

In the Name of Almighty Allah, The Beneficent, the Merciful

Telecommunications Services Regulation Act

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Chapter 1

General Provisions

Article 1: The Basis

This Law has been enacted pursuant to Articles 10 and 37 of the Constitution of Afghanistan in order to promote and develop telecom services, regulate and supervise the telecom market, guide the relationship between the Telecom Regulatory Authority (TRA) and Operators or Service Providers, Users and other interested parties in this country.

Article 2: Purpose

The purpose of this Law is:

1. To provide further access to Telecom Services to the public throughout the country;
2. To promote non-discriminatory entry of Service Providers and Operators to the market;
3. To strengthen telecom markets in order to promote the quantity and quality of their services in the country;
4. To encourage technology that meets the needs of users and competitors and to prevent abuse of Significant Market Power by Telecom Service Providers and Operators.

Article 3: [Definitions of] Expressions

[NOTE: The terms are no longer strictly in alphabetical order, but follow the sequence in which they appear in the authentic Dari version.]

In this law, the following terms shall have the meanings stated below:

1. “Affiliate” — any person/party that is controlled by or controls another person/party, or any two or more persons/parties that are controlled by the same person/party;
2. “Allocation” – the official designation of radio frequency spectrum, which is reflected in the National Frequency Plan;
3. “Assignment” – the right to use specific radio frequencies, officially granted by the Telecom Regulatory Authority to Service Providers or Users;
4. “Broadcasting” — the emission and dissemination of unidirectional radio or television waves that does not include a return path to the Service Provider or broadcasting party;
5. “Confidential Information” – documents and other information, whether technical or commercial, relating to the design, restoration of condition,

insurance, operation, planning, maintenance, management and financing of telecom services or any other activity or facility related thereto;

6. “Decision” — any final and conclusive pronouncement by the Telecom Regulatory Authority, issued on a temporary or permanent basis concerning relevant issues, and implemented by the relevant authorities;
7. “Equipment” — telecom network equipment and terminal equipment;
8. “Frequency Emitting Device” — a device or combination of devices, which is/are used for, radio communication;
9. “Interconnection” — the physical, technical and logical linking of one telecom network to other telecom networks, in order to ensure that Users of one telecom network are able to communicate with Users of other telecom;
10. “License” — The written document which is issued by the Telecommunication Regulatory Authority to applicants for offering telecommunication services in the country, in accordance with the provisions of this Law;
11. “Permit” – The official written document issued by the Telecommunication Regulatory Authority, on the basis of which the registration of a person’s intention to provide telecommunications services to the public, import and sell telecom equipment, or other specific activities provided for by this Law is acknowledged and verified;
12. “Number” – series, signs, digits, letters or other symbols and combinations thereof used for network access or its identification, Service Provider, network connection point or any other network element;
13. “Person” — means:
 - Any natural domestic person: means a person who holds Afghan nationality;
 - Any legal domestic person: means a person including a corporation, a partnership, sole proprietor ship, limited liability Company, joint venture, association, joint stock Company, trust, or other profitable entity established under applicable laws;
 - Any natural foreign person: means a person who has a citizenship of other than Afghanistan;
 - Any legal foreign person: means a person the legal personality of which is specified under the legal framework of a law other than those of Afghanistan;
14. “Policy” — A method or manner which is developed and published by the Telecom Regulatory Authority (the TRA) for the purpose of implementing the

provisions of this law, taking into consideration the conditions and circumstances after the process of gathering public opinions;

15. “Radio communication” — Any transmission, emission or reception of signs, signals, writing, images, sounds or intelligence of any event by means of electro-magnetic waves and frequencies lower than 3,000 GHz which is propagated in space in an unnatural way;
16. “Rural Area” — A sparsely populated area, located outside cities, where the TRA will take into consideration a proposed telecom system at the time of providing and predicting specific telecom services for such area;
17. “Operator or Service Provider” — Any Person who provides Telecom Services to any end user or to any other person in the country;
18. “Significant Market Power” or “SMP”— A Service Provider who earns 40% or more of the gross revenues in a specific telecommunications market, as defined by the TRA, as a specific service category or as a geographic scope;
19. “Spectrum Management Office”— the branch within Ministry of Communications which is responsible for planning, managing and assignment of radio frequency spectrum;
20. “Telecommunications” — The conveyance of intelligence or message of any kind by the use of electrical, magnetic, electro-magnetic, or optical energy or any combination thereof;
21. “Telecom Development Fund – The fund paid by Telecommunications Service Providers and Operators for the provision of universal access to telecommunications services in rural areas and areas not covered by telecommunication services;
22. “Telecom Network” — The transmission system, switching or routing equipment and other equipment which permit the conveyance of telecommunications by wire, by cable, by radio, by optical energy or by magnetic waves, including satellite networks, fixed (circuit- and packet-switched, and Internet) networks, mobile terrestrial networks and aerial cable systems;
23. “Telecom Service” — provision of services for remuneration which consists partially or mainly of the conveyance on telecommunications networks;
24. “Terminal” — A wired or wireless telecommunication equipment for emission or terminal receipt of telecommunication signals, which is used to transfer, process or receive information, excluding equipment intended to provide access to radio or cable television broadcasts, unless such equipment is also used for access to telecommunications services;

25. “Unauthorized Interference” — radio transmission which endangers the functioning of a radio service, sailing, safety services or public telecommunication services, or which seriously changes, or repeatedly interrupts a radio service or frequency emitting device operating in accordance with this Law;
26. “User” — A person who requests, receives or uses telecommunications services;
27. “Website” — an electronic site that is accessible through the Internet and identified by a designator (Universal Record Locator – URL);
28. “Recognized Standard” — technical specifications or other standards published by a recognized international authority;
29. “Recognized Authority” — the approving body specified by the TRA.

Chapter 2

Organizational Structure, Duties and Powers of the Telecom Regulatory Authority

Article 4: Establishment of the TRA

- 1) The Telecom Regulatory Authority of Afghanistan, responsible to regulate the affairs related to the telecommunications sector in the country, shall perform its functions in an independent, open, objective, transparent, and non-discriminatory manner within the framework of the Ministry of Communications.
- 2) The Telecom Regulatory Authority (hereinafter called “TRA”) shall have an independent organizational structure with separate budget that shall be processed in accordance with the provisions of this law.
- 3) In order to regulate the affairs related to issuance, modification, renewal, suspension, and revocation of licenses and other matters related to telecommunications market, an inter-ministerial committee shall be created comprised of:
 1. Minister of Communications as the chairman;
 2. Minister of Finance as member;
 3. Minister of Economy as member;
 4. Minister of Commerce as member.

Article 5: The Board for Regulation of Telecom Services

- 1) In order to lead and regulate the relevant affairs, The Board for Regulation of Telecommunications Services, consisting of five (5) members, shall be established. Board members shall be appointed in accordance with the law.
- 2) The Board shall enact separate Procedures for regulating its relevant affairs.

