

## **Telecommunications Law No. 3 of 1996**

We, Chairman of the Executive Committee of the Palestine Liberation Organisation

President of the Palestinian National Authority

Having taken cognizance of law No. 5 of 1995 on the Transfer of Powers and Competences,

Wireless Telegraph Law No. 20 of 1924 and Wireless Telegraph Law of 1934,

Have promulgated the following law:

### **Chapter One** **Definitions and general provisions**

#### **Article 1**

In the application of the present Law, the words and phrases below shall have the meanings assigned opposite to them, unless otherwise indicated:

**The Authority:** Palestinian National Authority

**The Council of Ministers:** Council of Ministers of the National Authority

**The Ministry:** Ministry of Post and Telecommunications

**The Minister:** Minister of Post and Telecommunications

**Telecommunications:** Transmission, broadcasting or reception of signals, sounds, images or data, be they verbal or written, by wire, radio, visual, electromagnetic or any other means

**Radio waves:** Electromagnetic waves less than (3.000) megahertz transmitted into space without a guided conductor

**Public telecommunication network:** Telecommunications system(s) designed to provide services to beneficiaries accordance with the provisions of law

**Private telecommunications network:** Telecommunications system operated by an individual or a group to provide services of individual needs

**Wire:** Wire, cable, optical tissues, duct, conductor, guided conductor or any other means used to transmit telecommunications via light or electromagnetic power

**Terminal telecommunications devices:** Telecommunications devices connected, directly or indirectly, with a wire of a public telecommunications network

**Licensee:** A person who obtains a license or permit to set up, operate or run a public telecommunications network or use radio waves in accordance to provisions of this Law

**Beneficiary:** A person sharing with a licensee or using public telecommunications network

**License:** Franchise, contract, permit or agreement concluded between the Ministry and an individual allowing him to set up, operate or run a public telecommunications network or use radio waves in accordance with the present Law and the regulations issued thereof

**Permit:** Permission issued to an individual to set up or operate a private telecommunications network or use radio waves in accordance with the provisions of this Law

**Approval:** Approval to use or enter a type of telecommunications equipment to the Authority in accordance with the provisions of this Law

**Designation:** Allocation of a band (or bands) use by a certain individual of radio and electromagnetic frequency, use for a specific purpose, or use in a certain geographical zone in accordance with the provisions of this Law

**Wireless telecommunications:** Transmission and reception of electromagnetic power with no wire, signal, mark, inscription, image or sound

**Wireless device:** Wireless device(s) used for transmission and reception

**Wireless broadcasting:** A wireless station used for broadcasting purposes, including sound transmission

**Other stations:** Stations provided for by the telecommunications regulations

**Stationary stations:** Immovable station that can be connected with other station(s) of its kind

**Ground station:** An immovable station that can be connected with another station

**Coast station:** Ground station used to contact vessels to ensure their traffic safety

**Mobile station:** A station that provides telecommunications with another mobile or ground stationary station

**Flying station:** A mobile station on a plane or other flying object

**Movable station:** A moving station but not used for telecommunications in movement

**Direction indicator station:** A station to designate stations location

**Amateur station:** A station used by one wireless telecommunications amateur

**Experimentation station:** A station dedicated to scientific research and experiments

**Signal:** A message, sound or image sent to individuals or machines, exchanged by telecommunications system

**Electromagnetic:** The term covers any system that transmission signals by electricity wire, wireless waves and any other electromagnetic power source

**Theoretical system:** Any theoretical system used to carry signals

**Termination station:** A technically equipped station to connect to a network and contact effectively through

**Termination equipment:** Equipment connected, directly or indirectly, with termination stations to transmit and receive signals

**Telephonic:** A real-time word transmission from one station to another via an electromagnetic system, excluding telephone calls

**Cable:** Transmission of signals from a station to another via an electromagnetic system, except telephone calls

**Telex:** Direct transmission of a signal from a transmitter to a receiver

**Frequency:** Electromagnetic frequency resulting from contact of a conductor with quartz crystal

**Internal network:** An independent network that does not infringe on public or third party property

**Directory:** Data of subscribers to public telecommunications networks services.

### **Article 2**

By virtue of the present Law, the telecommunications sector shall be owned by the Palestinian National Authority, and shall be subject to its provisions.

### **Article 3**

The Council of Ministers may grant the right of franchise or investment in one service or more in the telecommunications sector. It may also decide to limit or suspend telecommunications if national security or any other substantial interests so require. Should this case arise, no indemnity, compensation or refund shall ensue.

