecommunications Network or in the provision of a Telecommunications Service in accordance with the Executive Order issued pursuant to this Decree-Law and the instructions of the Board¹ to TDRA.

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

Article (43)

Government Entities shall be exempted from obtaining the approval of TDRA in respect of Telecommunications Apparatus used by those Government Entities.

Part 3

Numbering

Article (44)

TDRA shall be responsible for allocating prefixes, private telephone numbers, and numbering ranges to Licensees in accordance with the provisions of this Decree-Law, its Executive Order and the conditions set by TDRA following the approval of the Board.²

^{1,2}

"Supreme Committee" has been replaced with "the Board" according to Federal Law by Decree No. (5) of 2008 Amending Federal Law by Decree No. (3) of 2003 Organizing the Telecommunications Sector.

CHAPTER 6

FREQUENCY REGULATION AND ALLOCATION



Article (45)¹ **[Repealed]**

Article (46)²

A committee called the 'Co-ordination Committee' shall be constituted by a decision of the Cabinet or its delegate, and chaired by the Director General and shall have representatives of TDRA as well as representatives of the Armed Forces, Ministry of Interior, State Security and the National Media Council. Other entities' representatives may also be included, if required, by a decision of the Board.

The Co-ordination Committee shall have the competence to put in place a national frequency plan for Telecommunications Services to be approved by the Board in order to ensure the efficient and proper use of radio spectrum without any interference or jamming. TDRA may request the Co-ordination Committee, from time to time, to review and amend the plan when the need arises.

Article (47)

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

- 1** The designation, on the recommendation of TDRA, of bands of radio spectrum for the provision of Telecommunications Services over Telecommunications Networks;
- 2** The amendment of allocations to existing users of radio spectrum to allow for the development of new services; and
- 3** The reassignment of radio spectrum on expiry of existing licenses or authorizations relating thereto.

¹ Repealed by Federal Law by Decree No. (5) of 2008 Amending Federal Law by Decree No. (3) of 2003 Organizing the Telecommunications Sector.

² Replaced by Federal Law by Decree No. (5) of 2008 Amending Federal Law by Decree No. (3) of 2003 Organizing the Telecommunications Sector.

Article (48)¹

TDRA shall have the competence to distribute, allocate, and revoke radio spectrum. Any such allocation shall be made in accordance with the National Frequency Plan and on the basis of objective procedures and criteria, details of which shall be set out in regulations issued by TDRA.

Article (49)

TDRA shall, within nine months of the date this Decree-Law comes into force, and after notifying the competent body and the Co-ordination Committee, prepare and publish a plan for the reallocation of radio spectrum currently authorized, for the provision of Telecommunications Services.

Article (50)

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

Article (51)

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

¹ Repealed by Federal Law by Decree No. (5) of 2008 Amending Federal Law by Decree No. (3) of 2003 Organizing the Telecommunications Sector.

CHAPTER 7

OPERATION AND PROTECTION OF TELECOMMUNICATIONS NETWORKS AND LINES



Part 1

Operation of Networks

Article (52)

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

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

Article (53)

The provisions of Article (52) of this Decree-Law shall not apply to any Public Lands occupied by any of the Government Entities determined by a decision of the Board.¹

Article (54)

A Licensee licensed to operate a Public Telecommunications Network, may after obtaining the approval of the Board² in co-ordination with the relevant government entities, remove or relocate a tree, group of trees or other vegetation if such tree, group of trees or vegetation:

- 1 Obstructs the installation or maintenance of aerial wires by Licensees;
- 2 Materially interferes with or obstructs any signals required to be emitted or received by the equipment or apparatus of a Licensee; or
- 3 Prevents or interferes with a Licensee establishing, maintaining, developing or operating a Public Telecommunications Network,

^{1,2}

Repealed by Federal Law by Decree No. (5) of 2008 Amending Federal Law by Decree No. (3) of 2003 Organizing the Telecommunications Sector.

- 4 Provided that such removal or relocation is necessary to enter Public Lands to carry out necessary works.

Article (55)

Licensees operating Public Telecommunications Networks shall be exempted from all duties and taxes applicable to Public Lands and public roads which are required for any of the purposes referred to in Article (52) of this Decree-Law.

Article (56)¹

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

Part 2

Protection of Telecommunications Lines and Networks

Article (57)

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

Article (58)

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

Article (59)

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

¹ Replaced by Federal Law by Decree No. (5) of 2008 Amending Federal Law by Decree No. (3) of 2003 Organizing the Telecommunications Sector.

