

The Communications Law

Issued by
The Royal Decree No. 12 dated 12/3/1422H(1)
Based on
The Council of Ministers' resolution No. 74 dated 5/3/1422H(2)

Chapter one **Definitions**

Article (1)

The following terms wherever they appear, in this law and its executive regulation, shall, unless the context otherwise requires, carry the meaning shown in front of each as follows, respectively:

The Kingdom: The Kingdom of Saudi Arabia.

The law: The Communications Law.

The Regulation: The executive regulation of the Communications Law.

The Legislation: The legislation of the Saudi Communications Corporation.

The Ministry: The Ministry of Telegraph, Post, and Telephone.

The Minister: The Minister of Telephone, post and Telephone.

The Corporation: The Saudi Telecommunication Corporation.

The Board: The Saudi Telecommunication Corporation Board of Directors.

The communications: To communicate, including the signals of the (International Information Network) Internet, signals by wire and wireless equipment between start and end points.

The Communications Service: To, partially or completely, transmit or direct signals on public communication networks, including radio and T.V transmission and Internet service.

The Communication Network: The system used to provide communications services including the switches boards, cables, towers, wireless equipment, fiber-optic, electro magnetic means and any other communications devices and their accessory equipment.

The Comprehensive Service: provision of minimum level, suitable quality and reasonable price for all users.

Right of Comprehensive usage: To avail chance for all users in the Kingdom of Saudi Arabia to benefit by the minimum level communications services of a suitable quality within specific geographical area.

Operator/Server (Service provider): anyone licensed to offer public communications service or operate a communication network to provide such service.

Dominant Operator/Server: The operator/server whose service covers, about 40% at least, from a certain communications market in the Kingdom of Saudi Arabia unless the Corporation decides to change such percentage in pace of the market situations.

The User: The natural or juridical corporate (artificial) person who uses the communications services.

Frequency: The number of complete rounds of wireless waves per second.

Frequent Spectrum: The range (band) of frequencies used in radio (wireless) communication in compliance to the radio international laws (protocols).

The natural plan for frequent spectrum (frequencies): the Plan, which is prepared by the Corporation and approved by the Council of Ministers, to assign frequencies spectrum to the concerned organs.

Numbering: A system of serial numbers which identify an intended destination terminal in the public communication network, it includes necessary information to direct the communications to this end point.

National Numbering Plan: The Plan, which is prepared by the Corporation to identify the set of numbers (range), used in various communication services.

Chapter Two General Provisions

Article (2)

The supervision over the Communications Sector shall be as follows: -

1- The Ministry shall set general policies, plans and developmental programs for the Communications Sector, submit license applications as prescribed in this law, and laws bills and amendments and co-ordinate with concerned circles regarding the services provided to governmental organs, and represent the Kingdom in the local, regional and International corporations and organizations in the communications sector, and it may delegate representation competence to the Corporation and other authorities as it deems appropriate, and it shall approve rules and conditions concerning the comprehensive service and the right of comprehensive use, as proposed by the Corporation.

2- The Corporation shall carry out all tasks assigned to it according to this law, the legislative organization and their regulations.

Article (3)

The Communications Sector shall be organized by this law and what complies with the following purposes: -

- 1- Providing developed and sufficient communications services at reasonable prices.
- 2- Granting the access right to public communications networks, their devices and services against reasonable prices.
- 3- Finding appropriate, fair and effective competition climate and encourage such in all Communication areas.
- 4- Effective use of frequencies without any overlap.
- 5 - Effective use of the National Numbering Plan.
- 6- Achieving transparency and clarity in procedures.
- 7- Achieving equality and indiscrimination.
- 8- Protecting the public interest and the users' interests and preserving communications confidentiality and the information security.
- 9- Transferring communication technology, nationalizing, adopting and keeping pace with it.

Article (4)

It shall be impermissible to provide fixed and mobile telephones' communication services, except through joint-stock companies that put their shares to the public underwriting.