### **Article 4**

Secrecy of telecommunications on the Palestinian territories shall be ensured. It can be disclosed exclusively to the public authority within the limits of the law.

## **Chapter Two**

### **Duties and Objectives of the Ministry**

### **Article 5**

The Ministry of Post and Telecommunications shall have the duty of setting up, running and operating telecommunications networks in the Palestinian territories and connecting them with international atmosphere within the Authority's general political and economic framework.

### **Article 6**

The Ministry shall undertake the following duties:

- a. Prepare the Authority's telecommunications general policy and submit it to the Cabinet for approval and improvement so as to extend the area covered by telecommunications networks to meet economic and social development needs.
- b. Elaborate plans for the promotion of investment in the telecommunications sector and create a competitive environment among service suppliers to ensure cost-effective telecommunications services;
- c. Follow up the relevant authorities' fulfilment of the Authority's international commitments in the telecommunications sectors;
- d. Uphold the Authority's interests in other countries and within regional and international organisations and relevant telecommunications federations and committees. It shall equally represent the Authority, in conjunction with the competent ministries and departments, before such regulatory agencies;
- e. Regulate the Authority telecommunications sector in such a way as to keep up with telecommunications technology development;
- f. Raise awareness of telecommunications and work towards providing various types of telecommunications services;
- g. Protect telecommunications beneficiaries' interests, monitor the performance of licensed telecommunications services suppliers, and take the measures necessary to bind those suppliers to abide by the license terms, including the service quality and its improvement.

### **Article 7**

To fulfil its missions and achieve its objectives, the Ministry shall:

1. Implement the telecommunications official policy;
2. Ensure the administrative, technical and financial monitoring of any public would-be telephone company, determine its obligations, control compliance with regulations, submit proposals to the Council of Ministers towards granting licenses and bind private sector investors to abide by the terms and conditions of the license and policy of the international protocol on tariffs;

3. Recommend the Council of Ministers to issue the licenses necessary to set up, operate and run public telecommunications networks and provide telecommunications services to the beneficiaries;
4. Grant licenses to set up, operate and run private telecommunications networks, and determine and publish requirements for obtaining such licenses;
5. Issue licenses required to use radio waves in the telecommunications fields;
6. Determine standards, foundations and rates of services provided by the licensees, submit them to the Council of Ministers for approval, and set prices in case of no competition;
7. Issue recommendations relative to land ownership for the benefit of the licensees, in accordance with the law;
8. Elaborate the Ministry's budget and submit it to the Council of Ministers for approval;
9. Appoint competent advisory committees assisting the Ministry to fulfil its missions;
10. Examine contests addressed to the Ministry and settle them;
11. Adopt technical specifications and standards for connecting telecommunications devices with public telecommunications networks;
12. Adopt a public telecommunications national numbering plan in accordance with the present law;
13. Fix the fees of the services provided by the Ministry;
14. Regulate the entry and use of multi-terminal devices for individual and private purposes, or in certain areas, control the use of such devices and issue the required licenses;
15. Control the use of the various radio waves and telecommunications radio equipment in accordance with the standards set by the international bodies in charge of telecommunications specifications and standards, and fulfil international commitments in this regard;
16. Adopt the technical specifications and standards of terminal telecommunications devices that connect that connect public

- telecommunications networks with telecommunications equipment via electromagnetic frequency;
17. Publish an annual report on the Ministry's activities and achievements, the development of telecommunications services as well as the Ministry's future plans;
  18. Recommend the Minister to collect telecommunications terminology used by the Authority to be and published in the Official Gazette.

### **Article 8**

In the course of fulfilling its missions and obligations, the Ministry may contract with any specialised entities or scientific or technical institutions and cooperate with them to fulfil some of its technical functions and missions.

## **Chapter Three Telecommunications Networks**

### **Article 9**

Telecommunications networks shall include facilities erected aboveground or underground for the transmission of telecommunications signals among the various stations.

### **Article 10**

The Ministry of Post and Telecommunications may set up stationary public telecommunications networks on the entirety of the Palestinian territories.

### **Article 11**

The Ministry shall ensure access to stationary networks according to clear and objective terms, without prejudice to beneficiaries or subscribers.



## **Article 12**

The establishment of mobile networks to support public telecommunications services shall be subject to a prior authorisation from the Council of Ministers.

## **Article 13**

Apart from internal networks on the Palestinian territories, no independent network shall be set up without prior permission from the Ministry. Such permission shall not grant wireless waves or facilities on public property to the authorised operator.

