

TELECOMMUNICATIONS LAWS OF THE WORLD

Oman



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OMAN



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OVERVIEW OF LEGAL LANDSCAPE

The Omani Telecommunications Regulatory Authority (TRA) exercises jurisdiction over this sector.

The TRA, in conjunction with the Ministry of Transport and Communications, has the primary responsibility for approving applications for telecommunications licences. Generally speaking, it is a requirement that a telecommunications service provider hold a licence to provide telecommunications services.

KEY TELECOMMUNICATIONS LAWS, REGULATIONS AND POLICIES

[Royal Decree No. 30 of 2002 promulgating the Telecommunications Regulation Law](#) and its associated amendments (Telecoms Law) is the primary legislation governing the telecommunications sector in Oman and establishing the TRA. The Telecoms Law imposed a duty on the TRA to issue [Executive Regulations](#) which explain and elaborate on the policies set out in the Telecoms Law.

[Ministerial Resolution No. 10 of 2007](#) issuing the Executive Regulation covers the following points:

- Procedures required to obtain a telecoms licence
- The review process for submitted applications
- Issuance of technical specifications
- Rules governing type approval of telecom equipment
- Rules governing the usage of telecommunications services

The remainder of the regulatory framework can be found on the [TRA website](#) and include the following:

- **Regulations and Decisions** including on:
 - The National Numbering Plan
 - Access and Utilisation of Passive Infrastructure
 - Ex Ante and Ex Post Regulations
 - Universal Service Implementation
 - Domain Names
 - VoIP

- **Guidelines:** rules and advisory documents which are issued on an ad hoc basis, directed at the operators of Class I, Class II and Class III licences, including:
 - Tariff Transparency
 - Billing Accuracy
 - Site Sharing
 - Tariff Rebalancing
 - International Roaming
 - Access Deficit Contribution
- **Determinations:** issued to resolve disputes which parties have not been able to resolve themselves

REGULATORY BODIES OR AUTHORITIES

The Telecommunications Regulatory Authority (TRA) is a financially and administratively independent body.

The Telecoms Law establishes the TRA's basic aims which include:

- Ensuring the provision of telecommunications services throughout Oman at reasonable prices
- Encouraging the use of telecoms services with the aim of facilitating access to global markets and information, encouraging visible and non-visible exports
- Ensuring optimal use of frequency
- Safeguarding the interests of beneficiaries and dealers regarding the prices of equipment, quality and efficiency of telecommunication services
- Preparing suitable conditions for competition between licensees

Telecommunications Regulatory Authority

Address: P.O. Box 3555, P.C. 111, Muscat, Sultanate of Oman

Website: www.tra.gov.om

TYPES OF TELECOMMUNICATIONS ACTIVITIES AND/OR PERSONS WHICH ARE SUBJECT TO LEGAL AND REGULATORY REQUIREMENTS

A licence is required in order to 'establish, operate, or manage':

- 'A system that permits the conveyance of signals or symbols or signs or texts or visual and non-visual images or sound or data or information of any nature between defined terminal points by wire or radio or optical and other electromagnetic or electronic means'
- 'Telecommunications systems or a group of integrated systems including the necessary infrastructure that permits telecommunication between and among defined network termination points including means to access the World Wide Web'
- 'Services through which telecommunications are conveyed in whole or in part regardless of the systems or means used'
- 'Specified radio frequencies'

OVERVIEW OF CONSENTS, LICENCES AND AUTHORISATIONS REQUIRED PRIOR TO THE COMMENCEMENT OF TELECOMMUNICATIONS ACTIVITIES

The regulatory regime provides for three main types of licence:

- **Class I licence:** Permits licensees to establish or operate a public telecommunications network or international telecommunications infrastructure, and/or offer public telecommunications services or international access services. This licence type is issued by Royal Decree following a proposal by the Minister of Transport and Communications after approval by the TRA. The Decree will determine the duration of the licence and will detail the terms and conditions under which the licensee must operate. According to the Law, these licences may not be exclusive. Class I licences include fixed, mobile and international gateway services licences.
- **Class II licence:** This class of licence is issued to those operators providing public telecommunications services which rely upon a Class I licence network capacity. In addition, licensees holding a Class II licence may provide 'additional, or value added, public telecommunications services which make use of numbering resources'. Class II licences are issued pursuant to a Ministerial Decision from the Minister of Transport and Communications based on an approved proposal by the TRA. According to the Law, the licence duration may not exceed 10 years but may be renewed upon application.
- **Class III licence:** Issued by the TRA to operators of private telecommunications services (not connected to the public network) who meet the requisite qualifying criteria (as set by the TRA). According to the Law, the licence duration may not exceed five years but may be renewed upon application.

