

**FEDERAL GOVERNMENT OF SOMALIA**

**MINISTRY OF POST, COMMUNICATIONS & TECHNOLOGY**

**UNOFFICIAL TRANSLATION**

**NATIONAL COMMUNICATION LAW**

## **ENGLISH TRANSLATION**

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UNOFFICIAL TRANSLATION

## CHAPTER 1: OBJECTIVES AND TERMINOLOGIES

### Article 1: Terminologies

1. **Communication Agency:** is the National Communications Agency.
2. **General Manager:** The General Manager of the Communications Agency.
3. **Decision:** is a written decision, order or act taken by the National Communications Agency.
4. **Regulation:** means regulations, regulatory rules and regulations of the licenses issued or withdrawn by the Communications Agency.
5. **Licenses:** are the Licenses issued by the National Communications Agency that approve the provision and issuing communication services based on this Act.
6. **General License:** mean the approval of extensive communication capacity, such as frequency networks and national numbers.
7. **License Holder:** is anyone having a license provided by the National Communications Agency.
8. **National Code:** mean national code which is 252.
9. **National Symbol:** means the national domain which is Dot So.
10. **Fiber Optic:** are the cable that carry the internet and communication frequencies.
11. **Radio Communication Frequencies:** means a portion of the radio frequencies that the Agency planned or allocated for communication services.
12. **National Numbering Plan:** means a table in which the National Communications Agency showing the quantity of allocated telephone numbers.
13. **Service Provider:** is a company provided a license by the National Communications Agency to give communication services.
14. **Public Consultation:** is referred as a way of discussion that is transparent with the objective of seeking public opinions in which the Agency bases the making its decisions and policies to carry out its tasks.
15. **Public:** mean knowledgeable people such as Religious Leaders, knowledgeable persons and the general public.
16. **General Access to Communication Services :** means wide access to communication services for all customers and without giving consideration to near and distant residential areas.

## **Article 2: Objectives & Name of the Law**

1. This Law is called, the Law of National Communication and its objective is:

- a) To develop and advance the National Communication policy.
- b) To create communication regulations to manage all the components of communication that exist in the country.
- c) In which the National Communication Agency is to be established.

2. The special objective of this Act is the regulation and facilitation of technology and services of communication that include:

- a) Facilitation and unification of the services that provide communication partnership.
- b) Development of modern communication to improve the public awareness and the use of internet services.
- c) Maintaining the security of personal data.
- d) Facilitation of the development and use of the internet frequencies.
- e) Facilitation and creation of modern sales based communication services.
- f) Management of free market with free competition for the communication services.
- g) Issuing of licenses and regulation of communication.
- h) The development of an open market, active and free for the components of Somalia's communication and legalize free speech and the exchange of ideas.
- j) Facilitation and encouragement of investment in communication services, while giving preference to national companies.

3. The Ministry and the Agency shall recognize all the agreements that were prior to this Act, which the national communication companies have entered into.

## **Article 3: Power of the Law**

1. This Act shall manage all the components of communication within the boundaries of Somalia with the exception of communications used by the Armed Forces.

2. This Law shall be used for the protection, the development or advancement of the components of communication services, taking into consideration the needs of people and the economy of Somalia.

3. This law shall be used for the management and protection of the rights of the national communication companies.

## **CHAPTER 2: ESTABLISHING THE NATIONAL COMMUNICATION AGENCY**

### **Article 4: Establishing of Agency**

In order to achieve the objectives indicated in Article 2 of this Law, the National Communication Law, shall be responsible for the management of the regulations of the National Communications. This Agency will be set up in a period of 90 (ninety) days from the date when this Act has been signed by the President and has been placed in a public gazette.

### **Article 5: Headquarter of Agency**

The headquarter of the Agency shall be the capital of Somalia, Mogadishu, however, it shall have offices in the regions of the country as needed.

### **Article 6: Powers and Duties of the Agency**

1. The Agency shall have the management powers of the national communication, such as issuing of license and the regulation of all communication services that are within the boundaries of Somalia, based on this Law.

2. In addition to the tasks mentioned in first paragraph, the Agency shall have the powers of the implementation of the following task:

A. to make agreements, take loans, while following the financial system of the country.

B. Acquire, own, buy and rent fixed or unfixed assets.

3. Advisory service, preparation of the regulations that are related to the components or sections of the communications, participate in their implementation, in consultation with the responsible entities (Ministry and service providers).

4. Issuing regulations and essential decisions related to the implementation of their duties and this Law, including basic technical regulations of the Agency.

5. Issuing of licenses and the tax proposals that are related to frequency management, classification of accounts, coordination, monitoring of networks and communication services.

6. Advising about tariff, numbers and strengthening communication competitiveness.

7. Conflict resolution among companies through appointment of technical committees of mediators.

8. Protection of the rights of customers, with special consideration:

A. Protection of the secrets of customers and information services.

B. Tariff for services.



C. The possibility of accessing the services.

D. Quality and the level of service.

9. The Agency should take necessary preventive steps towards anybody that breaks or violates this Law, based on this Law.