Article 6: Duties and Authorities

In order to achieve the objectives provided for in this law, the TRA shall have the following duties and authorities:

1. Regulate and supervise Operators and Service Providers, in accordance with the provisions of this law;
2. Supervise compliance by Operators and Service Providers with international obligations entered into by Afghanistan in the telecommunications sector;
3. Provide advice to Ministry of Communications in development of policies, when needed;
4. Issue licenses in accordance with the provisions of this law;
5. Prepare and publish forms relating to issuance of licenses in accordance with this Law;
6. Monitor and control compliance with the conditions included in licenses and the provisions of this law, and make such decisions as are necessary in the context;
7. Assign radio frequencies and grant permits to licensees, in accordance with the national frequency allocation table referred through the Spectrum Management Department;
8. Modify, renew, suspend or revoke licenses and permits, in accordance with this law and other enforced laws;
9. Respond to complaints of users and dispose of the disputes involving Operators and Service Providers, users and other persons, including interconnection, access to and quality of service, numbering, privacy, unacceptable interference and quality of the networks or services of grantees and other services;
10. Specify and approve technical standards for telecommunication equipment and devices;
11. Establish and maintain the numbering plan and assign numbers to applicants;
12. Establish shares of [contributions to] the Telecom Development Fund and supervise the manner for spending thereof;
13. Develop a plan for regulating the affairs related to expenditures of the Telecom Development Fund and the manner for using such funds, in consultation with the Ministry of Communications;
14. Maintain registries of licenses, interconnection agreements, the TRA notices and decisions concerning the claims of confidentiality or permissible disclosures, and publish them on the relevant website for notice and inspection by the public;
15. Accelerate installation and development of telecommunications networks and services throughout Afghanistan, at reasonable prices;
16. Support the interests of users of telecommunications services;
17. Prevent Operators or Telecommunication Service Providers having Significant Market Power from abusing such power;
18. Promote sustainable competition among and between Operators and Service Providers;
19. Identify and prescribe whether any person has Significant Market Power;
20. Require a person having Significant Market Power to sell/offer telecommunications services on a non-discriminatory basis to other licensed Service Providers;

21. To establish technical, economic or other consultative committees, as deemed necessary;
22. Prescribe fees payable in connection with the application, issuance, modification, renewal and transfer of any license issued, for the ongoing right to hold a license;
23. Prescribe reasonable fees payable in connection with the importation or use of specific types of telecommunication equipment in Afghanistan;
24. Prescribe fees, payable in connection with the assignment and use of numbers;
25. Establish and maintain any registries of Operators and Service Providers that may be required;
26. Appraise and investigate any matters necessary to determine the existence or absence of violations from the provisions of this law;
27. Appoint inspectors to verify the compliance with any decision of the TRA or with any conditions imposed in the license or permit of an Operator or Service Provider;
28. Determine whether any person has breached any condition of a license or of a permit;
29. Issue interim and final orders to prevent the occurrence or continuation of a breach of any condition of a license or of a permit;
30. Fine violators for breach of any condition of license or permit, or any person for committing an offence under this Law;
31. Oblige licensees or holders of permits to compensate damages as a result of a breach of a condition of license or permit;
32. Order the payment for costs of dispute resolution, public opinion gathering and consultations;
33. Appoint inspectors to verify the execution of license and permit terms, and the use of spectrum resources, construction of network infrastructure; towers, conduits, inside wiring, and so forth;
34. Prepare, organize and issue official identification to inspectors;
35. Provide instructions to Operators and Service Providers to provide documents, plans and access to relevant facilities to the inspectors;
36. Collect annually the relevant actual expenses from Operators and Service Providers through a transparent, simple and non-discriminatory process;
37. Submit reports to the relevant authorities;
38. Carry out other duties as provided for in this law.

Article 7: Provision of Information

The TRA has the power to require any Operator or Service Provider to provide the relevant information, provided that the TRA has provided the Operator or Service Provider with a two (2) week prior written notification.

The TRA shall keep commercial secrets and other confidential information required by it.

Chapter 3

Decisions of the TRA

Article 8: The Decision-making Process

In making any Decision under this Law, the TRA shall:

1. Consider matters within the scope of its duties and powers;
2. Appraise and verify the case on the basis of objective facts;
3. Provide written reasons;
4. Render its Decision impartially and without discrimination;
5. Announce its decisions and reasons in a timely manner to the public.

Article 9: Compensation of Damages

- 1) If documented evidence is present, the TRA may oblige the violator to pay the whole or any portion of the compensation of damages sought by the relevant aggrieved person;
- 2) The TRA may make a final or interim decision. Final decision shall be effective [retroactively] from the date on which the interim decision was made. The TRA may revise its final decisions when needed.

Article 10: Right of Appeal to the Commission for Dispute Resolution

- 1) The TRA has the power to settle disputes between Service Providers, Users and other Interested Parties.
- 2) The decisions made by the TRA in accordance with the provisions of this law, shall be applicable.
- 3) Any person aggrieved by a decision of the TRA may appeal to the Commission for Settling Financial Disputes established in the Central Bank Law.
- 4) An appeal must be registered with the Commission for Settling Financial Disputes and a copy sent to the TRA within the time provided for by the Procedures of the Commission or where no Procedures are provided for, within thirty (30) days from the date that the decision is made.

Chapter 4

Gathering Public Opinion and Procedures

Article 11: Gathering Public Opinion

- 1) The TRA may initiate a public opinion collection in accordance with the provisions of this Law, upon the directive of the inter-ministerial committee, on its own initiative or upon the written request of any interested person.
- 2) Gathering of public opinions shall be conducted openly by the TRA, except when the TRA decides otherwise due to the confidential nature of the issue.
- 3) The TRA may record public opinions and make copies of its recordings available to any applicant, upon payment of its price.

Article 12: Procedure for Gathering Public Opinions

The TRA may gather public opinions as mentioned in Article 11 of this law in the following manner by issuing a public notice:

1. Announcing the commencement of the opinion gathering process;
2. Setting out the contents of the matter under consideration;
3. The period within which comments may be submitted;
4. Describing any other information that assists interested parties in the preparation of their comments.

Chapter 5

Licensing

Article 13: License Conditions

- 1) No person shall offer telecommunications services, except when licensed by the TRA for its operation, in accordance with this law.
- 2) Telecommunications devices operated by a person or entity for its private requirements shall be an exception to this rule.
- 3) It is a condition of any license issued by the TRA that the licensee adheres to the provisions of this Law and to the conditions of the license.
- 4) Licenses issued to the same class of Operators or Telecommunications Service Providers shall not unjustifiably discriminate as between licensees.
- 5) All licenses shall be public and shall be posted on the TRA relevant website for public inspection and information, and a copy of the licenses shall be maintained by the TRA.
- 6) Except for limitations imposed by this Law, there shall be no limitation on the number of licenses that may be issued in any class prescribed by the TRA.
- 7) Issuance of licenses shall be conducted through a bidding process for the following services:
 1. Mobile services or new and modern technologies;
 2. Supportive services through the Telecom Development Fund;
 3. Such other services that the TRA may deem necessary.