## **Chapter Four** **Frequency Management**

### **Article 14**

The frequency spectrum is a national wealth whose use shall be regulated by the Ministry in accordance with the present Law. To this effect, the Ministry shall prepare a register for frequency spectrum which shall be named “National Frequency Register” encompassing all information relative to radio waves, their use and allocation.

### **Article 15**

The Ministry shall run the ground frequencies by the satellites allocated to Palestine according to the relevant international agreements and references.

### **Article 16**

The Ministry shall elaborate a comprehensive plan for wireless waves, re-organise or withdraw a group of audio or visual waves or grant them to the

Ministry of Information which shall distribute them among television broadcasters in accordance with the law.

### **Article 17**

The wireless waves granted or allocated by the Authority to wireless networks investors shall remain the property of the Ministry. They cannot be sold or passed over. A decision of the Council of Ministers shall determine compensations to be paid for providing wireless waves for users.

### **Article 18**

The Ministry shall control frequencies (waves) to avoid any jamming or interference. It may stop any illegal use of wireless waves or any authorised frequencies causing wireless jamming and interference.

## **Chapter Five**

### **Telecommunications Networks Authorisation**

### **Article 19**

Public or private telecommunications networks shall not be set up or operated without authorisation or permission in accordance with the provisions of the present Law.

### **Parties exempted from obtaining licenses**

### **Article 20**

- a. Ministries and government departments may establish and operate their own telecommunications networks without obtaining a license from the Ministry of Telecommunications. The exception shall be made of the provisions related to frequencies. However, the Ministry shall be notified in writing.

- b. Upon the Ministry's proposal, the Council of Ministers may exempt legal persons from obtaining the license to set up a private network.

### **Article 21**

A private telecommunications network may be set up and operated without a license if the network is dedicated to connecting parts of the same real estate or adjacent real estate, in case they are owned or operated by the same person. However, the approval of the Ministry shall be required when connecting this network to the public telecommunications network or any other private network.

### **Article 22**

The entities and persons exempted by virtue of the Article above may connect private telecommunications networks together or with public telecommunications networks according to a written agreement, subject to the approval of the Ministry.

### **Article 23**

The entities and persons exempted by virtue of Article (21) of the present Law cannot provide commercial services for beneficiaries or subscribers through private telecommunications networks unless they obtain a license for this network as a public telecommunications network by the Ministry, in accordance with the present Law.

## **License Issuing Authority**

### **Article 24**

- a. Upon the Minister of Telecommunications' proposal, the Council of Ministers may decide to authorise a certain type of telecommunications

- services either on the entire Palestinian territories or part of it. In this case, the Minister shall announce such a decision by one of the means stated in clause “B” of this Article depending on the nature of the service;
- b. In implementation of the provisions of clause “A” of this Article, the Ministry shall announce its decision by one of the following means:
1. Expression of the desire to authorise the service based on bids, in compliance with the terms to be determined by the Ministry;
  2. Allowing for applications to authorise a new service to anyone who fulfils the terms determined by the Ministry;
  3. Calling on licensed individuals to supply new services for the Authority.

## **License Terms**

### **Article 25**

In addition to technical and other terms, the license granting procedures shall take the following into account:

- a. Enabling all license seekers to lodge their offers or applications, provided they meet the requirements;
- b. The offer or application shall have to build on pledging to provide services to all those seeking it within a reasonable time span and for reasonable costs;
- c. The offers or applications shall be based on fair and legal competition with the other license bearers;
- d. The license seeker plans shall have to be based on the use of modern technology and the optimum exploitation of the existing telecommunications networks.

### **Article 26**

The application shall enclose the following documents:

- a. Information attesting to the fact that the applicant has the technical and administrative capacity to provide the service;
- b. Information attesting to the fact that the applicant has the financial capacity and determining the project financing sources;
- c. Foundations for the pricing of the proposed services as well as the way of their calculation;
- d. Types of the proposed services, the geographical area they cover, and the technology to use;
- e. Any other information or documents that the Ministry may require.

### **Article 27**

The Ministry may dismiss any licensees if it estimates that their participation in competition leads to monopoly.