CHAPTER 8

TRANSITIONAL PROVISIONS



Article (60)

The Board¹ may issue any company owned by Etisalat Corporation a temporary License for the purpose of authorizing any such company to continue conducting Regulated Activities carried out by it at the date this Decree-Law comes into force pending the issue of its formal License pursuant to the provisions of this Decree-Law and its Executive Order.

Article (61)

Etisalat Corporation may continue to use, for the purposes for which it is allocated and subject to the terms and conditions of such allocation, such radio spectrum which is allocated for its use by the competent body² until such time as TDRA reallocates any such radio spectrum pursuant to the provisions of this Decree-Law and issues a frequency authorization to Etisalat Corporation.

Article (62)

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

- ¹ Copies of all licenses and approvals of certain types of apparatus as specified in such current authorizations and permits relating to telecommunications equipment or other matters issued by Etisalat Corporation under Federal Law No. (1) of 1991 regarding Emirates Telecommunications Corporation;
- ² Copies of all current decisions and regulations containing technical standards specifications of telecommunications equipment issued by Etisalat Corporation under the law referred to in the previous clause; and
- ³ Such other information as shall be in the possession or control of Etisalat Corporation and as TDRA shall require for the purposes of assessing the current status of the telecommunications sector in the UAE.

Article (63)

The competent body³ shall, within a maximum period of ninety days from the date this Decree-Law comes into force, furnish to TDRA such information and documents as TDRA shall request for the purposes of assessing the current status of the telecommunications sector in the UAE.

¹ Repealed by Federal Law by Decree No. (5) of 2008 Amending Federal Law by Decree No. (3) of 2003 Organizing the Telecommunications Sector.

^{2,3} "Ministry of Communications" was replaced with "competent body" pursuant to Federal Law by Decree No. (5) of 2008 Amending Federal Law by Decree No. (3) of 2003 Organizing the Telecommunications Sector.

Article (64)

Etisalat Corporation shall, within a maximum period of sixty days from the date this Decree-Law comes into force, transfer to TDRA ownership of all books, records, registers, databases, documents and other information which were owned or maintained by Etisalat Corporation in connection with any function carried out by Etisalat Corporation which is now given to TDRA or the Board¹ under this Decree-Law, or such items which TDRA deems necessary to enable it to exercise the powers prescribed to it pursuant to the provisions of this Decree-Law and its Executive Order. Etisalat Corporation may retain copies of any such items as may be necessary to enable it to carry out certain functions as approved by the TDRA in accordance with the provisions of this Decree-Law.

Article (65)

- 1** The Board² shall be authorized and empowered to issue necessary instructions, to transfer to TDRA from Etisalat Corporation, with effect from the date determined by the Board, such assets and rights as the Board³ deems necessary to enable TDRA to carry out the functions entrusted to it by this Decree-Law which were carried out by Etisalat Corporation. This provision shall apply to Etisalat Corporation and third parties.
- 2** Any such instructions may include provisions relating to penalties for failure to comply with their provisions as well as compensating Etisalat Corporation as necessary. The decision of the Board⁴ in this regard shall be final and binding.

Article (66)

The Board⁵ shall adjudicate in any matter arising out of the interpretation or application of instructions issued by it according to the provisions of Article (65) of this Decree-Law.

1,2,3,4,5

"Supreme Committee" has been replaced with "the Board" according to Federal Law by Decree No. (5) of 2008 Amending Federal Law by Decree No. (3) of 2003 Organizing the Telecommunications Sector.

Article (67)

All Government Entities shall, on request, take all necessary steps to facilitate the transfer or registration of any assets or rights transferred from Etisalat Corporation to TDRA pursuant to the instructions issued by the Board¹ in accordance with Article (65) of this Decree-Law.

Article (68)

The Board² may instruct Etisalat Corporation to perform some of the functions given to TDRA under the provisions of this Decree-Law for a period not exceeding a year of this Decree-Law coming into force. Etisalat Corporation shall, in such case, keep proper records of, and keep TDRA fully and promptly informed of all actions taken by Etisalat Corporation and, in particular, shall provide to TDRA with copies of all documents relating to such actions when requested by TDRA.

Article (69)

The decisions and regulations issued by Etisalat Corporation regarding the determination of technical specifications of telecommunications equipment licensed for use in the UAE, as effective on the date this Decree-Law comes into force, shall remain in force pending their expiration or cancellation by TDRA or until TDRA takes the decision it deems appropriate thereon.

