

Law No. [] for the year 2005 concerning Telecommunications

President of the Palestinian National Authority

After reviewing the Law No. 3 of 1996 for Telecommunications and the Decision of the Council of Ministers made on 2 August 2003 to establish the Palestinian Telecommunications Regulatory Authority, and Articles 69(9) and 88 of the Palestinian Amended Basic Law,

We hereby issue the following law:

CHAPTER ONE

DEFINITIONS

Article

1. DEFINITIONS

The words and expressions used in this law shall have the following meaning unless otherwise specified:

Board means the Board of the Palestinian Telecommunications Regulatory Authority constituted in accordance with Article 6(1) of the Law.

Board Member means a member of the Board of the Palestinian Telecommunications Regulatory Authority appointed.

Chairman means the Chairman of the Regulatory Authority appointed under Article 8(1) of the Law.

Chief Executive Officer means a person appointed by the Regulatory Authority and who is responsible for the day-to-day administration of the Office of the Regulatory Authority.

[Communications Service means any conveyance, emission, reception, radiation, transmission or broadcast of voice, data, signs, signals, sounds or images by means of a communications network.]

Competition Guidelines has the meaning given to it in Article 27.

Council of Ministers means the Ministers Council of the Palestinian National Authority.

Effective Date means the date on which the Law is published in the official Gazette.

Executive Deputy Chairman means a Board Member who also acts as the Chief Executive Officer, in accordance with Article 6.

Interconnection refers to the ability of a customer of any telecommunications service provider to be connected with the customers of any other telecommunications service provider and access any service they wish, thereby providing any-to-any connectivity for all users of telecommunications services at all times.

Law means the Telecommunications Law No. [] for 2005.

Licence means the permission granted under the Law to a person by the Regulatory Authority to allow that person to establish, operate and manage a public telecommunications network, or provide public telecommunications services, or to use radio frequencies, pursuant to the provisions of the Law and the terms of that permission.

Licensee means a person who holds a licence issued under the Law.

Minister means the Minister responsible for Telecommunications and Information Technology.

Ministry means the Ministry of Telecommunications and Information Technology.

National Authority means the Palestinian National Authority.

Non-Competitive Services has the meaning given to it in Article 34(1) of the Law.

Office of the Regulatory Authority has the meaning given to it in Article 10.

Reference Interconnection Offer or RIO has the meaning given to in Article 32(3) of the Law.

Regulations means the subsidiary regulations issued pursuant to the Law.

Regulatory Authority means the entity known as the Palestinian Telecommunications Regulatory Authority, established under Article 4 of the Law.

[telecommunications] [communications] means any conveyance, emission, reception, radiation or transmission of voice, data, signs, signals, sounds or images by means of a [telecommunications] [communications] network, but does not include a broadcasting service.

telecommunications network means any wire, radio, optical or electromagnetic medium that exists as a system, or series of systems, that is capable of carrying telecommunications by means of guided or unguided electromagnetic energy.

telecommunications service means the supply or operation of telecommunications to any party and by any means.

telecommunications service provider means a person who supplies telecommunications services to any party by any means.

Telecommunications Terminal Equipment means any equipment used to connect to the network termination point of a Telecommunications Network in order to send, transmit or receive telecommunications services.

Transitional Licence Period has the meaning set out in Article 20(1).

Universal Access Policy has the meaning set out in Article 21.

Universal Access Scheme has the meaning set out in Article 22.

CHAPTER TWO

OBJECTS

2. OBJECTS

(1) The objects of the Law are:

- (a) to ensure the provision of high quality telecommunications and information technology services to Palestinian users on just, reasonable and affordable terms;
- (b) to expand access for Palestinian users to basic and advanced telecommunications services through liberalisation and effective regulation of the telecommunications sector;
- (c) to maximise the exchange of information and learning opportunities through the use of telecommunications services by Palestinian users;

- (d) to promote competition in the provision of telecommunications services in Palestine;
- (e) to encourage investment in and development of the telecommunications sector in Palestine and to maximise its contribution to the Palestinian economy; and
- (f) to establish and administer an independent telecommunications regulatory authority in a manner consistent with international best practice.

CHAPTER THREE

MINISTERIAL POWERS AND PROCEDURES

3. FUNCTIONS

- (1) The Minister shall undertake the following functions:
 - (a) to prepare and administer the policy of the National Authority for the telecommunications and information technology sectors in Palestine;
 - (b) to prepare and publish Licence policy, having regard to the pace and direction of liberalisation in the telecommunications in Palestine;
 - (c) to publish general policy directions to the Regulatory Authority in a manner consistent with the objects of the Law;
 - (d) to make recommendations to the Council of Ministers regarding the appointment of Board members of the Regulatory Authority;
 - (e) to devise a policy in consultation with the Regulatory Authority with the aim of realising universal access to telecommunications by the Palestinian people;
 - (f) to represent Palestine's interests internationally in negotiations and agreements that are relevant to the telecommunications sector and to consult with the Regulatory Authority as necessary to best fulfil this function;
 - (g) to consult with and represent Palestinian interests in negotiations with Israel including with respect to radio communications, spectrum allocation,

- management, monitoring and enforcement, numbering and electronic addressing, and international telecommunications services;
- (h) to devise plans that encourage investment in the telecommunications and information technology sectors in Palestine, in order to create an environment that offers advanced services to Palestinian users at just, reasonable and affordable terms and prices;
 - (i) to strengthen the competitive position of Palestine internationally in the areas of information and telecommunications technology;
 - (j) to pursue compliance with Palestine's commitments in international agreements in the telecommunications and information technology sectors;
 - (k) to safeguard Palestine's interests with states, regional and international organizations, unions, and commissions concerned with telecommunications and information technology and, in co-ordination with the Regulatory Authority, to oversee the representation of Palestine before those official bodies;
 - (l) to promote the advancement of research and development in the areas of telecommunications and information technology;

 - (m) to encourage the development of advanced education and training programs in telecommunications and information technology;
 - (n) provide guidance to the Regulatory Authority on the prices for telecommunications services to be offered between Licensees and to end users;
 - (o) to promote public awareness of the importance of the role of telecommunications and information technology to the overall economic and social development and advancement of Palestine; and
 - (p) to collect and utilise relevant information from the Regulatory Authority, other government departments or private entities for the purpose of fulfilling its functions.
- (2) The Minister may, in his discretion, delegate his functions to the Ministry as necessary or appropriate.