10. Preparation of the conditions, standard and the process of issuing network licenses, communication services, usage of waves, without the violation of this Law.

#### **Article 7: Independence of the Agency**

1. The National Communication Agency is an independent Agency in carrying out its duties according to the Law and there shall be no interference from other Government institutions. It has legal personality, with rights to sue or to be sued in its name, in line with procedures for defending or suing a Government agency.

2. This Agency, in similarity with other Government agencies, shall administratively be under the Minister of the Ministry responsible for national communication, however, it shall be free for the implementation of the duties that are assigned to it according to this Act.

#### **Article 8: The Budget of the Agency**

The budget of the Agency shall be a part of the General Budget of the Government, however, the employees of the Agency can be provided allowances from the income they contributed to the central treasury of the Government and this encouragement shall be in addition to their salaries and allowances.

1. The Agency is independent for the management of its budget in accordance the law for the management of government budget.

#### **Article 9: The Structure of the National Communication Agency**

The National Communication Agency shall have the following structure:

1. Board of Directors
2. General Manager
3. Deputy General Manager
4. In addition, the Agency shall have different departments and each department shall have specific task to manage.

## **Article 10: Board of Directors**

1. The Board of Directors shall have 9 members, which shall come from:
  - A. 2 members from the Ministry of Post, Telecommunication` and Technology.
  - B. 3 members from Telecommunication Companies: 3 members (professionals) from the Telecommunications sector of the country.
  - C. 1 member from the civil society
  - D. 1 Lawyer – Somali lawyers
  - E. The General Manager and his Deputy.
2. The Secretary of the Agency shall be a one of the heads of the various departments in the Agency with the responsibility of taking minutes of meetings, connecting of the Board members, providing information to all the Board Members, however, this person shall not be a member of the Board.
3. The members of the Agency's board shall elect a chairperson for the Board every four years.

## **Article 11: Term of Office of the Board**

The term of office, with the exception of the General Manager and Deputy General Manager, the members of the Board shall hold office for four years, that can be renewed once.

## **Article 12: The Meetings of the Board of the National Communication Agency**

The Board of Directors may have ordinary as well as extraordinary meetings, as needed and could be carried out as to the following:

1. The ordinary meetings of the Board shall take place once every three (3) months, if the Board does not decide to hold it at a time line longer or shorter than a month.
2. The General Manager can request the Board to an extraordinary meeting, if needed. Similarly, two thirds of the Board of Directors, can request an extraordinary meeting.
3. The meeting can be effective if five members of the Board of Directors of the National Communication, including the General Manager attend, and can take decision based on simple majority of the members. All members must be informed of any meetings and its agenda seven (7) days prior to its set date.
4. The Board may invite the Minister or any other person they consider important to attend. However, non-Board members do not have the right to vote.

### **Article 13: Responsibilities of the Board**

The Board is responsible for the following issues:

1. To approve the budget and the work plan of the Agency, when the General Manager submit to them.
2. The Board should monitor the implementation of this Law and the work plan they have previously approved.
3. The Board have the duty to approve the needs of the Agency to recruit employees, taking into consideration the needs for their skills and the budget of the Agency.
4. To submit to the Ministry reports related to the management of the Agency, if requested and as they deem necessary.

### **Article 14: Conditions for the Membership of the Board**

Any person to become a member of the Board of Directors must meet the conditions required for the high leaders of the Agency and may lose their position based on conditions similar to those of the leaders of the Agency.

### **Article 15: Allowances for the New Board Members**

1. The work of the Board is part-time, the appointment shall be for persons who have other jobs and shall have allowances, when meetings are held. The allowances shall be determined by the internal regulations of the Agency. They are also eligible to be repaid any expenses arising from their coming to the meetings.

### **Article 16: Request for Information**

1. The National Communication Agency, has the right to request the licensed provider of communication services to help it with certain information that it deems necessary for the performance of its duties and that do no harm to the personal rights of the provider, in line with this Act.
2. The Communication Agency shall protect the trade secrets and other confidential data, that it collects from the companies according to this Act and the other national laws.

## **CHAPTER 3: POWER OF RECRUITMENT OF THE AGENCY**

### **Article 17: Power of Recruitment**

1. As indicated in this Law, the Agency has the power to recruit any employees it deems necessary for the tasks of the Agency, however, it must follow the legal process of employment of the Government civil servants.
2. The Communication Agency, shall prepare, implement the work and process the employee requirements, specially to the issues related to salaries, work allowances and any other allowances.

3. The Agency can make review and consideration of the salaries and allowances given to the employee in line with the general policy of the government.
4. The Conflict of Interest, mentioned in Article 34 of this Law, shall be applied to all the employees including the higher members of the Agency.