Article 14: Competitive Processes

- 1) The TRA shall, taking into consideration public interest, establish competitive processes as following:
 1. Issue a public notice stating that an application for a license or frequency assignment has been received and the purpose for which it has been made, provided that the sensitive & confidential information related to the application are not published;
 2. Encourage other interested persons to file applications for the license no later than sixty (60) days after the date of notice publication.
- 2) If the TRA receives or does not receive additional applications in response to the public notice referred to in Subparagraph (1) Paragraph (1) of this Article, and

decides to issue licenses to all applicants, the TRA may issue the requested licenses, in compliance with Article 19 and Article 38 of this Law.

- 3) If the TRA receives one or more additional applications in response to the public notice, the TRA may reject all applications and establish and complete a competitive process within four (4) months.

Article 15: Licensing Requirements

Any person who has been determined to possess Significant Market Power by the TRA shall, within sixty (60) days, submit a written application to the TRA for obtaining an amended license, in accordance with the relevant Procedures.

Article 16: Amendment of Licenses

- 1) In the absence of any breach of conditions of license, after a license is issued, it may only be modified in the following manner:
 1. By decree of the inter-ministerial committee, provided that:
 - i. The TRA has sent the committee and the licensee a written recommendation stating the reasons of modification and that the modification is assessed as being in the public interest;
 - ii. The TRA has made the reasons of such modifications available to the public for inspection on the relevant website and has considered adequate time for the public to file comments and the licensee to reply such comments and opinions;
 - iii. The TRA publishes a report setting out conclusions of the public comments and the filed replies, to be made available to the public on the relevant website.
 2. At the request of a licensee, provided that it is not detrimental to the public interest.
- 2) The TRA shall transmit the report provided for in Paragraph (1) of this Article to the inter-ministerial Committee for decision.
- 3) The inter-ministerial committee issues a decree ordering some or all of the modifications and shall announce its decision to the TRA in order to be implemented. In the latter case, the TRA shall be obliged to announce the decision of the committee to the licensee for implementation.

Article 17: License Duration and Renewal

- 1) The duration of each license shall, taking into consideration the terms stated in the license, not exceed fifteen (15) years.
- 2) Provided that a licensee is not in breach of this Law or any condition of its license, it may apply to the TRA for a renewal of its license, not later than ninety (90) days prior to the expiry of its current license term, including all necessary reasons and clarifications in written.
- 3) Where the TRA accepts the application it shall take action to issue a license renewal to the licensee not later than thirty (30) days prior to the expiry of the licensee's current license term.
- 4) Where the TRA rejects to accept the application for renewal, it shall inform the licensee within thirty (30) days of receipt of such application providing written

reasons, and the parties shall thereafter enter into discussions with a view to reaching agreement prior to the expiry of the license term. Where [the TRA and a licensee] cannot reach to an agreement on terms and conditions, the TRA may issue a temporary license, under specified conditions and limits for extending the terms of existing license. Where the licensee also needs a permit, the TRA may issue a temporary permit for the same period.

Article 18: Suspension and Revocation of Licenses

- 1) If the licensee has breached conditions of the license, Procedures, Rules, or the provisions of this law, the TRA may, taking the case into consideration, order the licensee in writing to cure the breach within a specified period of time, or impose fines under the provisions of this law, or suspend or revoke the relevant permit.
- 2) The TRA may suspend or revoke a license if the following conditions are satisfied:
 1. Repeated breach of one or more conditions of the license;
 2. If the imposition of fines and/or damages under the provisions of this Law would be insufficient to remedy such breach or violation;
 3. Licensee has failed, in the specified time, to cure the breach or to present logical reasons against the revocation or suspension of his license.
 4. The application contains false, or misleading contents;
 5. In spite of receiving written notice from the TRA for non-payment of applicable license fee, the licensee, within thirty (30) days after submission of the notice, does not pay applicable fee in accordance with the conditions of the license.

Chapter 6

Tariffs

Article 19: Publication of Tariff

- 1) All licensees having SMP shall be obliged to publish up-to-date tariffs for all telecom services provided to the market, as follows:
 1. Filing a copy of approved tariff with the TRA;
 2. Publishing a copy tariffs on the Operator's or Service Provider's website that can be accessed by any person at any time without charge;
 3. Maintaining copy of tariffs at its business offices for inspection by the public;
 4. Licensees having SMP shall provide copies of any portion of a tariff to any person upon request and shall charge a minimum copying fee, to be established by the TRA in the conditions of license.

Article 20: Tariff Approval Process

- 1) A licensee having significant market power shall charge users only those rates set out in a tariff approved by the TRA. The tariff approval process shall be a condition of license and shall be applicable without discrimination on all licensees.
- 2) The TRA may, subject to the following conditions, exempt a licensee having significant market power from the requirement to file tariffs for approval, for specific telecommunications services:
 1. The licensee has no significant market power;

2. The licensee has no ability to subsidize the provision of such services;
3. Tariffs shall be not unjustifiably discriminatory against or unjustifiably preferential in favor of any person.

Chapter 7

Competition

Article 21: Abuse of Significant Market Power

1) Licensees having SMP are prohibited from undertaking activities that result in abuse of the market. The following shall be considered an abuse of SMP:

1. Failure to give a positive reply concerning supply of limited resources within a reasonable time and on reasonable terms and conditions, where the Operator or Service Provider has such facilities available;
2. Bundling of services or determining conditions, limit or low price by a dominant Operator or Service Provider and imposing that as a condition or conditions to supplying service to a new competitor;
3. Pre-emptive acquisition or securing of limited resources, including rights of way for the operation of telecommunications business, in order to prevent the entry of other competitors to the market;
4. Supplying competitive services at prices below the net value or such other price as is established by the TRA;
5. Cross-subsidizing from one service to another service with the objective of lessening competition, except where such cross subsidy is specifically approved by the TRA in tariffs;
6. Failure to comply with the interconnection obligations, in accordance with the provisions of this Law;
7. Discrimination in the provision of access, interconnection or other services or facilities to competitors except under circumstances that are justified, based on differences in prices, or shortage of available facilities or resources.

2) Any of the following actions, are actions that have the effect of impeding or preventing the competitor's entry into the market or expansion of a telecommunications market:

1. Determination of price for competitors in case of wholesales, increasing or decreasing the price or both in order to incur losses on the competitor, where there is no possibility of profit or entry to the market for the competitor;
2. Requiring or inducing a supplier or Operator to refrain from selling to a competitor;
3. Adoption of technical specifications or prices for its networks that prevent operability with a network of a competitor or that prevent the purchase of services provided by the competitor;
4. Failure to make available to new competitors on a timely basis technical information, limited resources, specifications or other commercially relevant information which is required to provide services;
5. Using information obtained from competitors, concerning interconnection or supply of services by the dominant provider, to compete with them.