CHAPTER FOUR

PALESTINIAN TELECOMMUNICATIONS REGULATORY AUTHORITY

4. ESTABLISHMENT OF REGULATORY AUTHORITY

- (1) The Regulatory Authority is established under this Article and shall exercise the functions and powers given to it in accordance with the Law.
- (2) The Regulatory Authority shall be known as the Palestinian Telecommunications Regulatory Authority. The Regulatory Authority shall have the following characteristics:
 - (a) it shall be a financially and administratively independent corporate personality with perpetual succession, and not accountable to any supplier of telecommunications services;
 - (b) it may acquire, hold and dispose of property;
 - (c) it may enter into contracts, sue and be sued in its own name; and
 - (d) it shall have an official seal.
- (3) The headquarters of the Regulatory Authority shall be located in the city of Jerusalem. Any temporary headquarters shall be in any other place decided by the National Authority. The Regulatory Authority may open sub-branch offices within Palestine as necessary or convenient to the exercise of its powers and performance of its functions.

5. POWERS AND FUNCTIONS OF THE REGULATORY AUTHORITY

- (1) The Regulatory Authority shall have the following powers and functions:
 - (a) to implement the policy of the National Authority for telecommunications and information technology;
 - (b) to assist the Minister in representing Palestine's interests internationally in negotiations and agreements that are relevant to the telecommunications sector;
 - (c) to grant and supervise Licences and Licence conditions in accordance with the Law;
 - (d) to regulate telecommunications and information technology services in Palestine in accordance with the policy of the National Authority and the objects of the Law;

- (e) to monitor developments in the telecommunications and information technology sectors, to inform the Minister of those developments, and to publish advice and policy recommendations to the Minister based on the outcomes of its monitoring;
- (f) to report at least annually to the National Authority, through the Minister, on its activities;
- (g) to specify the minimum level of service quality and terms and conditions of telecommunications service provision offered by licensees to end users;
- (h) set, collect and administer the fees and conditions for Licences and other activities in the telecommunications sector;
- (i) to undertake investigations and enforcement actions in relation to actual or suspected violations of the Law;
- (j) to intervene in disputes regarding the use or acquisition of land by Licensees;
- (k) to assist the Ministry in fulfilling Palestine's compliance with international agreements and resolutions issued by international and regional organizations related to telecommunications, which have been entered into or approved by the National Authority;
- (l) in co-ordination with the Minister and the Ministry, to represent Palestine as its independent regulatory authority at meetings, conferences, delegations, workshops and other international gatherings relating to telecommunications and information technology;
- (m) to advise the Ministry on technical and regulatory aspects of international telecommunications matters;
- (n) to grant, supervise and enforce the terms and conditions of Licenses in a manner consistent with the telecommunications and information technology policy of the National Authority;
- (o) to regulate the interconnection of telecommunications networks, including technical rules and standards for interconnection;
- (p) to grant the necessary type approvals for telecommunications equipment;
- (q) to set and enforce technical rules for health and environmental safety in the installation, operation and use of telecommunication networks; and
- (r) to gather information related to the telecommunications and information technology sectors to publish the results of this research in a manner understandable to end users, and to increase the public's awareness of

the importance of these sectors and their positive impact on the economic and social development of Palestine.

- (2) The Regulatory Authority may do all things necessary or convenient to be done for or in connection with the exercise of its powers and performance of its functions set out in the Law or any other instrument.
- (3) The Regulatory Authority shall perform the functions and powers conferred on it under the Law in an open, transparent, impartial, fair and reasoned manner.
- (4) The Regulatory Authority shall at all times function in a manner that is separate from and not accountable to any telecommunications operator.

6. STRUCTURE OF THE REGULATORY AUTHORITY

- (1) The Regulatory Authority shall consist of:
 - (e) a Chairman; and
 - (f) four (4) other members.
- (2) The persons mentioned in Article 6(1)(b) shall individually be known as Board Members of the Palestinian Telecommunications Regulatory Authority. With the Chairman, these persons shall constitute the Board of the Palestinian Telecommunications Regulatory Authority.

7. QUALIFICATIONS AND RESTRICTIONS

- (1) The Chairman and each Board Member shall comply with the following qualifications and restrictions:

be a Palestinian national;

not accept any gift or gratuity, different from that applicable to the public, either directly or indirectly from any Licensee;

- (e) shall not act or refrain from acting in any manner which would constitute a conflict of interest with respect to their position as Chairman or Board Member;

not be a person who holds public office in the National Authority.

not have been convicted of a criminal offence or have any serious penalty from a court;

- (f) have knowledge of or experience in the telecommunications sector;

- (g) not be currently employed by, or have a pecuniary or other interest in, any provider of telecommunications services in Palestine; and
- (h) submit an annual written declaration stating that neither he nor his spouse, first-degree or second-degree descendents has any interest with any investor in the telecommunications and information technology sectors, and shall inform the Board of any such interests that may develop, or has developed, during the term of his membership on the Board for that relevant year.

The Chairman shall be a person who is recognised as having extensive working experience in commercial or other telecommunications activities and hold qualifications in economics, commerce, law or technical sciences.

- (4) Each Board Member shall individually have expertise in at least one of the following areas, such that the Board comprises a set of Board Members who collectively have expertise in all of the following areas:

- (a) economics;

law;

business or commerce; and

technical aspects of the telecommunications industry.

- (4) The appointment of the Chairman and each Board Member shall be based on their expertise as an individual and not in their capacity as a representative of any organisation or interest group.

8. APPOINTMENT, TENURE, REMUNERATION AND REMOVAL

- (1) The Chairman and the Board Members of the Regulatory Authority shall be appointed by the Council of Ministers on the recommendation of the Minister.
- (2) The tenure of the Chairman and each Board Member shall be specified in the terms of their appointment. The term of the Chairman and each Board Member shall be four (4) years and renewable for a term of up to four (4) years on each occasion of renewal except in the case of the first Board Member appointments to the Regulatory Authority, in which case two (2) of the Board Members shall have terms of two (2) years each. The appointment of the Chairman shall be a full-time position. The appointment of other Board Members may be in a full-time or part-time capacity, as specified in their terms of appointment.
- (3) The remuneration of the Chairman and Board Members shall be determined by the Minister under the Regulations.

- (4) The tenure of the Chairman or a Board Member may only be terminated in the following circumstances:
 - (a) expiry and non-renewal of their appointment in accordance with the Law;
 - (b) if that person ceases to hold the qualifications set out in Article (1) of the Law;
 - (c) resignation;
 - (d) failure of that person to attend three (3) consecutive meetings of the Regulatory Authority without being granted leave of absence by the Board;
 - (e) if the person engages in paid employment outside their position, without the consent of the Minister;
 - (f) in the case of physical or mental incapacity; or
 - (g) in the case of serious misconduct by the person, or if the person has been convicted of a criminal offence.
- (6) The termination of the tenure of the Chairman or a Board Member shall only be effective when issued by the Minister in accordance with the Regulations.
- (7) If the tenure of the Chairman or a Board Member is terminated under this Article, a replacement shall be appointed in accordance with the procedures set out in this Article within thirty (30) calendar days of that termination.