## **Licensee's Commitments**

### **Article 28**

A license shall be issued by a decision of the Minister, provided it encloses a contract including, in addition to any other conditions stipulated in the present Law, the following:

- a. The Ministry's fees for licenses, their duration and renewal, as well as any other periodic payments which the licensee shall make;
- b. The licensee's commitment to produce any information or data pertaining to the license, which the Ministry may require sporadically or periodically. The Ministry employees may check the veracity of the information and data;
- c. The licensee's commitment to abide by the Ministry's instructions with regard to the implementation of the telecommunications general policy, including the terms of the contracts between beneficiaries and licensees;
- d. The licensee's commitment to provide necessary financial insurance to refund subscribers, should the license be cancelled;

- e. The licensee's commitment to approve to connect any authorised telecommunications network or equipment that the Ministry permits. The licenses shall make a prior announcement of the connection terms and lodge a copy thereof with the Ministry;
- f. The licensee's commitment to provide beneficiaries with emergency telecommunications services, free of charge, in according with the arrangements and restrictions set by the Ministry, in conjunction with the relevant authorities;
- g. The licensee's commitment to assist the competent authorities in their implementation of telecommunications-related judiciary and administrative instructions;
- h. The licensee's commitment to provide equal services to beneficiaries without discrimination, except when the national security requires otherwise, or in case of tolerance for social or human reasons;
- i. The licensee's commitment to announce, in advance, the prices of the services as well as the means of their extraction;
- j. The licensee's commitment to handle the directory service in according with the instructions of the Ministry;
- k. The scope of the licensee's right to rent or re-sell the surplus services to third parties;
- l. Cooperation with all other licensees to facilitate the supply of services to beneficiaries;
- m. The licensee's commitment to provide the authorised service within a reasonable time span, and to cover the whole assigned geographical area.

## **Chapter Six**

### **License Renewal, Amendment and Annulment**

#### **Article 29**

- a. The Council of Ministers shall decide the duration of the telecommunications network license;
- b. The duration of the frequency use license shall not exceed one year, and shall be renewable annually, according to the Ministry's instructions;

- c. The duration of importation shall not exceed one year, and shall be renewable annually, according the Ministry's instructions.

### **Article 30**

- a. Taking account of clause "B" of this Article, the Ministry may decide to amend a term or more of the license. The procedures hereinafter shall be followed in amendment:
  - 1. The Ministry shall notify the licensee, in writing, of the amendment, its motives and the duration of implementation. The licensee may contest the amendment within the period set by the Ministry;
  - 2. The Ministry shall invite the licensee to discuss and examine the reasons of his objection to the amendment. The licensee may accept the amendment, postpone its implementation, or the Ministry shall accept the objection.
- b. There shall not be amendments to one license and excepting other licenses if these meet the motives requiring that amendment.

### **Article 31**

The Ministry may decide to cancel the license altogether, for a certain service, or in a certain area in any of the following cases:

- a. If the licensee violates any of the license terms, provisions of this Law, instructions of the Ministry, causes damage to third parties and refuses to repair the damage in spite of a written notification addressed by the Ministry, or defers the implementation of the Ministry's instructions for more than 30 days without a good reason that convinces the Ministry;
- b. If the services supplied by the licensee are below the requirements and complaints have been lodged in this regard, which the Ministry proves right and addresses a warning twice within a period not in excess of six months;

- c. If the licensee falls in arrears with regard to payment of fees of renewal of the license in due time.

### **Article 32**

A license shall be cancelled upon the liquidation of the licensee, lodging bankruptcy or loss of capacity.

### **Article 33**

A licensee whose license has been cancelled by law cannot demand any compensation or refund of payments made to obtain the license or renew it or for any other reason.

### **Article 34**

A licensee shall cease to accept new subscriptions as of the date of notification of the cancellation of the license. The licensee shall not continue work as of the date of cancellation of the license except for what is necessary for the transfer of subscribers to another licensee, according to a written approval of the Ministry.

### **Article 35**

An individual whose license has been cancelled cannot apply for a new license before the lapse of five years as of the date of the cancellation of the license.

### **Article 36**

The decision to cancel the license shall not prevent the parties prejudiced by the contraventions of the licensee from seeking compensation from him, nor shall it affect the right of subscribers to demand compensation or refund fees.

### **Article 37**



The license shall not be transferable. The Ministry may approve its transfer to another person, according to the set terms and fees.

## **Chapter Seven**

### **Technical Approval and Telecommunications Devices License**

#### **Article 38**

- a. The Ministry may decide to bind any importer to demand that the exporter label the imported devices in such a way as to display certain specifications, subject to liability;
- b. If clearance authorities cannot verify the specifications of the devices and equipment, they shall refer them to the Ministry for examination to make sure that they meet the requirements, against the fixed charges;
- c. The Ministry shall indicate the fees it charges for the examination of equipments the entry of which requires a special approval.