The TRA also issues licences for the use of telecoms radio frequency and for the operation of radio stations and radio equipment.

DOMICILE RESTRICTIONS PREVENTING THE OPERATION OF CERTAIN TELECOMMUNICATIONS ACTIVITIES BY NON-DOMICILED ENTITIES

There are no express domicile restrictions or requirements for the application of a licence.

However, foreign nationals and foreign companies may not conduct business activities in any sector of the Omani economy or participate in an Omani company without obtaining a licence to do so from the Ministry of Commerce and Industry. Such a licence is only granted once certain requirements have been met.

EXISTENCE OF RELEVANT INTERCONNECTION/ROAMING REGULATIONS

The Telecoms Law provides licensees with a right to interconnect and share sites. Parties must seek to negotiate these agreements. If such negotiations do not result in an agreement within three months then the parties may seek the intervention of the TRA.

Dominant operators must issue a Reference Interconnection Offer (RIO), and the TRA may choose to approve or amend the RIO.

Terms and conditions must be reasonable and non-discriminatory, and be in accordance with the Executive Regulation.

The Executive Regulation details the TRA's Interconnection Principles, and outlines the required content of a RIO and pricing principles.

In 2012, the TRA issued regulations for ex-ante provisions 'to ensure fair competition in the telecom market', and a regulation regarding ex-post enforcement and guidelines was issued in 2013. These are contained in TRA Decisions 69 of 2012 and 70 of 2013 respectively.

TELECOMMUNICATION LAWS AND REGULATIONS AFFECTING CONSUMERS

The TRA has issued [Consumer Guidelines](#) outlining its powers, and its complaints and investigation process. [The Omani Consumer Rights Law](#) also states that 'the Consumer shall have the right to obtain correct information about the good he buys

or uses or the service he receives'. Therefore, with regard to telecommunications services, the following should be 'clearly indicated':

- Price
- Characteristics
- After sales services

REGULATORY TAXES AND FEES

Once an entity obtains a licence as required by the Telecoms Law, it will be required to pay the prescribed licence fee as set by the TRA.

Although it is often considered a 'tax free' jurisdiction, Oman has a number of taxes that apply to corporations.

Further fees are payable to government ministries depending upon the activities being performed by a company.

Detailed advice can be provided upon request, taking into account your individual circumstances.

KEY SANCTIONS AND PENALTIES IN THE CASE OF CONTRAVENTION OF TELECOMMUNICATIONS LAWS AND REGULATIONS

Any person who establishes, operates, assists or incites another to establish or operate a telecommunications system or offer a service without a licence, or who uses non-type approved equipment is liable to a criminal punishment of imprisonment of up to two years or a fine of up to OMR 50,000 or both.

There are a range of other offences outlined in the Telecoms Law.

The TRA is given discretion by the Telecoms Law to take any one or more of the following actions 'according to the size of the violation':

- Suspend the licence granted to the licensee for three months
- Remedy the violation at the expense of the violator
- Reduce the licensed services of the licensee by one service per violation
- Reduce the licence duration for a period not exceeding half of the licence period
- Collect a financial fine of not more than OMR 1,000,000 for each violation
- Take custody of the seized equipment, devices, and instruments and hold them until the dispute is settled by a final court order
- Cancel the licence

The Telecoms Law also provides that: 'The fine shall be doubled in case of repetition or the violator pays up to two times the value of the damage, whichever is higher'.

However, any party concerned may request for the TRA to review any decision within one month of the decision being handed down if any new information which was not originally considered becomes available. A verdict on such a request must be made within 30 working days of the request being submitted, and any rejection by the TRA requires a justification. If no reply is given by the TRA within the 30 working day period, the lack of reply will constitute a rejection of the request.

KEY CONTACTS



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