Article 22: Anti-Competitive Practices

- 1) No Person shall engage in a practice restricting or distorting competition in telecommunications markets, including the following:
 1. Fixing prices or other terms or conditions of service in telecommunications markets;
 2. Determine which person will win a contract in a telecommunications market;
 3. Apportion, share or allocate telecommunications markets.

Article 23: Determination of Abuse of Significant Market Power and Anti-Competitive Practices

- 1) The TRA may, on application by any person, or on its own initiative, determine cases of abuse of dominant position in the market or activities which amount to an anti-competitive practice by the licensee. .
- 2) Any determination by the TRA shall be binding on all parties upon receipt of the comments of the relevant parties, provided an advanced written notice that such a decision was being considered has been sent to such parties for sending their comments.

Article 24: Measures for Stopping Abuse of Significant Market Power and Anti-competitive Practices

- 1) In order to prevent actions or activities of Operators or Service Provider that constitute an abuse of SMP or an anti-competitive practice, the TRA may take the following actions:
 1. Issue a decision and require one or more persons to cease the actions or activities specified in the decision, at such time and subject to such conditions as specified in the decision, or to make changes in them to eliminate or reduce the mal effects of the anti-competitive act.
 2. Provision of periodic reports by the assigned persons to the TRA to determine whether the actions or activities are continuing and to determine their impact on markets, competitors and users.
 3. Require persons named in the decision to prepare tariffs based on net value [cost-based] that shall become effective not later than thirty (30) days upon filing with the TRA.
 4. In cases of repeated breaches by Service Provider having SMP of a decision made, the TRA may issue a further decision requiring persons named in the decision to divest themselves of ownership of some lines of business, or carry out some lines of business in a separate company with separate books of account, provided that:
 - i. The Operator or Service Provider received advance written notice that such a decision was being considered and provide his comments, and
 - ii. The TRA determines that such a decision is an effective means of putting an end to the continuation of the abusive or anti-competitive activities.

Chapter 8

Network Interconnection and Access

Article 25: Interconnection Obligations

- 1) All Operators or Service Providers are required to provide interconnection of their telecommunications networks in accordance with the provisions of this law and the relevant license.
- 2) An Operator or Service Provider having SMP shall provide interconnection at any technically feasible point and on an efficient basis and without discrimination as among different Operators and Service Providers and as between affiliates of the Operators who needs to provide interconnection, including the Operator itself and provider Operators who are not affiliates.
- 3) The TRA may require Operators and Service Providers having SMP to make available to other Operators, accounting information, technical specifications, network characteristics and its terms and conditions for use and determination of prices, as approved by TRA.
- 4) The TRA shall have the power to require that an Operator having significant market power apply equivalent conditions in equivalent circumstances to affiliate and non-affiliated competitors, including price, time period and quality.
- 5) An Operator shall be entitled to refuse a request for interconnection if the requested interconnection is technically infeasible. The burden of proving that any requested interconnection is technically infeasible rests with the service provider. The TRA will determine whether the Service provider does or does not satisfy such burden.
- 6) If interconnection at a requested specific point is technically infeasible, but is feasible at one or more different points, the Operator or Service Provider who is required to provide interconnection shall inform the requesting party of all such feasible points and that the terms and conditions are similar to requested point. The burden of proving that any alternative interconnection offer is technically and commercially similar rests with Service Provider.
- 7) Operators and Service Providers not having SMP are entitled to negotiate the terms and conditions of interconnection with each other. If they are unable to reach agreement, either of them may apply to the TRA for making a final decision. Any decision issued by the TRA in response to such application shall be binding on the parties.

Article 26: Reference Interconnection Offer

- 1) Providers or Operators with Significant Market Power shall submit a proposed Reference Interconnection Offer to the TRA for approval, in accordance with the provisions of this Law.
- 2) Any Operator or Service Provider prescribed by the TRA as having Significant Market Power shall, within 30 days after determination, submit a proposed Reference Interconnection Offer to the TRA for approval, which shall contain the following technical information:
 1. List and description of all standards for interconnection and services;

2. Locations of points of interconnection, terms and conditions for their connection and disconnection;
 3. All applicable technical requirements, interconnection and protocols;
 4. Conditions for testing the interconnection;
 5. Administration of traffic during the interconnection;
 6. Requirements for numbering, addressing and conversation line identification;
 7. Minimal terms for notification of any amendments, supplements and cancellation of the interconnection agreement; and
 8. Any other technical information required in order for interconnection to take place as contemplated in this Law.
- 3) A Reference Interconnection Offer submitted to the TRA shall include the following commercial information:
1. Applicable tariffs and related terms and conditions, provided such tariffs shall be reasonable and non-discriminatory and shall be based on forward-looking increment and costs;
 2. Confidential information which shall be kept;
 3. Any other commercial information required in order for interconnection to take place as contemplated in this Law.
- 4) Upon receipt of a Reference Interconnection Offer, the TRA shall issue a notice seeking public comments on it and giving the Operator or Service provider who filed the Reference Interconnection Offer an opportunity to reply to all comments received, and the proposed Reference Interconnection Offer shall be used, after receipt and consideration of such comments and replies.
- 5) The TRA may modify a Reference Interconnection Offer, taking into account Articles 2 and 4 of this Law.
- 6) The TRA shall make available all Reference Interconnection Offers to the public for inspection and awareness on the relevant website.
- 7) An Operator or Service provider, who is responsible to provide interconnection pursuant to this law, shall do so pursuant to a Reference Interconnection Offer approved for it. No amendment to Reference Interconnection Offer is authorized until it has been filed with and approved by the TRA.

Article 27: Reference Interconnection Offer Implementation

- 1) Operators or Service Providers shall be obliged to respond to written requests for interconnection within thirty days upon receipt, pursuant to the approved proposals.
- 2) If an Operator or Service Provider who is required to provide interconnection is unwilling or unable to provide the interconnection as requested, it shall inform the requesting party of the case and propose a specific alternative. Where the parties are satisfied with the alternative proposal, they shall enter into a written contract setting out the agreement between them.
- 3) Where the requesting party is not satisfied with the alternative proposal or is unable to reach agreement on any other alternative with the Reference Interconnection Offer provider or Operator, the requesting party may apply to the TRA to cooperate in resolving the dispute in accordance with the provisions of this law. The TRA may establish Procedures from time to time that shall govern such dispute resolution.

- 4) Any disposition by the TRA shall be binding on the parties, and shall be implemented within thirty days upon the issuance of a decision.
- 5) All executed interconnection contracts shall be filed with the TRA and thereafter published on the relevant website for public awareness and inspection.