#### **Article 39**

An individual importing, or interested in importing, telecommunications equipment without specifications may lodge an application with the Ministry to the effect of demanding its prior approval to importing those equipments. The application shall be supported by the manufacturer's catalogue showing specifications in coordination with competent authorities.

#### **Article 40**

The manufacturing of any telecommunications devices destined for the market of the Authority shall be subject to the standard specifications accredited by the competent authorities.

#### **Article 41**

The Ministry shall publish instructions explaining the procedures of obtaining the approval to import telecommunications devices and equipments to the Authority, their use, trading thereof, as well as the requirements for those approvals.

## **Chapter Eight**

### **Establishment, Exploitation and Maintenance of Phone Lines and Telecommunications Equipment**

#### **Article 42**

Phone telecommunications network shall include all installations, equipment and tools set up aboveground or underground to ensure phone telecommunications in the perimeter of the Authority.

#### **Article 43**

The Ministry may:

1. Set up, aboveground or underground, on the public roads and sub-roads, all the necessary telecommunications works and maintain them;
2. Erect pillars and ground cables tunnels on unfenced land;
3. Establish the lines and install switches on common areas in the built property, provided they are accessible from outside, in order to connect the dwellers of the building or the adjacent buildings, individually or collectively, with the main distribution network.

#### **Article 44**

Such works shall be free of charge, conditions and agreement with the proprietors, who shall be informed, by registered letter, 15 days before the start of works.

#### **Article 45**

Erection of ground installations and pillars shall not affect ownership. The proprietor shall not, in any case, be prevented from exercising the right to demolish or repair on condition that he informs the Ministry, in writing, one month, at least, prior to the start of works of building or demolition. If the proprietor does not carry out the building or demolition after the removal of the installation within one year as of the date of the written notification, the Ministry may restore the installations to their initial state and demand the proprietor for compensation for the damage, the expenses or the losses.

#### **Article 46**

If the Ministry's employees need to enter the property of the local councils to examine the set up of a line, they shall obtain a special permit from the competent local administrative authorities.

#### **Article 47**

The Ministry shall repair the damages inflicted on the buildings or the railroads because of the installation of lines on them, or because of their lifting, maintenance or carriage. In such cases, the Ministry shall pay indemnities for the damages caused.

#### **Article 48**

The claims for restitution shall be abated after two years as of the date of the end of works.

#### **Article 49**

In the event that works require final expropriation, the ownership laws in force shall be applied if no conciliatory settlement has been reached between the Ministry and the proprietor.

#### **Article 50**

The Ministry may ask tree owners to cut branches extending over phone lines if the branches cause, or are likely to cause damage, to the lines. If the tree owner does not cut the branches, the Ministry shall cut them at his expense.

#### **Article 51**

If the Ministry's projects require the installation of a phone line on a public road whose sides have already been occupied by electricity lines, the owners of such lines shall remove them or reinstall them in such a technical way as to accommodate the Ministry's project.

#### **Article 52**

If any competent authority intends to install electricity lines beside or across phone line networks, it shall take, in agreement with the Ministry, the preventive measures necessary to secure the phone lines from the impact of electrical frequencies.

#### **Article 53**

If any competent authority or local council intends to carry out constructions, digging, filling up or repair works on the public main road or sub-road beside or across phone line networks, they shall obtain a permit, in advance, from the Ministry of Telecommunications.

#### **Article 54**

Any competent authority or local council that causes damage to phone line network or part of it shall incur liability to repair the damage caused by their works, at their own expense, in such a way as to restore them to their initial state before the damage.

#### **Article 55**

A contractor or an individual carrying out installation works near phone line networks shall obtain the permission of the Ministry of Telecommunications. They shall be fully liable for any damage or losses incurred on the lines, and shall restore them to initial state before the installations, at their own expense, and shall compensate for all the losses incurred by the Ministry.

#### **Article 56**

The value of the damages incurred on the phone line networks shall include:

- a. The value of the damaged tools;
- b. The labour for fixing the networks damages;
- c. The transportation of the Ministry technicians who repair the damages;
- d. The average revenue of local and international calls that normally go through the lines prior to the damage.

#### **Article 57**

Should investigation prove that the damage incurred on the phone line networks has been caused unintentionally and could not have been avoided, the Ministry may seek a settlement, provided the amount of compensation agreed on does not fall below the expenses of repair of equipment to its initial state.