Article (70)

Any License or authorization issued by Etisalat Corporation under Articles 4 (f) or (1-10) or (2-10) of Federal Law No. (1) of 1991 regarding Emirates Telecommunications Corporation or by the competent body³ under Federal Law No. (7) of 1973 regarding Wire and Wireless Communications and Apparatus and the amending laws thereof shall, to the extent that such License or authorization is not inconsistent with the provisions of this Decree-Law, continue in force until that License expires or be replaced by a new one issued by TDRA pursuant to the provisions of this Decree-Law.

TDRA shall have the power to determine as to whether such License or authorization is compatible with the provisions of this Decree-Law.

^{1,2}

"Supreme Committee" has been replaced with "the Board" according to Federal Law by Decree No. (5) of 2008 Amending Federal Law by Decree No. (3) of 2003 Organizing the Telecommunications Sector.

³

"Ministry of Communications" was replaced with "competent body" pursuant to Federal Law by Decree No. (5) of 2008 Amending Federal Law by Decree No. (3) of 2003 Organizing the Telecommunications Sector.

CHAPTER 9

PENALTIES



Article (71)¹

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

- 1 Conducts any of the Regulated Activities without being licensed to do so or being exempted from the necessity to obtain a License pursuant to the provisions of the Law;
- 2 Intentionally alters, damages or otherwise suppresses a document or piece of information required by the Board or TDRA pursuant to the provisions of the Law; or
- 3 Does not amend his/her/its status pursuant to the provisions of the Law and within the time limit stipulated in Article (81) of the Law.

Article (72)²

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

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

1,2

Added pursuant to Federal Law by Decree No. (5) of 2008 Amending Federal Law by Decree No. (3) of 2003 Organizing the Telecommunications Sector.

Article (72) repeated¹

- Intentionally and unlawfully accesses a Telecommunications Network or obstructs any Telecommunications Services; or
- Exploits without a right any of the Telecommunications Services.

Article (72) repeated²

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

Article (72) repeated³

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

Article (72) repeated⁴

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

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

Article (72) repeated⁵

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

Article (73)¹

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

manufactures, uses, sells or offers for sale or use Telecommunications Apparatus to link them to a Telecommunications Network knowing that such apparatus has not been licensed or approved in accordance with the provisions of any applicable laws; or

intentionally violates Article (57) of the Law and such violation results in damage to lines, wires, cables, apparatus or equipment owned by or under the management or control of a Licensee.

Article (74)²

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

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

^{1,2}

Replaced by Federal Law by Decree No. (5) of 2008 Amending Federal Law by Decree No. (3) of 2003 Organizing the Telecommunications Sector.

Article (75)

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

Article (76)

An order shall be issued to seize Telecommunications Apparatus and any other equipment or tools used in contradiction of this Decree-Law, its Executive Order, or the regulations, decisions, instructions or rules issued pursuant thereto. The court may, when necessary, order the destruction of such apparatus, equipment and tools.

Article (77)

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

Article (78)

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

Article (79)

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

Article (79) repeated¹

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

Article (79) repeated²

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

The Cabinet shall issue a decision with the schedule of violations and fines imposed on Licensees. Each violation shall be no more than AED 10,000,000.

^{1,2}

Added pursuant to Federal Law by Decree No. (5) of 2008 Amending Federal Law by Decree No. (3) of 2003 Organizing the Telecommunications Sector.

CHAPTER 10

FINAL PROVISIONS



Article (80)

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

- 1** Articles (46) ,(45) ,(44) ,(43) ,(42) ,(40) ,(19) ,(18) ,(17) ,(16) ,(15) ,(14) ,(13) ,(12) ,(11) (10), and (48) shall be repealed.
- 2** Article (1) shall be amended by deleting reference to, and definition of:

(A) Minister
(B) Telecommunications Apparatus
(C) Schedule
(D) Service Lines
- 3** Article (24) of Federal Law No. (1) of 1991 referred to shall be amended by inserting the following phrase at the beginning of the said Article:

“Subject to the regulations, instructions, decisions, and rules issued by TDRA”.
- 4** The second paragraph of Article (41) of Federal Law No (1) of 1991 referred to shall be amended as follows:

“The Articles of Association shall be issued pursuant to a decision by the Cabinet and the amendment of the Articles and the replacement thereof shall be pursuant to a decision issued by the Board”¹.
- 5** The provisions of Articles (4) ,(21) ,(25) ,(31) ,(33) and (47) of Federal Law No. (1) of 1991 shall be replaced with the following provisions:

¹ Repealed by Federal Law by Decree No. (5) of 2008 Amending Federal Law by Decree No. (3) of 2003 Organizing the Telecommunications Sector.