Chapter 9

Access to Property

Article 28: Use of Property

- 1) An Operator or Service Provider may use any highway or public property for the purpose of constructing, maintaining or operating a network of telecommunications services, provided that it does not create [unacceptable] interference to the public.
- 2) No Operator shall construct a Telecommunications Network under or along a highway or public places without the consent of the relevant public authorities.
- 3) Where an Operator or Service Provider cannot obtain the consent of the public authority to construct a telecommunications network, access to limited resources of a Telecommunications Network, an electrical power or other networks, the Operator or Service Provider may apply to the TRA for assistance in getting permission to construct it.
- 4) When applied for by the relevant administration, the TRA may issue a decision ordering an Operator or Service Provider, subject to any conditions, to alter the route of any Telecommunications Network, construction, maintenance or operation by an Operator or Service Provider which is situated within the jurisdiction of the relevant administration;
- 5) If agreed by the relevant administration or owner of the land, the TRA may authorize the construction, excavation works or the laying of pipes on the surface or under the land, or along the Telecommunications Network of an Operator or Service Provider or any lands used, taking into consideration any conditions that the TRA determines.
- 6) An Operator or Service Provider may benefit the facilities provided for by this article only if it does not adversely interfere with [the operation of] existing Telecommunications Networks or other existing facilities used to maintain public ways, water supply and sewerage lines, oil and gas pipelines, electrical facilities and other structures that have a public use.
- 7) Relocation or modification of existing facilities shall be carried out at the expense of the person requesting the relocation or the modification.
- 8) Any person who creates protective measures under this article shall be responsible for the cost of such measures.

Article 29: Protection of Sites with Historical, Cultural, Archeological, or Environmental Significance

- 1) All Operators or Service Providers shall protect sites with historical, cultural, archeological, or environmental significance during the construction, operation or

maintenance of telecommunications networks, in accordance with the provisions of the applicable laws.

Article 30: Co-location

- 1) When Operators or Service providers co-locate their facilities at sites where the Telecommunications Networks of other Operators or Service providers exist and are active, they shall obtain the agreement of the mentioned Operators or Service providers.
- 2) The co-location mentioned in paragraph (1) of this Article requires that prior agreement is reached on its expenses. When no agreement can be reached, the parties shall refer the issue to the TRA for decision.
- 3) Operators or Service providers having Significant Market Power shall file tariffs, rates, terms, and conditions of co-location with the TRA.

Chapter 10

Numbering Plan

Article 31: National Numbering Plan

- 1) The National Numbering Plan shall be prepared, in accordance with this law, taking into consideration the following:
 1. To identify the destination for, or recipient of, Telecommunications;
 2. To identify the origin or sender of, or route for, Telecommunications;
 3. To identify the source from which Telecommunications or Telecommunications Service may be obtained or accessed;
 4. To select the service that is to be obtained or accessed;
 5. To identify the Operator or Service Provider by means of whose network or equipment, Telecommunications Services are [to be] transmitted.
- 2) The TRA shall, in accordance with the provisions of this Law, prepare, publish and manage a National Numbering Plan, taking into consideration the following principles, and shall assign numbers in accordance with the [plan]:
 1. Re-assignment of numbers shall take place on a fair, objective and transparent basis;
 2. [The plan] shall predict expected growth in demand for telecommunications services;
 3. [The plan] shall take into account the existing assigned numbers;
 4. Consistency with the requirements of international and regional conventions, regulations and recommendations;
 5. To provide schedules of fees, to be paid by Operators and Service Providers for the assignment and distribution of numbers;
 6. The capability of number portability and Operator or Service Provider pre-selection, where it is technically feasible in the numbering plan;
 7. Such other matters as are considered for better implementation of this Law.
- 3) The TRA shall make the numbering plan available to the public for inspection by posting on the relevant website.

- 4) The TRA may modify the numbering plan, provided that a prior public notice is issued and adequate time is provided for collection of public opinions.
- 5) No person shall have any right to compensation for changes made to the National Numbering Plan.

Article 32: Number Assignment

- 1) No Operator or Service provider shall be entitled to use numbers unless such numbers are assigned to it by the TRA in accordance with the national numbering plan.
- 2) The assignment of numbers shall take place in the relevant Procedures upon obtaining information required from applicants.

Article 33: Term of validity and revocation

- 1) The assignment of numbers, except where otherwise specified in this Law or determined by the TRA, shall be for an indefinite period of time.
- 2) The TRA may revoke an assignment of numbers in the following conditions:
 1. Where the assignee consents;
 2. Where the TRA concludes that the application contains false or misleading information;
 3. Where any applicable fee has not been paid on time, provided that the TRA has sent written notice of non-payment to the assignee, at its relevant address, and payment has not been received within thirty (30) days after the notice was given;
 4. Where [the assignee] has repeatedly breached one or more conditions of the assignment;
 5. Where [the assignee] fails to use any of its assigned [numbers] for one year;
 6. Where [the assignee] fails to use one or more of its assigned numbers ranges for more than three years.

Article 34: Transfer of numbers

- 1) Assigned numbers are not transferable to other Operators or Service providers, without the prior written approval of the TRA.

Chapter 11

Frequency Spectrum Resources

Article 35: Management of Radio Frequency Spectrum Resources

- 1) The allocation of radio frequency spectrum to broad categories of user groups shall be done based on the policy of harmonizing frequency bands pursuant to international standards, and upon granting permits and registration of telecommunication means, in accordance with the provisions of this law.
- 2) The TRA shall negotiate on behalf of Afghanistan with international and regional radio communication bodies on [all] matters relating to radio frequency spectrum.

- 3) The TRA shall plan, allocate, control, and manage the use of radio frequency spectrum, provided that it has conformity and co-ordination with applicable international and regional radio communication plans and with other relevant administrations of the government.
- 4) The TRA shall, in performing its functions relating to the management of radio frequency spectrum, be responsible for the following:
 1. The development and efficient use of the radio frequency spectrum;
 2. The development of innovative services using radio frequency spectrum;
 3. To promote competition in the provision of services using radio frequency spectrum;
 4. Current and anticipated demand for radio frequency spectrum;
 5. Such other factors which are relevant to radio frequency spectrum.
- 5) The TRA shall maintain all relevant information related to the allocation of radio frequency spectrum and such other similar information that is required to control the radio frequency spectrum.
- 6) Except for information that is related to the needs of national security or defense for allocation, the TRA shall make the information specified in paragraph 1) of this Article available to the public for inspection by posting it on the relevant website.

Article 36: Allocation of Frequency Bands

The TRA shall develop and manage a national frequency allocation table which shall conform to international and regional standards, to be used by National security, Defense, civil services, broadcasting, emergency preparedness, Telecommunications and other administrations as the TRA may determine from time to time.

The TRA shall publish the frequency allocation table and any amendments thereto on the relevant website for public awareness and inspection.

Article 37: Frequency Assignment Permit

- 1) In the absence of a license [permit] for operation or an exemption document, no person shall use any radio frequency or any frequency-emitting device in Afghanistan.
- 2) The TRA shall establish those frequency emitting devices and radio-communication services that are exempt from license [permit] requirements and shall make a list of such exempt devices and services available to the public for inspection by posting it on the relevant website.
- 3) A permit holder may not transfer or assign its permit to another person without the prior written consent of the TRA.

Article 38: Permit Application Process

- 1) The application for granting, modification, renewal or transfer of permit shall be processed in accordance with the relevant Procedures.
- 2) The TRA may issue a permit for use of a radio frequency in accordance with the national frequency allocation table, provided that the competitive process contemplated by Article 13 of this Law does not apply. In case of rejecting an application, the TRA shall provide its reasons in writing within forty-five (45) days to the applicant.