Article (5)

The licensing to provide communication services, by fixed and mobile telephones shall be subject to the approval of the Council of Ministers.

Article (6)

Financial charges, for the public treasury, against the commercial provision of such services, and against the issuance of licenses to operators/servers and permitting them to use the frequencies shall be in light of a resolution by the Council of Ministers.

Article (7)

The Corporation shall set the basis and rules pertaining to fixing the fees for communication services, as competition permits, and the regulation shall state necessary controls.

Article (8)

The Comprehensive service and the right of comprehensive use requirements shall be applied according to the basis and rules, set by the regulation.

Article (9)

The privacy of telephone conversations and information transmission and receipt by public communication networks shall be protected and such shall not be overheard, listened to or recorded except in the cases, stipulated by laws.

Article (10)

The Corporation shall provide protection for operators/servers and users, and the regulation shall state procedures of disputes settlement among the operators/servers themselves or between them and the users, including the users' objection to the sums of money on telephone bills or the quality of service.

Chapter Three Frequencies

Article (11)

The frequent spectrum is a national wealth belongs to the State, and the Council of Ministers shall, in consistency with the international and regional agreements, and the current laws and criteria, endorse the National Plan of Frequent Spectrum to ensure optimum implementation, as it is a limited national wealth.

Article (12)

The Corporation shall organize the frequencies as follows:

1- It shall set the National Plan of Frequent Spectrum, after co-ordination with concerned authorities, and refer it to the Ministry prior to submission to the Council of Ministers for approval.

2- It shall ensure that the use of frequencies adheres to the National Plan of Frequent Spectrum, and it shall prepare a special record to be named "National Record for Frequencies" to register all the information related to frequencies and their uses and distributions.

3- The concerned authorities shall, each in its specialty, administer and supervise over the frequencies assigned to them, these frequencies may not be used except for the purpose they have been assigned for.

4- The Corporation shall administer, supervise over the frequencies assigned for civil and commercial purposes and make the plan for their distribution and employment and to and submit such to the Minister for approval.

Article (13)

No user or operator/server may use any frequency specified for civil and commercial purposes before being assigned to him by the Corporation, and before obtaining the necessary license and paying the fees of this frequency according to the procedures stipulated by this regulation.

Article (14)

In case of using the frequencies in violation of this law and its regulation, or conditions of the license, the Corporation shall have the right to issue a decision to stop operating the devices, used in the violation, or withdraw them from service and seek the assistance of the competent security authority to execute this decision when necessary.

Chapter Four Numbering

Article (15)

The Corporation shall put the National Numbering Plan and shall be responsible for its structure and administration in a way that ensures meeting the operators/servers and users demands, according to the procedures prescribed by the regulation.

Article (16)

The Corporation shall define the conditions of assigning the numbers ranges and the license procedures and fees for using them.

Article (17)

The Corporation shall have the right to amend the structure of numbers in the National Numbering Plan, provided that it shall inform the operators/servers and the users of the amendment in a sufficient time before such amendment.

Chapter Five Licenses

Article (18)

Anyone who desires to provide a communication service, satisfying the conditions, shall apply to the Corporation for a license of such, and the Corporation shall issue the license according to the rules of the law and its regulation, and all the operators/servers shall abide by the conditions cited in the licenses given to them.

Article (19)

Obtaining a license from the Corporation shall not be required as a condition for those intending to set up a private, limited capacity, internal communication network (LAN) to connect the parts of one building, such as hospitals, residential complexes and hotels, and such network may not be connected to the public communication networks except after obtaining the necessary approval according to the rules and procedures stated in the regulation.

Article (20)

1- The renewal of the licenses shall be affected by the Council's decision while the regulation define the necessary criteria and rules.