#### **Article 18: Work Rights of Agency's Employee**

All the rights of the Agency's employees shall be implemented in line with law used for the civilian employees of the Government.

#### **Article 19: The Process of Appointing the Heads of the Agency**

The members of the heads of the National Communication Agency, shall be appointed according to method of appointment of the heads of Government in accordance to the constitution and this Law.

#### **Article 20: Conditions for the Heads of the Agency**

1. Any member of the heads of the Agency, must be a Somali national.
2. Living in Somalia and age above 30 years.
3. Must have mental health and can carry out the duties of his work.
4. Must not have committed crime against the country and at same time must be known for good manners and integrity.
5. Must have university education and work experience of at least 5 years.
6. Must have one or two of the following skills indicated below:
  - A. Knowledge of law.
  - B. Skills of dealing with customers.
  - C. Telecommunication skills.
  - D. Knowledge of modern technology.
  - E. Management and economic skills

### **Article 21: Conditions for the General Manager**

In addition to the conditions mentioned in Article 20, the General Manager must have a post graduate degree (Master's Degree) in one of the following scientific fields:

1. Communication technologies and related fields.
2. Management.
3. Law.
4. Economics.

### **Article 22: Duties of General Manager**

1. The General Manager is the highest official of the National Communication Agency.
2. He shall be responsible for the leadership and the management of the daily duties of the Agency, insuring that the agency is on the right track in order to achieve the duties to its assigned duties to achieve, based on the laws and regulations assigned to the Agency.
3. The contact of the Agency and other organizations of the Government or private ones and to speak in the name of the National Communication Agency.
4. Supervision and insuring the proper carrying out of the assigned duties of the Agency.
5. He shall submit to the Board of Directors the planned budget for the Agency, in order to discuss it and approve it, prior to its submission to Ministry of Finance, through the Ministry responsible for communication.
6. Shall submit to the Board the work plan and the vision for the short and long term, with the objectives to improve the technology of the sector.

### **Article 23: Duties of the Deputy General Manager**

1. He shall fill the position of the General Manager when absent or he is faced with conditions that prevent him from carrying out his duties.
2. Carries out any tasks assigned to him by the General Manager.

### **Article 24: Duties of the Secretary of the Board**

1. Delivers to the members of the Board of Directors, the needed messages after receiving orders from the General Manager to deliver.
2. Is the head that comes under the General and Deputy Manager for the management of tasks of the office and carries out the linking of the office and other agencies, in line with this Law.

3. Prepares the agenda for the meetings of the Board of Directors after consultation with the General Manager and at the same time takes the minutes of the meetings and organizes it and submit that to the other members of the Board.
4. Stores and preserves the management and secret documents of the Agency.
5. Is the manager of the duties of the Agency in the absence of the General and Deputy Manager, unless a temporary person is appointed.

#### **Article 25: Condition of Losing Office**

1. The high heads and all the other employees of the Agency, can lose their office according to conditions of their appointment or in line with law of the Government civil servants.
2. In addition to the issue mentioned in paragraph 1 of this Article, an office can be lost due to the following issues:
  1. Death
  2. Submission of resignation that is accepted by the Agency.
  3. Sickness that results in disability to perform the duties.
  4. Failure to carry out the tasks or corruption in the performance of the duties.
  5. Violation of the Communication Law, the regulations of the Agency and other laws of the country.
6. The removal of the heads of the Agency shall be done in accordance with the process of their appointments.

### **CHAPTER 4: RESPONSIBILITIES AND COLLABORATION**

#### **Article 26: Responsibilities of the Ministry**

The responsibilities of the Ministry and in consultation with the Ministers of Regional Ministries' responsible for communications are:

1. Preparation and presentation of the general policy and plans of the country's communications in consultation with the responsible parties.
2. Development of the strategic policy for the expansion of communication services, in order to encourage the socio-economic development of the country.
3. Encouragement of the national communication companies, in order to create opportunities for basic and higher education in communication and information related to technology.
4. Supervision of the National Communication Agency and ensuring its accountability.
5. Enhancing the public awareness of the knowledge of information related to communication, access to modern technology to enable them to take part in the economic

growth, social advancement and the enhancing of the awareness and modernization of the society.

6. Securing the proper management of the communications and internet services.

7. Supervision of the National Communication Companies.

#### **Article 27: Cooperation Between the Ministry and the Agency**

1. The Communication Agency shall plan for the advancement of national communications of the country, in line with the strategies of the Ministry of Post and Telecommunications.

2. The Minister and the National Communications Agency shall consider the outcomes of general consultation in the preparation, review and modification of the communication policy of the Agency, as specified in this law.

3. The Ministry, in carrying out its responsibilities and the contacts it has with the Agency, shall take into consideration the autonomy of the Communication Agency in conducting its duties as specified in this law.

#### **Article 28: Responsibilities of the Minister**

The Minister or his representatives, in consideration with Articles 26 and 27 of the Law, shall have the following responsibilities and tasks:

1. Preparation, supervision and decision making of the general policy of national communication with the objective of the development of economic resources, the utilization of communication services, improving and development of the public services.