- 3) The TRA shall refuse to grant, modify, renew or transfer a permit if it determines that:
 1. The applicant's request is not technically feasible;
 2. The contents of the request contravene the provisions of this Law;
 3. Approval of the request would be inconsistent with the efficient use of the radio frequency spectrum;
 4. Approval of the request would result in unacceptable interference to others;
 5. The applicant or proposed transferee are not eligible pursuant to the provisions of this Law;
- 4) If any required fee has not been paid by the grantee of a permit for radio frequency spectrum or proposed transferee within thirty (30) days after the notice was given, the TRA may revoke the license.

Article 39: Contents of Permits

- 1) The TRA may grant a permit [only] without discrimination between applicants of the same class.
- 2) The permit of paragraph one of this article shall include the following information:
 1. Information identifying the grantee;
 2. Information identifying the radio frequencies granted;
 3. Information identifying the service to be provided;
 4. Information identifying the area of coverage under consideration;
 5. Information identifying any other license with which it is associated;
 6. Information referring to the fees or to the schedule of fees payable in connection therewith and their due dates;
 7. Validity term of the permit
 8. The conditions for granting permit;
 9. Any additional information that the TRA may require.

Article 40: Renewal and Expiration of Permits

- 1) Provided that the grantee has at all times been in compliance with the terms and conditions of its permit, the TRA may grant a renewal for the permit.
- 2) Where a grantee wishes to renew a permit on the same terms and conditions, it shall fill a standard and established application form, within a time period of thirty (30) days prior to the expiration date of the current permit and shall file it with Authority.
- 3) Where a grantee wishes to renew a permit on different terms and conditions, it shall fill a standard application form, within a time period of ninety (90) days prior to the expiration date of the current permit and shall file it with the TRA.
- 4) A permit shall expire if the period for which the permit or license was granted has expired, or if the licensee or grantee ceases to operate.

Article 41: Modification and transfer of permits

- 1) The TRA may modify a permit in the following circumstances:
 1. With the consent of the grantee or in accordance with the terms and conditions of the permit;

2. Upon application by the grantee, provided that it is not inconsistent with the public interest;
 3. Where the conditions of a license requires the modification;
 4. Where it is not otherwise possible to avoid [unacceptable] interference;
 5. If the allocation of radio frequency spectrum affecting the subject permit has been altered;
 6. If inconsistent with international legal acts binding on Afghanistan.
- 2) Where a grantee wishes to transfer a permit on the same terms and conditions to another person, it shall fill the relevant form, within a time period of thirty (30) days after the application date and shall file it with Authority for approval.
 - 3) Where a grantee wishes to transfer a permit on different terms and conditions to another person, it shall fill the relevant form, within a time period of ninety (90) days after the application date and shall file it with the TRA for approval.

Article 42: Suspension and Revocation of Permits

- 1) The TRA may suspend or revoke a permit in the following conditions:
 1. In case of repeated violation from one or more conditions of the permit;
 2. Where the imposition of fines and/or compensation for damages under the provisions of this Law would not be sufficient in the circumstances;
 3. If the Grantee has failed to demonstrate its position contrary to the proposed revocation within reasonable time;
 4. If the grantee has failed to cure the breach within reasonable time;
 5. Where the permit application contains false, or misleading information;
 6. If any applicable permit fee that is due pursuant to the conditions of the permit has not been paid by the grantee within thirty (30) days after the notice was given;
 7. Upon the application of the grantee or failure to begin operations using the subject radio frequencies within one year after the issue date of the permit;
- 2) Notwithstanding section (1) of this Article, the TRA may suspend a permit, where using the permit causes unacceptable interference to radio services or other grantees, and give the grantee notice of such action.
- 3) Where a permit has been suspended pursuant to paragraph (2) of this Article, the TRA shall provide the grantee a reasonable opportunity prior to taking any decision on suspension or revocation of the permit.
- 4) All permit modifications, renewals, expirations, suspensions, transfers or revocations shall be made available by the TRA to the public for inspection by posting on the relevant website.

Article 43: Permit Fees

- 1) The TRA shall, establish schedules of the following fees:
 1. Fees payable in connection with the application for granting, modification, renewal and transfer of permits;
 2. Schedules of annual fees payable for extension of the right to hold a permit.

- 2) The schedules of fees established by the TRA pursuant to paragraph one of this article shall be designed to recover, on an annual basis, the costs that are attributable to discharging its responsibilities under this Law.
- 3) All fees provided for in this Article shall be payable to the established bank account.
- 4) No fee shall be required for a permit granted to a state administration, including National security, defense, civil services, and emergency preparedness.
- 5) In establishing the fees provided for in this Article, the TRA shall take into consideration the following:
 1. The area of coverage;
 2. The population density in the area of coverage;
 3. The current and anticipated availability of the specific radio frequencies;
 4. The bandwidth of the specific radio frequencies;
 5. The type of radio communication covered by the permit;
 6. Such other factors as the TRA may consider being necessary.
- 6) All schedules of fees provided for in this Article shall be made available by the TRA to the public for inspection through posting on the relevant website.

Article 44: Requirements of Permit

- 1) No Operator or Service provider shall use any radio frequency or any frequency-emitting device in Afghanistan, as a part of the Telecommunication network, without a permit issued by the TRA.
- 2) The TRA shall establish those frequency emitting devices and radio communication services that are exempt from permit requirements and shall make a list of such exempt devices and services available to the public for inspection through posting of the relevant website.
- 3) [All] Operators and Service providers that do not have radio spectrum frequency permits issued under this Law shall apply for a permit in accordance with the provisions of this Law, provided that they:
 1. Are qualified to hold a permit under this Law;
 2. Provide written documentation of pre-existing authorization;
 3. Pay the applicable permit fees.
- 4) The grantee of a radio frequency permit may not transfer or assign its permit to another person without the prior written agreement of the TRA.

Chapter 12

Equipment

Article 45: Equipment Approvals

- 1) The TRA shall approve equipment to be used in Afghanistan, which complies with recognized regional and international norms, in accordance with the relevant Procedures.

- 2) [All] owners of approved equipment shall keep the documents establishing its source and the authority of its approval.
- 3) The TRA shall make a list of recognized standards and shall post it on the relevant website for public inspection.

Article 46: Use of Approved Equipment

- 1) Equipment may be used, marketed, sold or otherwise dealt with when it complies with the TRA approved standards.
- 2) Authorization to use the equipment attached to terminal shall be granted to Operators and Service providers, in accordance with the provisions of this law.
- 3) The use, marketing, sale or other dealing with any equipment not approved is prohibited.
- 4) The provisions of this chapter shall not apply in the following cases:
 1. Equipment designed exceptionally to receive audio or television broadcasting channels;
 2. Cable and wire installations for the reception of broadcasting channels;
 3. Equipment used exceptionally to provide for Afghanistan security, defense, civil emergencies and other natural disasters;
 4. Equipment manufactured within Afghanistan for the purpose of export;
 5. Such other equipment as the TRA may establish from time to time.