2-The Council shall have the right not to renew, amend, suspend or cancel the license

according to the rules, procedures and reasons defined by the regulations, including the following reasons:

- a- A repeated violation of a basic condition of the license.
 - b- Non-payment of the license fees or any other payable dues to the Corporation.
 - c- Repeated failure in applying the decision issued by the Corporation.
 - d- Not practicing work with the license for one year from the date of its issuance.
 - e- Commit acts contrary to the public interest.
 - f- Bankruptcy, dissolution or liquidation of the operator/server's business.
 - g- Assignment of the license without the Corporation's approval, except licenses for fixed and mobile telephones wherein the Councils approval requires endorsement by the Minister.
- 3- The Corporation shall, in case of license non-renewal, suspension or canceling, take the necessary action to ensure the continuation of the service according to rules and procedures stated by the regulation.

Article (21)

The Corporation shall classify the licenses, define their types and set the conditions of granting each.

Article (22)

The Corporation shall define in the licenses issued to the operators/servers, the requirements for the licenses issuance, the information services, and the emergency services that shall be provided, while the regulation states the rules and procedures concerning such.

Article (23)

The Council approval shall be obtained prior to relinquishing the licenses, except for the licenses of providing the service of fixed and mobile telephones wherein the Council's decisions shall be subject to the approval of the Minister, and the Corporation shall issue its decision in a reasonable time as specified by the regulation.

Chapter Six Rules of Competition

Article (24)

With regard to the provisions of Articles (25, 26), the operators/servers shall be prohibited from agreeing amongst themselves to make some practices leading to the monopoly of a dominant operator/server over a certain communications market, limit, restrict or reduce the competition efficiency, and that the provisions of any agreements or decisions, in this

respect, shall be null and void, and the regulation shall define the decisions and practices which restrict competition and necessary actions to be taken in such.

Article (25)

1- The operators/servers shall obtain the Council prior approval, before any merger with other Operators/servers inside or outside the Kingdom and notify the Corporation within five days about any initial agreement reached in this respect. However, with respect to merger processes to provide fixed and mobile telephone services, the Council's decision shall be approved by the Minister.

2-The operators/servers or any other natural or corporate (artificial) person shall obtain the Council approval before buying 5% or more of the shares of other operator/server licensed to work in the Kingdom or such activity that may lead to the level of a dominant operator/server over a certain market of communication.

3-The Corporation shall issue the appropriate decision with respect to the provisions of paragraph (1, 2) of this Article within a reasonable time defined by this regulation.

Article (26)

It shall be impermissible for any operator/server dominating a certain communication market or part of it, to undertake any activity or action that represent an exploitation of his position, and the regulation shall state the commitments of such operators/servers and the rules forming the basis for considering an activity as an exploitation by operator/server.

Article (27)

The operators shall commit themselves to provide the capability of transferring the number according to the user requirements, and the regulation shall define the required conditions and procedures for such.

Chapter Seven The Communication Link (connection)

Article (28)

The Corporation shall set the necessary basis for the rights of linking (connecting) to the public networks and the points of communication links and commitments of the linked operators/servers.

Article (29)

Any operator/server shall have the right to negotiate with other operators/servers to be linked with their network and the communications services they provide.

Article (30)

the concerned parties, in case of not reaching an agreement, with respect to interlink amongst themselves as stipulated in article 29, shall submit a request to the corporation to settle the dispute and the decision of the Corporation shall be binding for all parties.

Chapter Eight Equipment and Devices

Article (31)

The Corporation shall take necessary action to ensure compatibility of terminal devices and devices used in communications with the requirements and technical specifications; it defines, provided that this shall include the installation, operation and maintenance works.

Article (32)

1-A license shall be obtained from the Corporation for the communication devices to be used in the Kingdom.

2-Communication devices may not be used in violation of this Law or in a way that exposes the safety of various transport means or passengers to danger.

Chapter Nine Use of Real Estates

Article (33)

All operators/servers shall have the equal right to access public and private real estates for the purpose of providing communications services; and the regulation shall state necessary conditions and actions.

Article (34)

The operators/servers shall have the right to access and use real estates within the necessary and required limits for the purposes of establishing, operating and maintaining the communication network after obtaining permission from the real estate owner or his representative.