2. Negotiation and implementation of International Communication Agreements entered into in the name of Somalia with governments or international organizations.

3. Representation of Somalia in international councils in which discussions take place or agreements are to be reached.

4. Assisting the Agency in the implementation and access to financial resources for the development of the sector and acquiring staff with communication skills, equipment, training and acquiring centers that are suitable for the achievement of the objectives assigned to the Agency.

## **CHAPTER 5: CONSULTATIONS with TELECOMMUNICATION COMPANIES**

### **Article 29: Method of Consultation**

1. The Agency can hold:-

A. General consultation with telecommunications companies is an important element of working together and discussing important issues to which the National Communications Agency was given the authority to address according to this Law.

B. The Agency can hold general consultation and listening for any issue raised by the Ministry in order to achieve the overall objective of the government for the country's telecommunication industry, if the agency deems it necessary to consult with the telecommunication companies.

2. The consultation between the telecommunication companies and the Agency will be held in a transparent manner and the aim is to discuss the best practices of collaboration and how to develop the sector.

3. Excluded from consultation are special personal information of customers and shall be limited to the service provider and the Agency, when it is related to general security and at all times, first priority shall be given to the special secret of the customers.

4. The Agency shall document all the ideas and decisions that come out of the consultations and shall issue them in written copies and can be shared with any public person that requires it, while charging fees established by the Agency which is related to the cost of publication and without consideration of interest or benefits.

### **Article 30: Conditions for Consultation**

1. The Agency can carry out consultations which can be in part or in full and where ideas can be submitted in writing.

2. The Agency can hold a consultation meeting and shall prepare a notice in writing according to the following format:

A. Start time of the consultation meeting.

B. Indication of the reasons for holding the consultation and the information to be discussed.

C. The time limit for the submission of ideas to which shall be attached any related information.

D. Anybody wanting to submit their ideas, must submit any written material that support these ideas.

E. Any other information the Agency sees as relevant to the issue to be discussed.



F. The Agency must ascertain that adequate time is given to issuing of notification for consultation to the telecommunication companies that are interested in the issues under discussion.

G. The decisions resulting from these consultations with the telecommunications companies, will be given priority while the Agency is following the procedures of this Law.

### **Article 31: The Agency's Website**

1. The Agency can create an official internet website, in which it publishes all the activities and the services it performs.
2. The Agency shall within ninety (90) days, publish all the records, official publications and non-secret ones that are issued in line with the management practices of the companies in agreement with this Act.
3. A photocopy may be given to anybody that requests it, after the payment of reasonable service charges determined by the Agency.

### **Article 32: The Agency's Decision Making Process**

1. The Agency must make sure that all its decisions are based on transparency that is not secret and open.
2. The Agency shall allow the companies to participate in public consultation and listening to of any party such as the customers and others, and at same time provide answers to the issues raised in the consultation, based on its decisions and in consideration with the public good, in line with this Communication Law.
3. Any issue that is raised, the Agency shall respond to in writing, explaining the reason for taking actions based on the reality with information available.
4. The decisions of the Agency and its actions can be based on the existing condition and this Law.
5. The Agency, can reject any action or request that is not in agreement with this Law, while giving reasons.

### **Article 33: Reviewing of the Decisions of the Agency**

1. Anybody that becomes a victim resulting from the steps or decisions taken by the Communication Agency, can request the Agency to reconsider the decisions it had taken.
2. In all cases in which reconsideration were requested, the Agency shall inform those concerned, that it is reviewing the decision, taking into consideration all the concerned parties.
3. Anyone that was harmed by the decision of the Agency can take an appeal to the relevant court.

4. The court has the powers to agree with, make changes or reject the decision in line with this Law and other laws of the country.

#### **Article 34: Conflict of Interest**

High officers of the Agency or its employee are not allowed to take part in actions that are opposed to or have negative impact on reaching decisions about issues under discussion or the work they have with the Agency, if such actions can have the following outcome:

1. Their personal economic interest.
2. Economic interest to their wives, a family member or a relative.
3. Economic interest of their commercial companies or business partner.
4. Economic interest in a company, including shares, general ownership, a responsible person or agent.
5. Economic interest of any agency to which the individual reached agreement to be employed, promised to be employed or in negotiations to be employed. If such cases happen, two things need to be done:

A. To excuse himself from the participation in decision making of the issues being considered by the Agency.

B. To transfer himself from participation, while giving reasons.

6. It is not allowed for the General Manager or the high officials of the Agency to take part in decision making related to a company in which they have direct ownership, its subsidiaries or any of the issues related to the Agency.