9. AFFAIRS OF THE REGULATORY AUTHORITY

- (1) The Regulatory Authority shall convene at least one (1) meeting every calendar month.
- (2) The Chairman shall preside over all meetings of the Regulatory Authority. In the event that the Chairman is absent, the Board shall elect a chairperson to preside over that meeting.
- (3) The quorum required for each meeting of the Regulatory Authority shall be three (3) Board Members. In the event that a meeting of the Regulatory Authority remains inquorate after 30 minutes of the scheduled commencement time for that meeting, the Chairman shall determine a date for a new meeting. That meeting shall be scheduled for a date which falls within fourteen (14) calendar days of the inquorate meeting.

- (4) The meeting agenda and relevant documents for each meeting of the Regulatory Authority, including the minutes of the previous meeting, shall be distributed by the Chairman in advance to all Board Members.
- (5) If the Chairman or any Board Member has an interest in any item in the agenda for a meeting, that person shall declare the nature of that interest and withdraw from the session in which that item is discussed. That person shall not participate in any decision-making related to that matter, nor shall that person be counted as part of the quorum for the purposes of discussion of that matter at the relevant meeting.
- (6) The decisions of the Regulatory Authority shall be determined by majority vote. In the event of a tied vote, the Chairman shall have the casting vote.
- (7) All decisions of the Regulatory Authority shall be documented in a set of minutes. The minutes of each meeting of the Regulatory Authority shall be confirmed or corrected, as the case may be, at each subsequent meeting of the Regulatory Authority as a true and accurate record of its proceedings and signed by the Chairman.
- (8) The deliberations of meetings of the Regulatory Authority shall be confidential, however the Regulatory Authority may make some deliberations public.
- (9) All other administrative procedures relating to meetings of the Regulatory Authority shall be determined by the Board.

10. OFFICE OF THE REGULATORY AUTHORITY

- (1) The Office of the Regulatory Authority is established under this Article and shall comprise the Chief Executive Officer and staff who shall exercise the regulatory functions under the Law, in accordance with any directions issued by the Regulatory Authority.
- (2) The Regulatory Authority shall appoint the Chief Executive Officer. The Chief Executive Officer shall be responsible for the day-to-day management and running of the Office of the Regulatory Authority. CEO shall participate in the meetings of the Regulatory Authority but shall not be a voting Board Member.
- (3) The Chief Executive Officer may employ staff to perform the day-to-day operation of the regulatory functions under the Law. Those persons shall be known as staff of the Office of the Regulatory Authority and shall be directed by and accountable to the Chief Executive Officer.
- (4) The Chief Executive Officer may appoint consultants and advisers to assist the Office of the Regulatory Authority to carry out the regulatory

- functions under the Law. Such appointments shall be made in accordance with any guidelines issued by the Regulatory Authority.
- (5) The terms of appointment and conditions of employment and services for the staff of the Office of the Regulatory Authority and any consultants or advisers appointed under this Article shall be determined by the Chief Executive Officer, in accordance with any guidelines issued by the Regulatory Authority.
 - (6) The Regulatory Authority may delegate its functions or powers to staff of the Office of the Regulatory Authority in performance of the objects of the Law. The terms of delegation shall be subject to any conditions or restrictions imposed by the Regulatory Authority as it sees fit. Any such delegation shall not prevent the performance or exercise of any function or power by the Regulatory Authority.
 - (7) The Chief Executive Officer, the staff of the Office of the Regulatory Authority and any consultants or advisers appointed under this Article shall act at all times in accordance with any internal rules, procedures as determined by the Regulatory Authority.
 - (8) The Board, the staff of the Office of the Regulatory Authority and any consultants or advisers appointed under this Article shall not be liable in respect of any injury, loss or damage suffered by any person by reason of any act, default, neglect or otherwise of any person, except for wilful and fraudulent acts and omissions.

11. WORK PLAN AND REPORTING

- (1) The Regulatory Authority must prepare an annual work plan and give it to the Minister no later than 31 December each year. The work plan must be consistent with the objects of the Law and the functions and powers of the Regulatory Authority. The work plan must include details on at least the following matters:
 - (a) the goals of the Regulatory Authority for the upcoming year;
 - (b) a report against the goals of the immediately previous business plan;
 - (c) the strategies and policies that will be followed in order to achieve the goals in the work plan;
 - (d) the list of scheduled meetings of the Regulatory Authority for the upcoming year; and

- (e) the final budget approved by the Regulatory Authority in accordance with Article 12(c)(8).
- (2) The Regulatory Authority may consult with the Minister and the Ministry when devising a work plan under this Article, however the work plan is not subject to the sanction of either the Minister or the Ministry.
- (3) No later than 31 March each year, the Regulatory Authority shall submit an annual report for the previous year to the National Authority through the Minister. The annual report shall be publicly available and set out the activities of the Regulatory Authority and a report against its annual budget for the previous year.

12. FINANCES

- (1) The finances of the Regulatory Authority shall consist of the following sources:
 - (a) funds assigned to it by the budget of the National Authority;
 - (b) proceeds from the issue and renewals of license, permits, services or fines provided or imposed by the Regulatory Authority under the Law; and
 - (c) any grants received by the Regulatory Authority from any other sources, on the approval of the Council of Ministers.
- (2) The Regulatory Authority may propose Regulations to be issued by the Minister to establish fees which it may collect from persons in respect of telecommunications-related matters including:
 - (a) Licence application fees and annual Licence fees;
 - (b) radiocommunication spectrum fees; and
 - (c) fees for the use of numbers and electronic addressing.
- (3) Any fees determined under this Article shall be determined on the basis of the following principles:
 - (a) the fees collected may be used to fund the Regulatory Authority in fulfilling its functions and powers and the Office of the Regulatory Authority in carrying out the regulatory functions under the Law;
 - (b) fees shall be levied in an impartial and competitively neutral manner; and
 - (c) annual Licence fees may be based on a percentage of the revenues of Licensees derived from the provision of telecommunications services.

- (4) Any fees determined under this Article that are required to be paid by any person shall constitute a debt to the Regulatory Authority and may be recovered in a court of competent jurisdiction.
- (5) The initial capital of the Regulatory Authority shall be by way of a budget allocation by the Ministry of Finance.
- (6) The finances of the Regulatory Authority shall be administered independently and in accordance with its annual work plan formulated under Article 11 and the annual budget prepared in accordance with this Article.
- (7) The finances of the Regulatory Authority may be held on trust by the Ministry, but must at all times be kept separate from and not at the disposal of the Ministry or any other person.
- (8) The Regulatory Authority shall approve an annual budget as prepared by the Chief Executive Officer, based on its work plan by 30 September each year for the following year. The annual budget shall include the following matters:
 - (a) reserves held;
 - (b) operation budget; and
 - (c) proposed fees and sources of fees.
- (9) The Regulatory Authority must prepare set of independently audited and certified financial report of its finances for the previous year. The report must be provided to the National Authority on an annual basis and no later than 31 March each year, as part of the annual report submitted in accordance with Article 11(e)(3).
- (10) Except for any reasonable reserves determined by the Regulatory Authority, any surplus funds held by the Regulatory Authority shall be remitted to the National Authority.