### **Chapter Nine Licensees Monitoring and Beneficiaries Protection**

### **Article 58**

A licensee shall establish a section dedicated to the reception of beneficiaries and subscribers' complaints. The licensee shall avoid the causes of complaints if they are related to the service level, quality or method.

### **Article 59**

Taking account of Article 7, clause 6, of the present Law, the licensee cannot change fees and prices unless he notifies the Ministry and announce the new prices at least one month prior to applying them. The prices shall not exceed the limits set in the terms of the license agreement.

### **Article 60**

If the Ministry receives collective complaints about the licensee's dereliction, or about a dispute between the licensee and the beneficiaries with regard to the level of the service or the breach of the terms of licensee, the Ministry may investigate the causes of the complaint and decide the appropriate measure. Its decision shall be final and binding on the licensee.

### **Article 61**

The licensee shall submit an annual report to the Ministry, which shall review the technical, administrative and financial aspects which ensure the supplying of the appropriate level of authorised service to the beneficiaries.

### **Article 62**

- a. A subscriber or one of his family members, of legal age, living with him, may ask, in writing, the licensee to place his phone line under surveillance because he receives annoying calls or for any other reason. In such a case, the licensee shall place the calls to that phone line under

- surveillance, and shall notify the Ministry, through confidential correspondence, of the name of the owner of the phone making annoying calls;
- b. If the owner of the phone making the annoying calls is a subscriber with the same licensee, the latter shall inform the Ministry after:
    - 1. Addressing a warning notice if the disturbance occurs once or more within the first surveillance period;
    - 2. Disconnecting the phone for ten days, if the annoyance occurs within the second period of surveillance;
    - 3. Disconnecting the phone for thirty days if the annoyance occurs within the third surveillance period;
    - 4. Disconnecting the phone if the annoyance occurs within the fourth surveillance period. If that phone is connected to a network of another licensee, the Ministry shall order that licensee to carry out the measures of this clause.
  - c. The Ministry may agree with the competent authorities on other measures to handle complaints because of annoying calls and the measures ensuing from those complaints and the obligations of the licensees to seize the contravener and bring him to trial.

### **Article 63**

Phone service shall not be cut off or cancelled unless a subscriber causes physical damage to the network, uses the phone illegally or falls in arrears with regard to the due fees and costs in spite of being warned in writing.

### **Article 64**

The Ministry shall verify if the licensees abide by the terms of licenses and provisions of law. To this effect, the Ministry may take any measures as it deems appropriate, such as:

- a. Physical inspection of the network sites and telecommunications devices;
- b. Examination of licensee's technical registers to ensure the appropriateness and accuracy of the systems used to issue invoices;

- c. Checking the level of services supplied to beneficiaries and their complaints;
- d. Reviewing the licensee's maintenance and defects registers, to ensure the efficiency of service management.

#### **Article 65**

The Ministry shall settle technical, operational and administrative complaints among licensees. The Ministry shall settle disputes through individuals it appoints to this effect. The decision of these individuals shall be binding. Any of the litigants may contest the decision at the Ministry within one month as of the date of its issuance, otherwise it shall be considered final.

#### **Article 66**

A licensee to operate a public telecommunications network shall commit to prepare a directory including all the information on that network and subscribers, and shall provide directory service to those willing to benefit therefrom, according to the instructions of the Ministry in this regard.

### **Chapter Ten**

#### **Basic Telecommunications Services**

#### **Article 67**

Basic services shall only be provided by the Ministry or any enfranchised and licensed company. The Ministry shall distribute a comprehensive directory to subscribers to telex and phone between fixed stations or mobile phones.

#### **Article 68**

Telephone booths installation shall be subject to a license from the Ministry. The Ministry shall take into consideration the requirements relative to their equipment. The Ministry may grant the franchise to establish them and provide



services in them to any contractor, according to the terms and regulations in force.

### **Article 69**

The contractor shall:

1. Abide by all the instructions delivered by the phone administration;
2. Open the telephone booth during the fixed working hours;
3. Ensure the distribution of all calls to their destinations;
4. Post on the booth door the call costs and working hours;
5. Maintain the equipment and devices in his custody;
6. Pay the due fees, in time, to the Ministry.

## **Mobile Network Telecommunications Services**

### **Article 70**

Providing services pertaining to mobile telephone telecommunications shall be subject to a prior authorisation from the Council of Ministers according to the franchise terms set by the Ministry. The license may be withdrawn according to the terms of the license.