### **CHAPTER 6: MANAGEMENT OF COMMUNICATION FREQUENCIES**

#### **Article 35: Planning the Allocation of Frequencies**

1. The Communication Agency, in cooperation with the Ministry, can represent the nation in meetings.
2. The Communication Agency is responsible for the planning, management, allocation and supervision the usage of radio, television and internet frequencies.
3. The Communication Agency, shall implement its duties based on this Law, including agreements reached with the region and international ones, according to this Law.

### **Article 36: Management of Radio Frequencies**

In addition to the powers given to the Ministry of Information, the Communication Agency, while performing its duties that are related to the radio frequencies, it shall be responsible for the following issues;

1. Encouraging the utilization of the radio frequencies in an organized, improved performance and scientifically economized way, in order to allow the license given to the service provider to enable him to have adequate frequencies given to him and to use them according to the allocation of the Agency.
2. The issuing of licenses for radio and television frequencies.
3. The development of modern services with utilization of radio frequencies.
4. Enabling business competition that is based on clean and transparent way when displaying or issuing radio frequency services, based on proper management and this Law.
5. Consideration and planning the current existing and expected needs or any other issues deemed necessary.

### **Article 37: Securing Information, Allocation and Issuing of Frequencies**

The Agency shall safeguard all the information that are related to the allocation and issuing of radio frequencies and any other information that the Board determines to be good for the management of the radio frequencies, with the exception of information related to the safeguarding the National Security. The Board, shall consider the information mentioned in this Article, open to all the general public, in order to learn and become aware and it shall be published in the Agencies website.

### **Article 38: The Table for Allocation and Issuing Frequencies**

1. The Agency shall plan and manage the table for the allocation and issuing of National frequencies in compliance with this Law.
2. The Agency shall recognize the communication frequencies which the existing companies were already using.
3. The Agency shall plan and allocate radio frequencies to the following users:
  - A. National Security Agencies.
  - B. Fire Department and Public Safety.
  - C. News Media Agencies.
  - D. Communication companies.
4. The Ministry can request the Agency to transmit to it detailed table it prepared.
5. The Table shall come effective when approved by the Agency and it shall be published in the internet website of the Agency, in order to enable any interested public to access the information.

6. Taking into consideration paragraph 2 of this Article, the Agency shall protect issues related to the pre-existing radio frequencies that were working before in line with this Law.

### **Article 39: Allocation of frequencies**

1. The Agency shall manage the allocation of frequencies as stated in this law, the purpose of which is to ensure good practice is maintained amongst all service providers and that the purpose to which the frequency was allocated is fulfilled.

2. The Agency can conduct open consultations as stated in this law to develop a code of conduct for the license holders and the use of frequencies.

### **Article 40: Tariff for the Use of Frequencies**

1. Anybody wanting to use radio, TV or communication and any other service that is required to be used for specific frequencies, shall acquire a license for the use of communication frequencies. Anybody who was already using this service must make their services in conformity with this Law.

2. The National Communication Agency shall determine the tariff to be charged whoever is taking the license in consultation with the Ministry of Post, Telecommunication and Technology and the Ministry of Finance and consideration shall be given the condition of the service provider.

3. The tariff to be charged by the Agency as indicated in this Law, shall make sure:

A. That the service providers that are involved in the communication business, the growth of the national economy and improvement of communication and make certain that the resulting economic growth is of benefit to the community.

B. The service charges that are taken from the service providers shall be deposited in the general treasury of the Government, in agreement with the Law of national budget management.

## **CHAPTER 7: LICENSES**

### **Article 41: Licenses**

1. No one can use a communication network using radio communication frequencies, radio station or the provision of communication services, inside Somalia, without having communication service license that is related to the service provided.

2. The Agency can issue communication license that allows the provision of communication service, based on special license and general license, that are in agreement the conditions for issuing of license and the regulations of the Agency.

3. The Agency shall publish, in its internet website, the list of communication service providers, that qualify for general and special licenses.

4. When the Agency is deciding to issue license to somebody who is eligible for general and special licenses, it shall make sure that the issuing of these license shall not do any harm to one who already had a license to provide similar services, at the time of making decision.

5. Any licensee that does not use the license received to provide services for six months, the license shall expire without compensation.

## **Article 42: Process of Issuing License**

### **Method of Issuing License**

1. The Agency may issue a General License of communication services, giving it for a specified time as indicated in this Law.

2. The procedure of requesting communication license shall be in writing, which is directed to the Agency, following the process prepared by the Agency for the issuing of a license. To the request shall be attached the needed information and documents proving the payment of fees for the request, in agreement with the Law.

3. The Agency shall give to the requesting entity a written response of its decision, concerning the request, within 30 work days, starting from the date that the request was received.

4. If the Agency decides to deny the issuing of the license the requester of the license, it shall inform the requester within 14 days in writing, explaining the basis of its decision in detail and at the same time in line with this Law and other laws of the country.

5. The general license issued according to this Law, if it is not cancelled in a writing, it shall exist and work with legal power, until the expiration time of its allocation is reached.

6. The license issued by the Agency according to this Act, cannot be transferred or sold in part or as whole, to an individual or another company, without a written approval of the Agency.