CHAPTER FIVE

LICENSING

13. REQUIREMENT TO BE LICENSED

- (1) No person shall:
 - (a) own or operate a telecommunications network; or
 - (b) provide telecommunications services to the public

without holding either a valid licence issued under the Law, or without being exempt from holding a Licence under the Law.

- (2) No person may conduct a business which offers telecommunications services directly or indirectly to the public, or any equipment which connects to a telecommunications network, without being authorised to do so by a Licensee.
- (3) Each holder of a licence must comply with the terms and conditions of that licence.
- (4) Each person granted an exemption from holding a licence must comply with the terms and conditions of that exemption.
- (5) In this Chapter, unless otherwise specified in the Regulations, the term “to the public” refers to any member or segment of people situated within or outside Palestine.

14. TYPES OF LICENCES

- (1) The Regulatory Authority may issue the following types of Licences:
 - (a) Network Licence; or
 - (b) Service Licence.
- (2) Licences may be issued on either an individual or class basis to a Licensee, distinguished as follows:
 - (a) an individual Licence shall be issued to, and set out the terms and conditions, particular to that Licensee; and
 - (b) a class Licence shall be a general authorisation to carry out certain activities. That authorisation shall be applicable to all Licensees authorised by that Licence.

The Regulations may specify:

- (a) the types of telecommunications network and telecommunications services which will be licensed on either an individual or a class basis; and
- (b) the terms and conditions of individual and class Licences.

15. PROCEDURE FOR ISSUING LICENCES

- (1) Licences shall be issued by the Regulatory Authority in a manner consistent with the policy set by the Minister under Article (1).
- (2) The Regulatory Authority shall publish as part of its procedures:

- (a) the criteria for Licences;
 - (b) the method of Licence allocation;
 - (c) the Licence application process; and
 - (d) indicative timeframes for determining Licence applications.
- (3) All Licence applications shall be treated in a non-discriminatory manner by the Regulatory Authority.
 - (4) The grant of a License shall be issued on a technology neutral basis which does not distinguish between any technologies capable of utilising the telecommunications network (in the case of a Network Licence) or providing the types of services (in the case of a Service Licence) authorised under that License.
 - (5) The terms and conditions of a Licence shall not unfairly discriminate against persons who operate the same telecommunications networks or provide the same telecommunications services.

16. LICENCE ALLOCATION

- (1) All Licence applications shall comply with the following requirements:
 - (a) be in writing;
 - (b) in accordance with the form approved by the Regulatory Authority;
 - (c) accompanied by a fee prescribed by the Regulatory Authority; and
 - (d) accompanied by such information and documents required by the Regulatory Authority.
- (2) Licences shall be issued in writing by the Regulatory Authority.
- (3) The Regulatory Authority must inform an unsuccessful applicant for a Licence of the reasons for refusal to grant that Licence.
- (4) The Regulatory Authority shall maintain a publicly available register of all Licences.

17. LICENCE TERM

Each Licence shall specify the period of time for which that Licence shall be valid.

- (4) A Licensee may apply to the Regulatory Authority for renewal of a Licence. The criteria for Licence renewal applications shall be set out in

the Regulations and shall be publicly available, objective, fair and transparent.

- (5) All applications for Licence renewals shall be treated in a non-discriminatory manner by the Regulatory Authority.
- (6) Unless otherwise specified in the Regulations, Licences shall be renewed on the same terms and conditions as the existing Licence.

18. AMENDMENT AND REVOCATION OF LICENCES

- (1) The Regulatory Authority may amend the terms and conditions of a Licence or revoke a Licence in the following circumstances:

the Licensee has sought an amendment to its Licence;

- (e) the Licensee has sought revocation of its Licence;
- (f) the Regulatory Authority has found the Licensee to be in breach of the Law or the terms of its Licence;
- (g) any changes to international negotiations, agreements, standards or other laws of Palestine require that amendment or revocation; or
- (h) amendment or revocation is necessary to ensure consistency with national policy or the Law.

- (2) Prior to amendment or revocation of a Licence under this Article, the Regulatory Authority shall notify the Licensee in writing of the conditions and reasons for the amendment or revocation. The notice from Regulatory Authority shall:

- (a) invite comments from the Licensee and the public on the terms of the amendment or revocation;
- (b) set out the procedures and criteria being applied in consideration of the amendment or revocation; and
- (c) apply any other criteria set out in the Regulations concerning amendment and revocation of Licences.

19. EXEMPTIONS

- (1) The Regulatory Authority may exempt any telecommunications network, telecommunications service, or class of persons from the requirement to hold a Licence.

- (2) The application procedures and criteria for issuing exemptions shall be set out in the Regulations and shall be publicly available, objective, fair and transparent.
- (3) All exemption applications shall be treated in a non-discriminatory manner by the Regulatory Authority.
- (4) Any exemptions issued under this Article shall be:
 - (a) in writing;
 - (b) publicly available;
 - (c) subject to such terms and conditions as specified by the Regulatory Authority, including the time period for which the exemption shall be valid; and
 - (d) consistent with national policy and the requirements of the Regulations.

20. **TRANSITIONAL**

- (1) Any licence, agreement or authorisation to own or operate a telecommunications network or provide telecommunications services, issued by or pursuant to any authority and held by a person prior to the Effective Date of the Law, shall remain valid until the day which is 180 calendar days after the Effective Date. This period of time shall be known as the **Transitional Licence Period**.
- (2) Upon expiry of the Transitional Licence Period, any person who owns or operates a telecommunications network or provides telecommunications services must hold a Licence issued under the Law.
- (3) In all other respects, other than as stated in this Article, nothing in this Article limits the application of the Law to any person who owns or operates a telecommunications network or provides telecommunications services during the Transitional Period.
- (4) All other rights and obligations in the Law that apply to Licensees shall be deemed to include reference to any person who holds a licence, agreement or authorisation to own or operate a telecommunications network or provide a telecommunications service during the Transitional Period.

CHAPTER SIX

UNIVERSAL ACCESS

21. UNIVERSAL ACCESS POLICY

- (1) The Minister shall, in consultation with the Regulatory Authority, devise a policy with the aim of working towards achieving universal access to telecommunications services in Palestine (**Universal Access Policy**). The objects of the Universal Access Policy shall be:
 - (a) to enable all Palestinians to have equitable access to specified telecommunications services;
 - (b) to ensure that specified telecommunications services are provided to all Palestinians on similar and affordable terms; and
 - (c) to ensure that particular segments of Palestinian society have access to basic telecommunications services necessary for their specific requirements.