Chapter 13

Universal Access

Article 47: Universal Access to be Established

- 1) The TRA shall establish access to Telecommunications services based on type, quality, and price and shall ensure its availability, consistent with the objectives of this law and national development, on a step-by-step basis.
- 2) In order to provide universal access to telecommunication services, and finance its expenses, the TRA shall ensure the provision and use of necessary funds from the TDB, in accordance with the provisions of law.

Article 48: Telecom Development Fund (TDF)

- 1) The TRA shall solely establish, oversee and administer the Telecom Development Fund (TDB).
- 2) [All] Operators and Service Providers shall make a contribution, as determined by the TRA, to the TDB.
- 3) The amount and manner for payment of the contributions referred to paragraph 2 of this article shall be specified in the relevant Procedures, provided that such contributions shall be predictable and non-discriminatory in nature and shall be based on the net revenues of Operators and Service providers

- 4) The TRA shall open a separate account at one of the domestic banks of Afghanistan in order to maintain the funds provided for in paragraph 2 of this article.
- 5) Funds collected pursuant to this Article shall not be spent for any other purpose, except for realizing the goals laid out in Article 47, paragraph 2 of this law.

Chapter 14

User Protection, Privacy and Directory Information

Article 49: Regulating Terms of Service

- 1) In order to support users and customers, Terms of Service delivery that will be applicable to [all] Operators and Service Providers shall be prescribed in separate Procedures.
- 2) Operators and Service providers shall be obliged to comply with the provisions of the procedures that might be amended from time to time.
- 3) The TRA shall publish any subsequent amendments to the terms of service on the relevant website to obtain public opinions about it.

Article 50: Terms of Service

The TRA shall establish the terms of service, taking into consideration the following:

1. Preparation of Statements of account and other documents in the official languages of Afghanistan;
2. Right to access user property in order to provide service, in agreement with the owner;
3. Limits for use of service;
4. Safety of users for the use of service;
5. Confidentiality of user records;
6. Compensation of damages in case of deficient service;
7. Limitations on Operator and Service Provider liability;
8. Retention requirements of user communication traffic data;
9. Payment time determination;
10. Suspension, termination and reinstatement of service;
11. User complaint investigation process;
12. Other matters that the TRA concludes are necessary.

Article 51: Confidentiality of Telecommunications

- 1) Operators and Service Providers shall take required steps to ensure the confidentiality of User telecommunications.
- 2) Service Providers and Operators shall not alter or modify User telecommunications.
- 3) The TRA may require an Operator or Service provider to monitor telecommunications to the user for the purposes of tracing and locating a source of harassing, offensive or illegal telecommunications:

- 4) The TRA or legally authorized bodies may direct an Operator or Service Provider, within the limits provided for by law, to monitor telecommunications to and from a User.
- 5) In cases provided for in paragraphs two and three of this article, the Operator or Service Provider shall provide the TRA with the information resulting from its monitoring of the User's telecommunications, including numbers that are the source of the harassing, offenses, or illegal telecommunications and the dates of their occurrence and their frequency. [and]
- 6) The TRA may undertake any appropriate action to protect the public from harassing, offensive or illegal calls in accordance with this Law and, if necessary, refer the matter to other authorized administrations for further action.
- 7) Legally authorized bodies may record and trace emergency telecommunications that are received by them.

Article 52: Monitoring of Telecom Traffic

In criminal cases and in cases of national security, Operators and Service Providers shall provide immediately such information as may be required by a court and other bodies of competent jurisdiction and provide them with access to their telecommunication network services.

Article 53: Confidentiality and Protection of User Information

- 1) An Operator or Service Provider shall collect, control and confidentially maintain and retain user information.
- 2) An Operator or Service provider shall not use or disclose user information for any purpose, unless the user agrees to or the relevant legislation provides for such use or disclosure. Provision of information with regard to the name, address or telephone number of a User shall be an exception to this rule.
- 3) Operators and Service providers shall explain to the user the purposes for which its information is collected prior to such collection.
- 4) All User-specific information, and in particular billing-related information, shall be retained by an Operator or Service Provider if it is required by this Law or other laws, for a prescribed period of time. The TRA may make decisions as necessary with concerning User-specific information that may be collected and the term for which it may be retained by Operators or Service Providers.
- 5) Operators and Service Providers shall organize and present user information, when required, in an accurate manner.
- 6) Users are permitted to inspect any Operator's or Service Provider's records regarding them so that they may be satisfied.
- 7) Nothing in this Article shall prohibit authorized bodies to exercise their rights to access information relating to a user, in accordance with applicable laws.

Article 54: Telephone Directories and User Information Services

- 1) Operators or Service Providers shall issue a directory of users in accordance with the conditions of the license, and shall provide an information service.

- 2) Directories of Users shall be prepared in printed form or on electronic media, and shall contain the User's name, address, number and such other information as may be needed.
- 3) Any correction or other change to user information contained in a printed directory may not be made to the directory prior to its next publication, provided that the Operator or Service Provider amends any electronic version and provides the corrected or amended information as part of its directory, within thirty (30) days. Such correction or change shall take place without charge.
- 4) Operators or Service Providers shall make the information referred to in paragraph 2 of this article to any person requesting the publication thereof on a cost recovery basis and under non-discriminatory conditions.

Chapter 15

Investment Guarantees

Article 55: General Protection

Investment in the Telecommunications Industry and related services and infrastructure shall be made in accordance with the provisions of this law.

Article 56: Equal Treatment

Investment in the Telecommunications Industry and related services and infrastructure shall be promoted and protected in accordance with the provisions of the enforced laws.

Article 57: Applying the Provisions of the Law on Private Investment

Investment in the Telecommunications Industry and related services and infrastructure shall be subject to the law on Private Investment in Afghanistan, in the following areas:

1. Access to banking;
2. Transfer of capital and profits;
3. Transfer of the principle and other payments of foreign loans;
4. Sale of approved enterprise and transfer of proceeds from sale;
5. Expropriation, compensation of damages, and transfer of funds obtained as compensation of damages, and the right to submit a case to court.