## **Article 43: Issuing of General License**

1. The license of the general communication services shall be issued according to the general process of issuing licenses.

2. The utilization of the radio frequencies and Somalia's national numbers.

3. The general license shall be issued to requestor when the person meets all the conditions required for the issuing of the general license, while the Communication Agency may require additional information.

4. The requestor shall fill the form of the general license, prepared by the Agency.

#### **Article 44: Duration of the General License**

The duration of general license of the communication service provider shall be regulated according to the rules of the Agency, in consultation with the Ministry of Post and Telecommunication and Technology and at the same time in consideration the capacity of the service provider.

#### **Article 45: Price of the General License**

The price of the general license and other matters in relation to numbers shall be determined by the Agency, after consultations with the Ministry of Post, Communication and Technology, taking into consideration the international norms that are used and the specific conditions of the country, in agreement with the financial system of the Country and if needed, additional information can be requested from the Agency.

#### **Article 46: Renewal of the License**

1. The Agency shall renew a license when the licensee requests and was in compliance all the former conditions for previous issuing of the license, as indicated in this Law and the regulations of the Agency.
2. The license holder must request the renewal of a license before the expiration date of the previous license.
3. If a licensee delays renewal at a specified time, a consideration shall be given for reasonable causes of the delay, however, if there are no reasonable causes, there shall be fines based on the regulation of the Agency and agreement with business norms.
4. If the Agency does not renew as requested, the license holder shall continue his work based on the conditions based on the issuing of the previous license until the Agency reaches decision about the renewal.
5. At any time that the Agency is taking decision of denial for renewal or charges a fine to a licensee that breaks the conditions for having the license, based on this Law, the Agency shall reach a decision and submit it in writing.
6. The renewal process of the general license shall be according to the process of issuing as indicated in this Law.
7. The national communication companies that were already doing business prior to the approval of this Communication Law, the Agency shall take into consideration the existence of their former status, until this can be modified according to this Law.

#### **Article 47: Cancelling and Returning of License**

The licensee can return to the Agency his license by submitting it with a written notification at all times, according to this Law and the returning of the license shall be effective when the Agency receives the official written notification of the licensee.

#### **Article 48: Withdrawal of License**

The Agency can issue a written order to stop the use or withdraw the license that it issued when the following conditions take place:

1. If the licensee does not pay a fine based on the violation of the Communication Law, in which the issuing of license to him was based.
2. If the licensee does not follow a regulation issued by the Agency that is in agreement with this Law, the license can be withdrawn.
3. If the license holder is not satisfied with the decision of the Agency, he can take an appeal in accordance with the legal judicial system of Somalia.
4. If the licensee fails to pay a necessary fee for a service provided.

### **CHAPTER 8: INTERCONNECTION OF THE NETWORK OF THE COMMUNICATION SERVICES**

#### **Article 49: Request for Interconnection**

1. The interconnection of telephone communication services is a public interest and there is a necessity to interconnect the lines of different companies that are in the business of telephone services, to facilitate for the public the utilization of one SIM Card, that enables them to connect with other companies that are working in the country.
2. If a communication service provider with a license of service requests another communication company for interconnection, it must be based on this Law of Communication and an agreement reached between the two companies.

#### **Article 50: Conditions for Interconnection**

1. All the interconnections among the communication companies shall be in writing and agreements with the Articles of this Law and the regulations of the Agency.
2. The interconnecting communication companies, must at first reach an agreement, however, the Agency can also be involved, in collaboration with the Ministry.
3. If the Agency sees that an agreement in full or in part is not in agreement with this Law or the processing system of the Agency, it can ask the companies to make their agreements in line with this Law or other laws of the country.
4. If parties do not reach agreed upon decision or their agreement is delayed, the Agency can interfere and reach decision about the disputed issue in line with this Law.
5. If the decision of the Agency is not acceptable to one of the parties, the party can appeal to court that is capable of reviewing the decision.
6. If a company fails to pay the money incurred due to interconnection of the companies, it shall be addressed base on the civil laws of Somalia.

### **Article 51: Registration of Interconnection Agreements**

1. All the service providing companies shall register with the Communication Agency any interconnection agreement of networks within 30 days starting from the date of signing the agreement.
2. The parties to the agreement must submit to the Agency the interconnection agreement, which was reached between the service providing companies.
3. Subsequently, when the Agency evaluated the conditions of the interconnection agreement and if it determines that the interconnection agreement is not in line with this Law or the regulations of the Agency, it can request the parties to review the agreement and to make it in agreement with this Law.

### **Article 52: Regulation of Interconnection**

1. The Agency can prepare regulation that is related to interconnection of companies.
2. The interconnection regulation prepared by the Agency shall explain the following issues:
  - A. The time and discussion of the finalization of the interconnection agreement.
  - B. The quality and the level of service.
  - C. The process of tariff payment.
  - D. Safeguarding of private ownership.
  - E. Safeguarding business information.
  - F. Facilitation of the interconnection of the parties.
  - G. Determining the tariff for interconnection, when the parties agree upon.