22. UNIVERSAL ACCESS SCHEME

- (1) In accordance with the Universal Access Policy, the Regulatory Authority may devise and administer a scheme for universal access to telecommunications services in Palestine (**Universal Access Scheme**).
- (2) Any Universal Access Scheme formulated under this Article shall be subject to the following conditions:
 - (a) consistency with the Universal Access Policy;
 - (b) administered in a transparent, non-discriminatory and competitively neutral manner; and
 - (c) not be more burdensome than necessary to provide universal access as set out in the national policy.
- (3) A Universal Access Scheme may take any form as the Regulatory Authority determines most effectively and efficiently fulfils the Universal Access Policy and the objects of the Law and may comprise:
 - (a) the establishment of a universal access fund with the aim of providing telecommunications services to Palestinian users who may not be able to afford those services, comprising contributions from specified Licensees and subject to administration and audit requirements set out in the Regulations. The proceeds of any universal access fund shall be

- administered independently and the process for any disbursements shall be publicly available; or
- (b) a competitive tender for the provision of specified services to particular geographic segments of Palestine or particular groups of Palestinians, the criteria for which shall be publicly available ; or
 - (c) any other method of universal access determined by the Regulatory Authority.
 - (4) The Regulatory Authority shall undertake a public consultation before formulating and implementing any Universal Access Scheme under this Article.
 - (5) The terms of any Universal Access Scheme shall be published by the Regulatory Authority and publicly available.

CHAPTER SEVEN

RADIOCOMMUNICATION SPECTRUM MANAGEMENT

23. SPECTRUM MANAGEMENT FUNCTIONS

- (1) The Regulatory Authority shall have responsibility for planning, administering and regulating the use of radio frequency spectrum in a manner that is consistent with:
 - (a) the recognition of the radio frequency spectrum as a national resource;
 - (b) the imperatives of Palestine's interests and the outcomes of negotiations with Israel in relation to radio frequency spectrum **undertaken** pursuant to Article 3(g);
 - (c) recognition of the needs of the national defence and security of Palestine, aviation and maritime safety and emergency services with respect to radio frequency spectrum;
 - (d) preference for the use of radio frequency spectrum pursuant to authorisation rather than licensing wherever feasible;
 - (e) the standards and regulations of the International Telecommunication Union; and
 - (f) efficient management of the radio communications spectrum.
- (3) The Minister, or the Regulatory Authority under the delegation of the Minister, shall be responsible for negotiating with the International

Telecommunications Union or its affiliated bodies on matters relating to the management and use of radio frequency spectrum.

- (4) All radio frequency licences issued under this Chapter shall be made in a transparent and non-discriminatory manner.

24. SPECTRUM PLANS AND BAND PLANS

- (1) The Regulatory Authority shall prepare and administer a spectrum plan, having regard to international agreements and negotiations to which Palestine is a party, setting out the general uses of spectrum for particular types of telecommunications services.
- (2) The Regulatory Authority may prepare band plans which set out the detailed use of radio frequency spectrum.
- (3) The use of radio frequency spectrum shall be subject to any requirements set out in the Regulations.

25. RADIO FREQUENCY LICENSING

- (1) No person shall use any radio frequencies without holding a licence or being exempt from holding a licence issued in accordance with this Chapter.

(2) The Regulatory Authority shall

- (3) The Regulatory Authority may issue the following licences in relation to the use of radio frequency spectrum:
 - (a) spectrum licences;
 - (b) apparatus licences; and
 - (c) class licences.
- (4) The Regulatory Authority may authorise the use of competitive bidding to grant licenses to use the radio frequency spectrum, in cases where it will serve the public interest. In making this determination, the Board shall not base such a finding of public interest solely or primarily on the expectation of revenues derived from the auction.
- (5) The holder of a license for the use of radio frequencies shall conform to the conditions and standards specified in the license, including:
 - (a) the frequencies assigned to that licence holder;

- (b) the location, type and specifications of apparatus;
- (c) the specific geographical area licensed for the placement of wireless mobile stations; and
- (d) any other technical conditions that may assist in the efficient and effective use of the radio frequency spectrum.
- (6) The Regulatory Authority shall monitor compliance with the use of any radio frequency spectrum assigned to the holder of a radio frequency licence issued under this Chapter.
- (7) The criteria, process and fees for radio frequency licences granted under this Chapter will be determined by the Regulatory Authority and be publicly available.

CHAPTER EIGHT

COMPETITION POLICY

26. PROHIBITION AGAINST ANTI-COMPETITIVE CONDUCT

- (1) Subject to this Chapter, the Regulatory Authority shall apply the principle that market forces shall be relied on to ensure fair competition in the use and supply of telecommunications services in Palestine.
- (2) No person shall engage in conduct that restricts or distorts competition in any telecommunications market.
- (3) No merger or other transaction between telecommunications service providers shall be effective if it has the effect of restricting or distorting competition in any telecommunications market.
- (4) The following forms of conduct are deemed to be anti-competitive:
 - (a) any arrangement between two or more persons that directly or indirectly fixes the prices, terms or conditions of telecommunications services;
 - (b) conduct that is misleading or deceptive;
 - (c) any arrangement between two or more persons which has the purpose or effect of sharing telecommunications markets among themselves;
 - (d) conduct which imposes restrictions on whom another person may deal with in a telecommunications market;

- (e) conduct that specifies a minimum price below which goods or services may not be re-sold; and
- (f) any other conduct or practices specified by the Regulatory Authority in the Competition Guidelines.

27. **COMPETITION GUIDELINES**

The Regulatory Authority shall publish guidelines on how it will assess the conduct and trading practices of persons for the purpose of determining whether such conduct is anti-competitive for the purposes of this Chapter. These guidelines shall be published through the Regulations and shall be known as the Competition Guidelines.

28. **ABUSE OF DOMINANCE**

- (1) This Article applies to Licensees whom the Regulatory Authority declares to be dominant in a market for telecommunications services (**Dominant Licensee**).
- (2) The Regulatory Authority may determine a Licensee to be dominant in a telecommunications market on the basis of the following factors:
 - (a) the Licensee's market share in any telecommunications market;
 - (b) the gross revenue of any Licensee derived from any telecommunications market;
 - (c) the objects of the Act and national policy; and
 - (d) any other factors specified in the Regulations.
- (3) The following forms of anti-competitive conduct are deemed to be an abuse of a Dominant Licensee's position and are prohibited:
 - (a) a failure to supply on request, on reasonable terms and conditions, interconnection or essential facilities to a person entitled to be supplied under the Law;
 - (b) unfair discrimination against other Licensees in the provision of access, interconnection or other telecommunications services or essential facilities;
 - (c) bundling telecommunications services as a condition of supply, in a manner that provides more favourable returns and conditions for competitors to acquire the bundled services, but where such favourable

- terms are not justified if the competitor does not require the full bundle of services;
- (d) pricing telecommunications services below cost or engaging in price squeeze behaviour;
 - (e) requiring or inducing a supplier to refrain from selling to a competitor;
 - (f) cross-subsidisation from one telecommunications service to another with the purpose of lessening competition;
 - (g) the failure to make available on a timely basis to other Licensees on request the technical information, specifications or other commercially relevant information necessary to provide interconnection or other telecommunications services; or
 - (h) any other conduct specified in the Competition Guidelines.
- (4) Nothing in this Article limits the obligations that apply to Dominant Licensees in relation to any other interconnection requirements under the Law.