## **Chapter Eleven Independent Networks**

### **Article 71**

The installation of internal wireless networks destined for transmission and reception on the Palestinian territories shall be subject to a license from the Ministry on the basis of a mandate from the Council of Ministers, either if the stations use wire or wireless waves or those equipped for transmission and reception for technical tests or scientific experiments, or those used for specific purposes which do not contradict with the services of the Ministry.

### **Article 72**

The license mentioned in the previous Article shall be subject to the general terms required for licenses, set by the Ministry. The fees determined by the Ministry shall be paid.

## **Wireless Stations Use Terms**

### **Article 73**

Wireless stations cannot be used for purposes other than those for which the license has been issued. No change can be introduced to the station or to the authorised devices without a written authorisation from the Minister.

### **Article 74**

The equipment shall be used in such a way as not to affect the other wireless services. The Ministry shall have the right to bind the licensee to introduce any change or modification that it considers necessary within the period it determines.

### **Article 75**

The licensee and all the personnel working with him in operating the wireless station and the equipment attached thereto shall commit to all legal provisions and international agreements in force.

### **Article 76**

In case of breach of the provisions of the license, the Ministry may cancel or withdraw the license for the period the Minister determines, without a prior warning or judiciary action.

## **Wireless Stations Control and Inspection**

### **Article 77**

The Ministry's employees mandated by the Minister may control the licensed wireless equipment, inspect and examine all technical installations and equipment on any site and inspect any devices, stored or displayed for sale, and seize wireless devices if placed in a way that breaches this Law or the terms of the license.

## **Chapter Twelve Ownership**

### **Article 78**

If the installation of public telecommunications networks requires the erection of pillars, building of towers, and extension of ground cables or overhead lines across private land or real estate, the Ministry may enter into agreements with the owners. In case no agreement could be concluded, the Ministry shall have the right to expropriate the property or real estate in question, or the part of it needed to establish the network, according to the law of expropriation for common interest.

### **Article 79**

The employees of the Ministry or of any authorised institution or corporation may access any property of third party in order to set up a public telecommunications network, or part of it, on condition that they restore the property to its initial state upon completion of the required works. Fair compensation shall be paid in case of damage or loss.

### **Article 80**

Upon the start of setting up a public telecommunications network, or any part of it, in a street, square, or public yard, work arrangements shall be made in coordination with the competent authorities.

### **Article 81**

If a tree or a group of trees impede the extension of overhead lines of the public telecommunications network, and no agreement could be reached with the owner, the Minister may give instructions to remove it (or them) against a fair compensation to be paid by the Ministry or the franchised corporation.

## **Chapter Thirteen**

### **Seize Authority**

### **Article 82**

The Ministry's employees, mandated in writing, shall have the right to control, inspect and access any place having unauthorised devices or networks, or jamming equipment, or where activities breaching this Law are carried out, in order to seize them and produce a report thereupon.

### **Article 83**

The Ministry's mandated employees shall be considered judicial officers. Their reports shall be acted upon accordingly. The civil authorities or security services shall assist them as much as possible in their tasks.

### **Article 84**

The items can be confiscated if they are not subject to authorisation upon a decision of the Minister. However, if the items are licensable, they shall be preserved until a license is issued for them. If the items remain unclaimed for over six months or not licensed then they shall be confiscated.

### **Article 85**

The measures taken by the mandated employees of the Ministry, in accordance with this Law, shall not be considered a breach of message secrecy, especially the tracking of the source of any radio waves, provided that the content of the messages is not published or disclosed in bad faith.

## **Chapter Fourteen Crimes and penalties**

### **Article 86**

- a. The publication or disclosure of the content of any communication through a public telecommunications network or the content of a telephone call known ex officio, or registered illegally, shall be sentenced to one year in prison or fined no more than 300 dinars. Both penalties may apply together;
- b. Anyone who incites a person, entrusted with the telephone calls secrecy, to breach that secrecy shall be fined 100 dinars at least, and 300 at most, and sentenced to no less than one month and no more than one year in prison. Both penalties may apply together.

### **Article 87**

Intentional vandalism or damage of telecommunications facilities shall be punished by three months, at least, and two years, at most, in prison, or by a fine of 500 dinars at least, or by both penalties. The punishment shall be doubled if the action causes telecommunications jam.

### **Article 88**

Negligent vandalism or damage of telecommunications facilities shall be punished by three months imprisonment, at most, or a fine of 100 dinars at most, or by both penalties.