### **Article 53: Conditions for Interconnection Disconnection**

1. The parties to the interconnection agreement cannot leave their agreement, unless they have written acceptance from the Agency.
2. The Agency shall encourage the cooperation among the providers of the communication services.
3. If the parties fail to agree about the issues indicated above, the Communication Agency can mediate to resolve the conflict, while giving priority to the public interest.



## **CHAPTER 9: THE NATIONAL NUMBERING PLAN**

### **Article 54: Allocation and Issuing Numbers**

1. It is prohibited to use the national numbers, without having a license issued by the National Communication Agency, base on this Law.
2. The national code of 252 and national domain of dot So is a property owned by the Government with the responsibility of the National Communication Agency and they shall be managed according to this Law and while safeguarding international and regional laws.
3. The National Communication Agency, shall plan the process of the usage of the national numbers, therefore, every communication company, shall request the allocation connection equivalent to its needs.
4. The Agency shall have a capacity to safeguard and to formulate regulation of the method of using the planning of the allocation and the issuing of the National Numbers and internet networks, which can be used for issuing communication services.
5. All service providers which have a communication license, have the right to get numbers that meet their needs, in order to provide communication services, after fulfilling the required conditions and submitting their written request as indicated in this Law.
6. This Law explains the process of refusal in part or in whole, a request related the usage of numbers and registration of the names of the networks that allocates internet service, if the following issues arise:
  - A. If the requesting entity does not have license to give communication service.
  - B. If the request is not in agreement with the national numbering plan.
  - C. if it appears if the request from licensee is not in agreement with Act and the conditions of allocation of the National Communication Agency.
  - D. In the case in which the purpose of the use of the requested numbers is dangerous for the existence of the communication companies and national security such as deceit or fraud.
  - C. If the objectives of requesting the numbers is not clear for the agency to which the request was submitted.

### **Article 55: Rejection of Application**

1. In the case in which the Agency refuses the request for issuing numbers of the registration the internet networks, based on this Law, the Agency shall issue a written decision, while specifying the reason for the denial of the request.
2. The applicant, can ask the Agency to reconsider the decision taken to reject the application.

3. The applicant, can re-request the numbers and registration of the internet network that was refused, while revising the points and reasons for refusal and make the request in agreement with the guidelines of the Agency.
4. In the case in which the Agency rejects the request again, the applicant can submit a case to the relevant court.
5. An exception is the acceptance of a license that involves numbers and registration of internet network, which are fraudulent.
6. The Agency has the right to stop the use of numbers and registrations of internet networks that are fraudulent.
7. Anybody that uses numbers and the internet network for fraudulent activities, can be subjected to the criminal law of Somalia.

#### **Article 56: Regulation Numbering Fee**

The Agency can issue a regulation to develop the objectives of this Law and the fees for the numbers and internet networks, in consultation with the Ministry and at the same time giving consideration to the National Communication Policy.

#### **Article 57: List of Special Number Services**

1. The Agency has the power to issue regulation for the management of the special service numbers such as emergency numbers, that the communication service providers are
2. The Agency takes a decision that is instructing the service providers to give to their customers a service of a general hotline number to be used for emergency, that can be accessed throughout Somalia, so that the security is maintained.
3. The Agency, shall also take steps to encourage rapid implementation of the construction of the infrastructures for emergency numbers, with a plan to enable the public to use it in any location in Somalia.

### **CHAPTER 10: RIGHTS OF COMMUNICATION COMPANIES AND CUSTOMERS**

#### **Article 58: Protection of the Rights of the National Communication Companies and Investors**

1. There shall be encouragement and protection of the rights of the national communication companies and as a whole the national investors and at the same time their rights and survival shall be safeguarded.
2. The National Communication Agency shall support and protect the national communication companies from losses resulting from unfair competition.

## **Article 59: Approval of Frequencies and Communication Equipment**

1. The Agency shall issue the license for the use of the radio wave frequencies.
2. The Agency has the responsibility to give advice and facilitate the importation of the communication equipment to be used in the country, which shall be brought by companies that provide communication services.
3. The Agency, while performing these duties, shall make general consultation with the communication companies, in order to agree about agency that shall manage the laboratory in which the communication equipment will be tested and also approves the importation, which is recognized by Somalia.
4. The National Communication Agency, shall register the agency that was given the permission to establish the laboratory that shall determine the standard of communication equipment. The national communication companies may suggest to make changes and improvement of the agency that is charged with testing of the equipment.
5. Any national entity can import the communication equipment, however, the entity must apply for a license to import the communication equipment, must follow the specified conditions and pay the fees assigned for the service, which shall be determined by the Agency.