29. REMEDIES AND ENFORCEMENT

- (1) The Regulatory Authority may investigate any conduct engaged in under this Chapter to determine whether any person has engaged in anti-competitive conduct or an abuse of dominant position. The procedures for undertaking and assessing anti-competitive conduct under this Chapter shall be specified in the Competition Guidelines.
- (2) If the investigation undertaken causes the Regulatory Authority to conclude that a person has engaged in anti-competitive conduct or an abuse of dominant position, the Regulatory Authority may:
 - (a) issue a direction to the relevant persons ordering them to cease engaging in that conduct;
 - (b) impose terms and conditions on the conduct of the relevant person;
 - (c) impose a fine or order punitive damages to be paid;
 - (d) require the person to publish an acknowledge or apology for the conduct;
 - (e) direct the person to undertake training in the prohibitions prescribed in this Chapter; or
 - (f) require the person to provide periodic reports to the Regulatory Authority to assist in monitoring its future conduct.

CHAPTER NINE

INTERCONNECTION

30. RIGHT OF INTERCONNECTION

- (1) Each Licensees shall:
 - (d) provide interconnection to all other Licensees;
 - (e) share its facilities with all other Licensees; and
 - (f) allow other Licensees to access the telecommunications services provided by it,

on reasonable terms and conditions in response to a request from any other Licensee.

- (2) The terms of interconnection shall be set out in a written interconnection arrangements. Every Licensee shall enter into a written interconnection arrangement with any other Licensee on request.

- (3) All interconnection arrangements shall be provided on non-discriminatory terms.

31. DUTIES OF INTERCONNECTION

- (1) All Licensees have the following duties of interconnection
 - (a) to enter into good faith negotiations on the terms of interconnection and registration of interconnection arrangements;
 - (b) to connect and keep connected to the Telecommunications Networks of the respective Licensees;
 - (c) interconnection arrangements shall be entered into in a timely manner;
 - (d) interconnection shall be provided at any technically feasible point in a Telecommunications Network;
 - (e) to provide details of the technical, operational, administrative, financial and commercial terms of interconnection; and
 - (f) any other requirements issued by the Regulatory Authority from time to time.
- (2) All interconnection arrangements shall only become effective upon registration with the Regulatory Authority.

(3) The Regulatory Authority shall maintain a public register of all interconnection agreement filed with it under this Chapter.

(4) Subject to this Chapter, the terms of interconnection shall be subject to good faith commercial negotiation between Licensees.

32. **INTERCONNECTION WITH DOMINANT LICENSEES**

(1) This Article applies to Licensees whom the Regulatory Authority declares to be dominant (**Dominant Licensees**) for the purposes of interconnection.

(2) In accordance with the Regulations, the Regulatory Authority may designate a Licensee to be a Dominant Licensee for the purposes of interconnection.

(3) Every Dominant Licensee shall prepare and provide to the Regulatory Authority a Reference Interconnection Offer (**RIO**). The RIO shall comprise the full set of terms on which the Dominant Licensee will provide interconnection to all other Licensees and must be publicly available.

(4) The terms of interconnection provided pursuant to a Reference Interconnection Offer must comply with the following principles:

(a) interconnection shall be provided on non-discriminatory terms and conditions;

(b) the timing, quality, technical, operational and fault handling terms of interconnection must be equivalent to that which the Dominant Licensee provides to itself;

(c) interconnection shall be provided on cost-oriented rates that are transparent, reasonable, have regard to economic feasibility, and sufficiently unbundled to enable an interconnecting Licensee to acquire only the network components or facilities that it requires in order to provide telecommunications services; and

(d) if an interconnecting party requests network termination points to be provided in addition to those offered to the majority of users under the RIO, the costs of those additional points shall reflect the cost of construction.

(5) The Regulations shall set out:

- (a) the timeframes within which the Dominant Licensee must prepare and submit the Reference Interconnection Offer to the Regulatory Authority for approval;
 - (b) the minimum requirements of the content of the RIO; the interconnection, facilities and services types to be covered by the RIO.
 - (c) the price and non-price terms of interconnection that must be offered under the RIO;
 - (d) the procedures for approval of the RIO by the Regulatory Authority; and
 - (e) the procedures for making variations to the RIO.
- (6) Nothing in this Article limits the obligations that apply to Dominant Licensees in relation to any other interconnection requirements under the Law.
- (7) In the event that a Dominant Licensee fails to prepare an RIO in accordance with this Article to the reasonable satisfaction of the Regulatory Authority, the Regulatory Authority shall prepare the RIO to be provided by that Dominant Licensee.

33. RESOLUTION OF INTERCONNECTION DISPUTES

- (1) A Licensee may request the Regulatory Authority to intervene in the event of a dispute arising in connection with an interconnection arrangement, however the Regulatory Authority shall consider the following factors in deciding whether and to what extent to intervene:
- (a) the principle that commercial negotiations should prevail over regulatory intervention; and
 - (b) the preference to refrain from intervening in interconnection disputes where one of the parties is not a Dominant Licensee.
- (2) If the Regulatory Authority decides to intervene in an interconnection dispute, it shall apply the dispute resolution procedures set out in the Regulations. The parties to the dispute must comply with the dispute resolution procedures and orders as determined by the Regulatory Authority.

CHAPTER TEN

PRICING

34. PRICE REGULATION

- (1) To the extent set out in the Law:
 - (a) competitive forces shall be relied on to determine the prices at which telecommunications services will be offered to end users; and
 - (b) the Regulatory Authority shall regulate prices to the extent that competition is insufficient and that regulation is in the best interests of end users.
- (2) The Regulatory Authority shall issue pricing principles for telecommunications services that are determined in the Regulations not to be subject to commercially competitive pricing (**Non-Competitive Services**). The pricing principles applied by the Regulatory Authority shall be consistent with the guidance issued by the Minister under Article 3(n).
- (3) All Licensees must submit their prices for all Non-Competitive Services with the Regulatory Authority for approval. No Non-Competitive Service may be offered without the approval of the Regulatory Authority.
- (4) The approval of the Regulatory Authority of the price for a Non-Competitive Service shall only become effective on publication in the Official Gazette.
- (5) All Licensees which offer a Non-Competitive Service may only supply that Non-Competitive Service at the relevant price approved by the Regulatory Authority under this Article.
- (6) The Regulatory Authority may accept or reject the prices submitted by a Licensee for a Non-Competitive Service. If the Regulatory Authority rejects the price submitted for a Non-Competitive Service, it shall notify the Licensee of the reasons for rejection and invite the Licensee to submit a revised price for that Non-Competitive Service.
- (7) The Regulatory Authority may review the prices for Non-Competitive Services either in its discretion, or in accordance with any guidance issued by the Minister under Article 3(n). Following the outcome of any review under this Article, the Regulatory Authority may advise the Licensee which offers the relevant Non-Competitive Service that it proposes to amend or revoke its approval of that Non-Competitive Service.