Article (35)

If the operator/server and the building owner or his representative have not agreed upon the financial return for renting, buying, or any other reason, the operator/server shall submit a request to the Corporation to appropriate the real state, and the Corporation, if convinced shall respond to the operator's request according to the provisions of appropriation stipulated in the law of appropriation for public interest.

Article (36)

The regulation shall state the provisions related to the establishment, operation, and maintenance of communication networks, it shall also state the provisions of operators/servers' participation in the extension sites and protection of sites, which have special environmental and archaeological importance.

Chapter Ten Violations and Penalties

Article (37)

Any operator/server, natural or corporate person who commits one of the following acts shall be deemed a violator:

- 1-Providing the communication service, establish a public communication network and operate or use it without a license from the Corporation.
2. Connecting an internal private network (local area network "LAN") with public networks without obtaining the required approval.
3. Refusing to execute any decision against him from the Corporation.
4. Using any communication device to harmfully jam any other communications or expose the different means of transportation and their passengers to any danger.
5. Using any communication device, not licensed for such, by the Corporation.
6. Using any frequency without obtaining a license from the Corporation.
7. Picking up any telephone conversations or any information transmitted through the public communication network in contravention to the provisions of this law.
8. Providing false data or misleading information to the Corporation.
9. Not obtaining an approval from the Corporation before buying 5% or more of the total shares of an operator/server licensed to operate in the Kingdom, or in a way leading to the level of a dominant operator/server who controls a certain communication market inside the Kingdom.
10. Not having the necessary approval by the virtue of provisions of law before merger with other operators/servers.
11. Abusing the communication services, by damaging the public communication networks or by intentionally making any communication violating the public ethics rules or having a threatening nature, or leading to panic or inconvenience.
12. Importing, marketing or using communication equipment or devices violating the accredited technical specifications.
13. Intentionally disclosing, out of the scope of his duty, any information or messages contents picked while transmitted.
14. Any other action committed in violation of the provisions of this law.

Article (38)

1-Without prejudice to any severer penalty stipulated by any other law, a perpetrator of any of the violations stipulated in Article (37) shall be punished with a fine not exceeding (SR 5,000,000) five millions Saudi riyals.

2-Fines, referred to in paragraph (1) of this Article, shall be defined according to the perpetrated violation and gravity in each individual case and such violation shall be settled by a committee comprised of five members, appointed by the Council upon a nomination by the Governor of the Corporation, from the Corporation staff or otherwise, including, at least, a legal counselor, and the committee shall issue its decision according to rules and procedures provided for in the regulation, this decision of the committee may be subject to grievance before the Board of Grievance in compliance with its Law and the collected amounts of money shall belong to the Corporation and become apart of its revenues.

Chapter Eleven Conclusive Provisions

Article (39)

A convict, against whom a Corporation decision was issued, shall have the right to submit a grievance petition to the Minister, if the Minister confirms the Corporation decision; the convict shall have the right to submit a grievance petition to the Grievance Board according to its Law.

Article (40)

The regulation shall be issued in a decision by the Minister upon a proposal from the Corporation's Council.

Article (41)

1- This law shall be published in the official Gazette and shall be effective after 180 days from its publication, and shall supersede the Telegraph Law issued by the royal decree No. 8792 dated 12/9 /1356H., and its amendments and the Law of Wireless Devices Usage, issued by the Royal Decree No. (49) Dated 30/10/1382H., and its amendments and the law of the Telephone Facility, issued by the Royal Decree No.m/16 dated 16.3.1398., this law shall also supersede the automated telephone bill rates issued by the Council of Ministers' resolution No.517 dated 21.4.1393H., and the telex services and rates organizing regulation, issued by the Council of Ministers' resolution No.123 dated 24.8.1416H., and all other contradicting provisions.

2- In exception to paragraph (1) of this Article, the current regulations and other regulating decisions shall, without contradicting this Law, be in effect until its executive regulation is issued within six months as of the date of its enforcement.

(1) 4 Jun 2001.

(2) 28 May 2001.