## **Article 60: Rights of the Service Provider**

1. The licensed communication service provider has the right, in accordance with this Law, to have the right of way access of his equipment through public land, in any parts of the country, when building, repairing or working in communication centers where the services are related the obligations for which the communication license was issued.
2. The licensed communication service provider, in agreement with this Law, has the right to request right of way to go through privately owned property, by requesting the owner for permission and agreement and who, at the same, has the obligation to accept the request, as indicated in the National Communication Law.
3. The licensed communication provider is obligated to repair any public and private properties damaged caused from the access.
4. The Agency must issue a regulation of the payment for compensation for the repair of damages resulting from the right of way to private or public property.
5. The Agency has the right to listen to and to reach decision, about disagreement resulting from the right of way of the service provider.

### **Article 61: Access to Wide Coverage of Communication Services**

1. The service providers, in collaboration with the National Communication Agency, shall work to provide and meet the public needs for private communication services that cover the towns, villages, rural areas and any location where there is need for communications.
2. The National Communication Agency, shall take the responsibility for the facilitation and the expansion of communication services that shall enable the public to have access to the required extensive coverage.

### **Article 62: Competition in the Communication Market**

1. The communication service providers have access go trade in an open and free market without violating the Communication Law.
2. The Agency can supervise or inspect, reach decision and check, that all the service providers complied with the conditions of free competition and in conformity with this Law and the regulations of the Agency, while at all times safeguarding justice.
3. The Agency shall make sure that the communication service providers safeguard the free market competition, the right of ownership and the management of centers of communication.

### **Article 63: Misuse of Market Power**

1. It is illegal for any licensee, that gives communication services to which the Agency approved, to an action intended to harm the competition of the free market of the national communications.
2. It is illegal for a communication service provider to enter into an agreement or make a promise, with the objective to lower the competition of the national communications market.
3. If the Agency determines, after public hearing and consultation held, in concurrence with this Law, that a communication provider, has taken actions intended for property damage of the commercial communication market, the Agency can take the following steps:
  - A. Charging of a monetary fine determined by the Agency, taking into consideration the damage, that action taken, caused to the market as indicated in this Law.
  - B. If the Agency determines that the damage caused by this action can result in harm to others, the case can be transferred to an appropriate court to reach a decision about the extent of the damage done and decide the right legal punishment and compensation resulting from the damage done.

#### **Article 64: Censure**

The companies are responsible to safeguard proper manners for the use of the services they provide and shall carry out censure against the people that use such services for things that are in conflict with Islam and acceptable good manners.

1. The standards of proper behavior shall be judged by, the good culture of the society and the principles of Islamic laws.
2. Any issue that is in conflict with the good manners of the society or public and principles of the Islamic laws, are bad behaviors and the companies can take against transgressing person disciplinary actions, that may include the suspension of services, if the transgressor does not stop using such actions that are in conflict with good behavior.
3. The companies shall inform the Agency in writing the decision or the action taken against the person that made such transgression.

### **CHAPTER 12: NATIONAL SECURITY**

#### **Article 65: National Security**

1. It is a duty of any Licensee to protect the national security and must fulfill the requests of the Agency, while following the laws of the land.
2. In the case of investigations that are related to national security, the number of the customer can be requested, if the National Communication Agency or other security agencies submit written request, if additional information is required, while going through the courts with such powers. And it is the duty of the licensee to protect secret information that are requested and that it does not reach anybody else.
3. If there are investigations for reasons related national security, in consideration of the conditions of the country's security and the protection of the private rights of the its citizens, support can be given to the citizen.

#### **Article 66: Registration of SIM Cards**

1. The communication companies have to register all existing SIM Card and Telephone line holders as well as all potential customers when this Law come into effect, in order to secure the ownership and personal rights of customers.
2. In order to fulfill paragraph 1 of this article, it is necessary for all customers to have valid personal Identifications documents.

## **CHAPTER 11: IMPLEMENTATION OF THIS LAW**

### **Article 67: Implementation of the Law**

1. The Agency have the power to implement this Law and regulations of the National Communication Agency, however, while taking into consideration the special conditions of the country, the Ministry, the Agency and the Service Providers, shall cooperate in order to implement, in full, this Law.
2. The Agency has the power to supervise to ascertain that this Law and the regulation issued by the Agency are complied to or followed.
3. The Agency shall follow a transparent method, which is in agreement with the National Communication Law.
4. The Agency has the power to charge a fine to any entity that breaks this Law and to give compensation to anybody to whom a harm was done by the breaking of this Law.
5. The Agency, in addition, shall implement the international or regional agreements to which Somalia is party, that are related to communications.

### **Article 68: Situations Prior to the Law**

Nobody can be charged a fine that resulted from action or steps that this Law negated and that took place prior to this Law. However, such issues shall be modified in agreement with this Law, when it becomes operational.

### **Article 69: Nullification**

This Law nullifies any other Law that disagrees or contradicts it.

### **Article 70: Implementation of this Law**

This Law shall come into force when the President signs and it is published in official government gazette.