(8) In accordance with the procedures and timeframes set out in the Regulations, the Regulatory Authority may invite the Licensee to submit a revised price for the Non-Competitive Service in accordance with the outcomes of the review conducted by the Regulatory Authority under this Article.

(9) The Regulatory Authority may exempt a Licensee from the requirements under this Article to submit and obtain approval for the price of a Non-Competitive Service. The procedures and criteria for exemptions under this Article shall be determined by the Regulatory Authority.

35. PRICE CONTROLS

The Regulations may specify the forms of price controls that the Regulatory Authority may apply in relation to determining or approving prices under this Article, including price cap regulation or cost-based regulation.

36. PRICES TO BE MADE PUBLIC

All Licensees shall make the prices for telecommunications services approved under this Chapter publicly available.

CHAPTER ELEVEN

RELATIONS BETWEEN SERVICE PROVIDERS AND CUSTOMERS

37. FAIR TRADING PRACTICES

Any Licensee that supplied telecommunications services to consumers shall comply with the following fair trading practices:

- (a) Licensees shall provide the full terms and conditions of the supply of telecommunications services to consumers in a manner that is readily understandable and accessible;
- (b) no Licensee shall make any statement or representation that is, or in all the circumstances, may be construed as being, false or misleading with regard to the terms on which a telecommunications service is provided (including the features, quality, prices and conditions of any telecommunications service or any product used in connection with a telecommunications service);
- (c) consumers shall only be charged for telecommunications products and services ordered or used;
- (d) consumers shall be billed periodically and in a manner specified in the Regulations;

- (e) all information relating to consumers shall be kept confidential including billing information and call information, except to the extent necessary to publish any public telecommunications directory or enable billing of the consumer; and
 - (f) Licensees must formulate and submit to the Regulatory Authority a complaints handling procedure for dealing with consumer complaints, which must be approved by the Regulatory Authority and complied with by the Licensee.
- (2) The Regulatory Authority may issue standards that must be complied with by Licensees in their relationships with consumers including quality of service, service level guarantees and fault response and repair timeframes.

38. INVESTIGATION

- (1) The Regulatory Authority shall have the power to:
- (a) investigate complaints made by consumers against the actions of a supplier of telecommunications services for suspected violations of fair trading practices;
 - (b) monitor compliance by Licensees with the requirements of fair trading practices;
 - (c) resolve disputes between consumers and suppliers of telecommunications services; and
 - (d) impose binding orders on Licensees in respect of complaints made by consumers.

CHAPTER TWELVE

EQUIPMENT

39. TECHNICAL RULES AND STANDARDS

- (1) The Regulatory Authority shall set and publish in the Regulations the technical rules and standards specifications applicable to all Telecommunications Terminal Equipment to ensure against damage to telecommunications networks or services or to public health, safety, or the environment.
- (2) The Regulatory Authority shall coordinate with other standards-making bodies in Palestine, including the Institute for Standards and Metrology, when setting rules and standards for Telecommunications Terminal Equipment under this Article.

- (3) No person who provides a telecommunications service or supplies Telecommunications Terminal Equipment shall use, supply, or sell any telecommunications service or Telecommunications Terminal Equipment that does not comply with technical rules and standards prescribed by the Regulatory Authority.
- (4) The Regulatory Authority shall issue instructions specifying the conditions and approval procedures necessary for manufacture within or the import into Palestine of telecommunications equipment or Telecom Terminal Equipment, as well as its uses and sale.

CHAPTER THIRTEEN

NUMBERS

40. NUMBERING PLAN

- (1) The Regulatory Authority shall, subject to any arrangements pursuant to Article 3(1)(f) in relation to numbering, devise and administer a numbering plan for the telecommunications sector in Palestine.
- (2) The numbering plan shall set out the rules for the fair, transparent, equitable and non-discriminatory rules for the allocation, use and administration of numbers and electronic addresses in connection with telecommunications services.
- (3) All Licensees must comply with the numbering plan.
- (4) The numbering plan shall include:
- (a) the terms and conditions of number allocation;
 - (b) the requirements and terms of number portability and telecommunications service provider selection;
 - (c) the rules for numbering charges;
 - (d) the permitted uses of types of numbers; and
 - (e) the method for keeping records of numbers that have been allocated or are used.
- (5) The Regulatory Authority may levy numbering charges payable by persons in relation to the use of numbers and electronic addresses in the numbering plan.
- (6) No property rights shall vest in any person in relation to any number.

- (7) The numbering plan shall be publicly available and administered subject to the Regulations.

CHAPTER FOURTEEN

ACCESS TO PROPERTY

41. ACCESS TO PRIVATE LAND

- (1) Subject to this Article, a Network Licensee may enter on any public or private land for the purpose of constructing, maintaining or operating a Telecommunications Network.
- (2) If the establishment of a Telecommunications Network requires fixing poles or erecting towers or laying ground cables or spreading aerial wires through private lands or real property, the Network Licensee and the owner or occupier of that private land or real property may enter into a private arrangement on the terms and conditions of access to and use of land.
- (3) If a Network Licensee and the owner or occupier of private land are unable to reach agreement on the terms and conditions of access to that land, either party may submit the matter to the Regulatory Authority for resolution.
- (4) The Regulatory Authority shall apply the following principles and considerations when resolving a dispute raised under this Article:
- (a) the necessity of access by the Network Licensee to the land in question;
 - (b) the promotion of co-location where technically feasible;
 - (c) the historical, environmental and health implications of that access;
 - (d) the terms of compensation offered by the Network Licensee to the owner or occupier;
 - (e) any other matters specified in the Regulations; and
 - (f) the national policy and objects of the Law.
- (5) If the establishment of a Telecommunications Networks requires acquisition of real property by the Network Licensee and the owner that property refuses to sell that property on reasonable terms, the Network

Licensee shall have the right to request the appropriation of that real property or the part thereof necessary for the establishment of the Telecommunications Network, according to the following procedures:

- (a) the Network Licensee shall submit an application to the Regulatory Authority, requesting and justifying why legal action is necessary be taken to against the owner of that real property;
- (b) if the Regulatory Authority agrees with the submissions of the Network Licensee, it shall recommend to the Council of Ministers to approve the appropriation of that real property or the part thereof necessary for the use by the Licensee for the construction of the Telecommunications Network, provided that the establishment of the Telecommunications Network is a “public utility project” in the sense intended for it in the relevant Appropriation Law;
- (c) if the Regulatory Authority disagrees with the submissions of the Network Licensee, the Licensee shall be so informed and, subject to any subsequent agreement between the property owner and the Licensee, the Licensee shall be denied access to the real property in question;
- (d) if the Regulatory Authority decides to recommend to the Council of Ministers to approve the appropriation of that real property, it shall instruct the Licensee to pay to the owner of the property the amount the Regulatory Authority deems to be a fair compensation for the appropriated real property, following the assessment of one or more experts charged by the Regulatory Authority with the task of assessing the real property or the part thereof to be appropriated.
- (6) A Network Licensee shall, in coordination with the Regulatory Authority, agree with the Ministry of Public Works or Municipalities or Government Institutions on arrangements and fees related to the laying of ground or aerial Telecommunications Networks on roads, streets, squares and public squares under their administration.