Chapter 16

Penalties & Fines

Article 58: Fines

(1) A fine of between 2 and 100 million Afghani for an infringement shall be imposed upon a legal person that:

1. Commences the physical construction or infrastructure of telecommunication network referred to in Article 13 this Law, without prior authorization or licensing by the TRA;
2. Provides telecom services to other persons specified in Article 13 of this Law without prior authorization or licensing by the TRA;
3. Continues with their activities despite a ruling on prohibition of activities;
4. Operates equipment or radio frequencies (Article 37 – paragraph 1 of this Law) without a ruling by the TRA or a license;
5. Fails to allow co-location or otherwise grant access to facilities (Article 30 of this Law);
6. Abuse of Significant Market Power (Article 21 of this Law);
7. Fail to reach agreement with other [service] providers, or accept their demand for network interconnection, or fails to make it possible for their users to communicate with other users (Article 25 of this Law);
8. Fail to grant [all] reasonable requests for access to the network (Article 25 of this Law);
9. Fail to deliver copies of technical and financial data pertaining to interconnection costs, contracts on network interconnection and details of any amendments or additions thereto to the TRA (Article 25 – paragraph 2 of this Law);
10. Fails to publish a reference offer on network interconnection (Article 26 of this Law);
11. Fails to formulate prices of telecommunications services in accordance with the provisions of Article 21 – paragraph 1.5 of this Law;
12. Fails to realize the conditions of Article 21, paragraph 1.6 of this law and the conditions of the license to take subsidies for telecommunications services or cross-subsidies for different telecommunications services, as a legally independent company;
13. Markets or uses radio and terminal equipment that fails to comply with the requirements of Chapter 12 of this Law;
14. Fails to publish, or obtain approvals for tariffs in accordance with Articles 19 and 20 of this law.
15. Commits other similar violations from the provisions of this law or Authority establishes the infringement to be of this category.

2) A fine of between 100,000 and 500,000 Afghani for an infringement shall be imposed upon a natural person that commits an offense specified in the previous paragraph of this Article.

Article 59: Fines

(1) A fine of between one (1) million and five (5) million Afghani for an infringement shall be imposed upon legal persons that:

1. Transfer the right to use radio frequencies to other legal or natural persons in contravention of Article 41 of this Law;
2. Fail to reach agreement on co-location (Article 30 of this Law);

3. Despite a prohibition by the TRA, use radio equipment, threaten the operation of radio-navigation services or other safety services, or causes serious deterioration or frequent interference or interruption of radio-communication services (Chapter 12 of this Law);
4. Fail to retain the numbers assigned to subscribers which are related to Service providers in contravention of (Article 31 – paragraph 7 of this Law);
5. Fail to ensure the portability of numbers irrespective of location (Article 31 – paragraph 1.6 of this Law);
6. Fail to supply information to the TRA at its request (Article 7 of this Law);
7. Infringe the provisions of Article 51 of this Law on confidentiality of Telecommunications;
8. Fail to allow surveillance of telecommunications traffic on their network or terminal equipment and in their premises, in the manner, in the extent and for the duration stipulated by a [court] order from the competent court (Article 52 of this Law);
9. Use data specified in Article 53 of this Law for marketing purposes without the subscriber's consent.
10. Commits other similar violations from the provisions of this law or the TRA establishes the infringement to be of this category.

(2) A fine of between 5000 and 100,000 Afghani for an infringement shall be imposed upon a natural person that commits an offense specified in the previous paragraph of this Article.

Article 60: Fines

(1) A fine of between 500,000 and 2.5 million Afghani for an infringement shall be imposed upon legal persons that:

1. Fail to observe the rights and obligations stipulated in the license specified in Article 13 of this Law;
2. Transfer a license to another legal or natural person, in accordance with the relevant Procedures, without the prior approval of the TRA;
3. Fail to pay a fee (Article 6 – paragraph 1(22) of this Law);
4. Fail to acquire the lawful right for the construction, installation, operation and maintenance of devices of a public telecommunications network on the land of others (Article 30 – paragraph 2 of this Law);
5. Fail to have general conditions that contain the mandatory components and the other prescribed elements specified in chapter 14 of this law;
6. Fail to administer financial statements for telecommunications activities according to the relevant Procedures and conditions of the license;
7. Fail to provide universal service contribution as ordered this law;
8. As assignee of numbers, transfer the assignment of numbers without prior approval of the TRA (Article 34 of this law).
9. Commits other similar violations from the provisions of this law or Authority establishes the infringement to be of this category

(2) A fine of 5000 to 150000 Afghani for an infringement shall be imposed upon a natural person that commits an offense specified in paragraph (1) of this Article.

Article 61: Fines

1) A fine of between 200,000 and one (1) million Afghani for an infringement shall be imposed upon legal persons that:

- 1) Fail to amend or add to an offer of interconnection within the period required by TRA (Article 27 of this Law);
- 2) Fail to submit to the TRA a description of services and the general conditions for the performance of telecommunications services (Article 50 of this Law);
- 3) Produce or use equipment that fails to comply with the requirements of Chapter 12 of this Law;
- 4) Fail to publish a summary of the procedure for addressing users' complaints as a constituent part of the general conditions (Article 50 – subparagraph 11 of this Law);
- 5) Fail to publish in the general conditions details of the measures and procedures to be applied in the event of non-payment of bills (Article 50 – sub paragraph 9 of this Law);
- 6) Fail to stipulate rules on refunds to users in the general conditions according to Article 50 – subparagraph 6 of this Law;
- 7) Publish subscriber information for purposes not permitted in contravention of Article 54 of this law;
- 8) Fail to grant all reasonable requests of legally authorized bodies for access to information on subscribers (Article 54 of this Law);
- 9) Commit other similar violations from the provisions of this law or Authority establishes the infringement to be of this category.

2) A fine of 10,000 to 50,000 Afghani for an infringement shall be imposed upon a natural person that commits an offense specified in the previous paragraph of this Article.

Chapter 17

Miscellaneous Provisions

Article 62: Transitional Provisions

- 1) All licenses and permits issued prior to coming into force of this law shall be valid, provided that they are not inconsistent with this law.
- 2) If the licenses and permits mentioned in paragraph 1) of this article are inconsistent with the provisions of this law, the licensees and grantees shall be obliged to submit their licenses and permits to the TRA for re-registration within two months after the enforcement of this law. Otherwise, their licenses or permits shall cease to be valid.

Article 63: Enactment of Procedures

- 1) In addition to the Procedures referred to in this law, the TRA is authorized to enact other Procedures as needed.

- 2) All Operators and Service providers and other relevant persons shall be obliged to comply with the Procedures enacted pursuant to paragraph one of this article.

Article 64: Stamp and Seal

The TRA may stamp and seal or close telecommunication equipment or facilities in that order, the owner of which does not have a license, has a license that is expired, or has not complied with the conditions thereof.

Article 65: Correction of Faults and Collection of Fines

- 1) If a licensee contravenes a condition of the license, Procedures, Rules or other provisions of this law, the TRA may, taking into consideration the case, issue a written directive to correct the breach within a specified time, or collect fines provided for in this law, or suspend or revoke the license or permit.
- 2) Liquidated fines collected pursuant to this law shall be deposited to the Revenue Account of the State, without delay upon collection.

Article 66: Publication of Documents on the Website

- 3) The TRA shall retain records, notices, decisions, licenses, permits, proposals, and agreements related to network interconnection and other non confidential documents and shall post them on the relevant website
- 4) The TRA may provide a copy of the documents mentioned in paragraph one of this article to applicants upon payment of its price.

Article 67: Date of Enforcement

This law shall be enforced upon promulgation (*Tawshah*) and shall be published in the official gazette. Upon its enforcement, any other provisions contravening this law shall be repealed.