### **Article 89**

Vandalism of a public phone shall be punished by a minimum sentence of one month and a maximum of one year, or by a minimum fine of 50 dinars and a maximum one of 200 dinars, or by both penalties.

### **Article 90**

- a. Anyone who uses or helps use illegal means to make telecommunications without paying the due fees shall be punished by a sentence ranging from one to three months imprisonment or a fine of 100 to 1000 dinars, or both penalties.
- b. Provision or contribution to the provision of international telecommunications services in ways likely to give rise to competition between the licensed telecommunications networks and the foreign telecommunications networks, contrary to the Ministry's instructions, shall be punished by the penalties stipulated in clause "a" of this Article in addition to the provisions stipulated in Article "31" of the present Law.

### **Article 91**

- a. Threat, humiliation or faked news through any telecommunications means to sow horror shall be punished by a sentence of one month, at least, and one year, at most, in prison, and by a fine of 50 dinars, at least, and 200 dinars, at most, or both penalties.
- b. Provision or contribution to telecommunications services violating public order or public morals shall be punished by the penalties stipulated in clause "a" of the present Article in addition to the provisions of Article "31" of the present law.

### **Article 92**

Interception, hindrance, alteration or deletion of the content of a message by telecommunications networks, or inciting others to, shall be punished by a sentence of one month at least, and six months at most, and a fine of 50 dinars at least, and 200 dinars at most, or both penalties.

### **Article 93**

Anyone who conceals a message that he has to transmit through telecommunications networks to another individual, or refuses to transmit messages he has been instructed into transmitting either by the licensee or the Ministry, or copies or discloses a message, or tampers with private telephone numbers and sends and receives messages, shall be punished by a sentence of six months at most, or a fine of 1000 dinars at most, or both penalties.

### **Article 94**

Establishment or operating of a public telecommunications network, contrary to the provisions of the present Law, shall be punished by a sentence of one year at least, or a fine of 5000 dinars at least, or both penalties.

### **Article 95**

Connection of a private telecommunications network to a public one, without the the Ministry's permission, and contrary to the provisions of this Law, shall be sentenced to no less than one year in prison, or fined 5000 dinars at least. Both penalties may apply.

### **Article 96**

Deliberate interception or jamming of third parties' waves, or the unauthorised use of electromagnetic waves shall be punished by a sentence of one month at least, or six months at most, or fined 50 dinars at least, or 200 dinars at most. Both penalties may apply together.

### **Article 97**

Admission of radio wave equipment without a license or authorisation, according to the present Law, shall be punished by six months in prison at least, or fined 1000 dinars at least, or 2000 or most. Both penalties may apply together.

### **Article 98**

Importation or trade in telecommunications devices violating the standards and specifications, or labelled against the specifications fixed by the Ministry, shall be punished by three months in prison at least, or one year, at most or fined 1000 dinars at least, or 2000 dinars at most. Both penalties may apply together.

### **Article 99**

Whoever keeps or operates a radio transmitter, or installs, operates, uses, owns or imports a wireless device, contrary to the provisions of this Law, or without a license, shall be punished by imprisonment for six months at most, or a fine not exceeding 500 dinars. Both penalties may apply together.

### **Article 100**

- a. In addition to the penalties stipulated in this Law, the competent court may decide, upon the Ministry's request, to compel the contravener to pay, at least, two times the fees due for the service in normal conditions;
- b. The preceding Articles shall not prevent the prejudiced to demand compensation and personal right for any contravention of the provisions above.

## **Chapter Fifteen**

### **Closing provisions**



### **Article 101**

The establishment of telecommunications facilities or networks shall be prohibited unless the provisions of the present Law are respected. The exception is made of :

1. Networks set up for national defense or national security purposes;
2. Networks authorised in the former system before the coming into effect of the present Law.

### **Article 102**

Licenses and permits issued before the coming into effect of the present Law shall be valid until they expire, then the provisions of this Law shall apply to them when renewed.

### **Article 103**

The Minister shall issue the regulations necessary to implement the provisions of this Law.

### **Article 104**

The Wireless Telegraph Law No. 20 of 1924 and the Wireless Telegraph Law of 1934 in force in Palestine are hereby abrogated.

### **Article 105**

All competent authorities shall implement the present Law, each in its respective sphere of competence. The Law shall come into effect 30 days as of the date of publication in the Official Gazette.

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Corresponding to 28 Sha'ban 1416 AH

**Yaser Arafat**  
**Chairman of the Executive Committee of**  
**Palestine Liberation Organisation**  
**President of the Palestinian National**  
**Authority**