42. ACCESS TO PUBLIC LAND

- (1) If any Licensee is exempted from paying fees, rates or charges to a **Government** or Municipal authority in relation to a Telecommunications Network located in whole or in part on property belonging to that Government or Municipal authority, all other Licensees shall enjoy the same exemption.

- (2) A Licensee may request the Regulatory Authority to assist in negotiations with **Government** or Municipal authorities if it is unable to reach agreement with that body in respect of constructing, maintaining or operating a Telecommunications Network.
- (3) The Regulatory Authority may consult with the relevant **Government** or Municipal authority in an attempt to reach a commercial agreement on the terms of access to that public land.

43. **DAMAGE TO TELECOMMUNICATIONS NETWORKS**

- (1) If any person, authority, municipality (or contractor or agent acting on behalf of a Government or Municipal authority or) causes any damage to or destruction of a Telecommunications Network, it shall be obliged to repair the damage at its own expense and restore the Telecommunications Network to its former condition prior to the damage.

CHAPTER FIFTEEN

OFFENCES

44. **CONTENT OF COMMUNICATIONS**

- (a) Any person who uses or discloses the content of any communication through a Telecommunications Network or a telephone message which came to his knowledge by virtue of his post or who records the same without any legal basis, shall be punished by imprisonment for a period not less than one month and not exceeding one year, or by a fine not less than [insert] **or both penalties**.

45. **DAMAGE TO TELECOMMUNICATIONS NETWORKS**

- (a) Any person who sabotages, destroys or deliberately causes damage to any Telecommunications Network, shall be punished by imprisonment for a period not less than [time period], or by a fine not less than [amount] or by both penalties; the penalty shall be doubled if his act causes break down of the telecommunications traffic.
- (b) Any person, who, negligently, causes the destruction of or damage to any Telecommunications Network shall be punished by imprisonment for a period not exceeding [time] or by a fine not more than [amount] or by both penalties.

46. **FAILURE TO PAY FEES IMPOSED UNDER LAW**

Any person who uses or assists in using illegitimate means to conduct telecommunications without paying the applicable fees shall be punished by imprisonment to [time], or by a fine from [amount] or by both penalties.

47. IMPROPER USE OF TELECOMMUNICATIONS

Any person who originates or forwards, by any telecommunications means, threatening or abusive messages, or messages contrary to public morals, or forwards false information with the intent to spread panic, shall be punished by imprisonment of not less than [time] or a fine of not less than [amount], or by both penalties.

48. INTERCEPTION PROHIBITED

- (a) Any person who intercepts, obstructs, alters or strikes off the contents of a telecommunications message carried or encourages others to do so, shall be punished by imprisonment for a period not less than [time], or by a fine not more than [amount] or by both penalties.

49. RADIOCOMMUNICATIONS OFFENCES

- (a) Any person who deliberately by any action intercepts, interferes with, or interrupts radio frequency assigned to a third party shall be punished by imprisonment for a period of [time], by a fine not less than [amount], or by both penalties.
- (b) Any person who deliberately uses radio frequencies without a license, shall be punished by imprisonment for [time], by a fine not less than [amount], or by both penalties.

50. TECHNICAL STANDARDS AND EQUIPMENT

Any person who brings into Palestine, trades in, or retains telecommunications equipment that is not in compliance with technical standards, or bears inaccurate identification labels required under the provisions of the Law, shall be punished by imprisonment for a period of [time], or by a fine not less than [amount], or by both penalties.

51. GENERAL

- (a) In addition to the penalties stipulated in this Chapter, a competent court of competent jurisdiction may, pursuant to a motion by the Regulatory Authority, decide to bind the offender to pay a sum not less than double the fees payable for licensing that telecommunications service to the Regulatory Authority.
- (b) Penalties imposed under the preceding Articles and provisions of this Chapter shall not prevent the right of any person suffering harm from such violations to claim civil damages

CHAPTER SIXTEEN

ENFORCEMENT AND APPEALS

52. MONITORING AND ENFORCEMENT

- (1) The Regulatory Authority shall have the power to:
 - (a) investigate any suspected breaches of the Law;
 - (b) enforce the Law, the Regulations, the conditions of any Licence and any directions issued under the Law;
 - (c) order the production of documents and information;
 - (d) search premises, seize documents and information and question persons;
 - (e) issue fines for breaches of the Law, Regulations or any Licence conditions, or any failure to comply with the directions of the Regulatory Authority issued under the Law;
 - (f) issue temporary and final injunctions for breaches of the Law or any Licence conditions; and
 - (g) award damages payable by Licensees to third parties aggrieved as a result of any breach by a Licensee of the Law or any Licence conditions.
- (2) Any person who violates the Law, Regulations or any Licence condition, or fails to comply with the terms of any directions issued by the Regulatory Authority under the Law, shall be guilty of an offence and liable to a fine specified in the Regulations or Licence conditions.

53. APPEALS

- (1) Any appeal against the lawfulness the actions of the Regulatory Authority made under the Law may apply to a court of competent jurisdiction in Palestine.
- (2) Any person aggrieved by a decision of the Regulatory Authority on a question of jurisdiction may submit the matter for judicial review by a court of competent jurisdiction in Palestine.
- (3) Any application for appeal under this Article must be made within 30 calendar days of the relevant action or decision by the Regulatory Authority, as the case may be.

CHAPTER SEVENTEEN
TRANSITIONAL PROVISIONS

54. DEEMING

Unless otherwise amended or revoked, any decisions, actions and all other powers and functions exercised by the Regulatory Authority made prior to commencement of the Law shall be deemed to be effective.

CHAPTER EIGHTEEN
GENERAL

55. REGULATIONS

The Minister may issue Regulations as specified in the Law and as generally necessary or convenient to give effect to the functions and powers conferred under the Law.

56. EFFECTIVE DATE

This Law shall be effective as of the date of its publication in the Official Gazette.

57. REPEAL

The Law No. 3 of 1996 for Telecommunications and any regulations or subordinate rules and instruments made pursuant to it are repealed.

Issued in [Ramallah]