1 Article (4)

Etisalat Corporation shall undertake telecommunications services, operate, maintain, and develop a telecommunications system in the UAE and also between the UAE and foreign countries in accordance with the provisions of any laws relating to the telecommunications sector in UAE, and may exercise the powers to achieve its objectives, including:

(a) The establishment, maintenance and operation of networks for telegraph, telephone, telex, leased circuits, local and international data; and

(b) The establishment, maintenance and operation of TV transmission networks excluding the production and broadcasting of programs;

(c) Managing, connecting, leasing and dealing in telephone services;

(d) Planning, constructing, and possessing equipment and stations of transmitters and receivers related to Etisalat Corporation's activity;

(e) Offering consultancy and training services in the field of telecommunications; and

(f) Preparation, publication, distribution and promotion of the telephone directory, commercial directory (yellow pages), bulletins, information, data and other matters related to telecommunications services or activities by Etisalat Corporation whether for the purpose of information, trade, publicity or any other purposes.

2 Etisalat Corporation may without prejudice to its primary purpose, invest, utilize and employ its funds in any other commercial, financial or servicing fields which in the opinion of the Board shall enhance such funds or reap profits to Etisalat Corporation in accordance with the applicable laws in the UAE.

3 Etisalat Corporation may, in achieving the purposes provided for in this article:

(a) Conclude contracts and agreements, and

(b) Establish companies, enter into or contribute to partnerships in accordance with the applicable laws in the UAE.

Article (21)

The Board shall, pursuant to the regulations issued by TDRA, determine the charges for services provided by Etisalat Corporation, controls and conditions for delivery of such services and the forms of contracts to be concluded between it and the beneficiaries.

Article (25)

The administration of Etisalat Corporation shall be undertaken by a Board of Directors comprised of eleven members, seven of which including the chairman shall represent the Government and shall be appointed by a Federal Decree. The other members shall be elected by the shareholders. Appointments and elections for Board Members may be done more than once according to the articles of association.

Article (31)

Each shareholder of Etisalat Corporation shall have the right to attend the General Assembly, discuss the topics listed on the Agenda, and question board members who shall be bound to reply to the questions in so far as it shall not jeopardize Etisalat Corporation's interest. Shareholders may resort to the General Assembly if they consider the reply to their questions as insufficient and the decision of the General Assembly shall be executory. The Government shall be represented in the General Assembly by the UAE's Minister for Finance and Industry.

Article (33)

Etisalat Corporation shall comply with the general policy of the Board¹ and obey any general or specific directives issued by the Board in this respect.

Article (47)

The Board shall issue the financial and administrative systems for managing Etisalat Corporation and shall determine the staff's conditions of service in a manner consistent with the decisions issued by the Board.²

Article (81)

All juridical persons existing at the time this Decree-Law comes into force and carrying out any of the Regulated Activities must conform their status in accordance with the provisions of this Decree-Law within ninety days from the date it comes into force. The Board³ may by decision extend such period to other similar periods.

1,2,3

"Supreme Committee" has been replaced with "the Board" according to Federal Law by Decree No. (5) of 2008 Amending Federal Law by Decree No. (3) of 2003 Organizing the Telecommunications Sector.

Article (81) repeated¹

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

Article (82)

Any provision contradicting the provisions of this Decree-Law shall hereby be repealed.

Article (83)

The Board² shall issue the Executive Order, regulations, decisions, and necessary instructions to implement the provisions of this Decree-Law.

Article (84)

This Decree-Law shall be published in the Official Gazette and shall become effective as of the date of such publication.

Zayed bin Sultan Al Nahyan

President of the State of the United Arab Emirates

Issued at the Presidential Palace in Abu Dhabi:

Dated: 20 Ramadan 1424H

Corresponding to: 15/11/2003

¹ Adeed by Federal Law by Decree No. (5) of 2008 Amending Federal Law by Decree No. (3) of 2003 Organizing the Telecommunications Sector.

² "Supreme Committee" has been replaced with "the Board" according to Federal Law by Decree No. (5) of 2008 Amending Federal Law by Decree No. (3) of 2003 Organizing the Telecommunications Sector.