

Telecommunications - Laws Regulations and Licenses

Full Description

Afghanistan

- **General Telecommunications Framework**

[Telecommunications Services Regulation Act](#) - This law sets out the general legal framework for telecommunications in Afghanistan. It contains a detailed institutional framework, including the creation of the regulatory telecommunications authority. It includes licensing, competition policy, interconnection, co-location, scarce resources management, universal access, tariffs regulations, penalties and sanctions and dispute resolution.

- **Useful Links**

[Ministry of Telecommunications Website](#)

[Afghanistan Telecommunications Regulatory Authority](#)

Algeria

General Telecommunications Framework

- [Loi no. 2000-03](#) - This law sets out the general legal framework for telecommunications in Algeria . It contains a detailed institutional framework, including the creation of the regulatory telecommunications authority. It includes licensing, interconnection, scarce resources management, penalties and sanctions. It also covers the postal service.

Interconnection and Price Regulation

- Legal Framework
[Interconnection Conditions Decree 02-156](#) Décret exécutif n° 02-156 du 26 safar 1423 correspondant au 09 mai 2002 - fixant les conditions d'interconnexion des réseaux et services de télécoms.

Licensing

- Legal Framework
[Algeria Banding Licenses](#) Décret exécutif n° 04-157 du 11 rabie ethani 1425 correspondant au 31 mai 2004 - modifiant et complétant le décret exécutif 01-123 du 09/05/2001 relatif au régime d'exploitation applicable à chaque type de réseaux, y compris radioélectriques et aux différents services de télécommunications.
[Alerina License Adjudication Process Decree 01-124](#) Décret exécutif n° 01-124 du 15 safar 1422 correspondant au 09 mai 2001 - portant définition de la procédure applicable à l'adjudication par appel à la concurrence pour l'octroi des licences en matière de télécommunications
[Algeria License Fees Decree 05-99](#) Décret exécutif n°05-99 du 09 safar 1426 correspondant au 20 mars 2005 - complétant le décret exécutif n° 03-37 du 11 Dhou El Kaada 1423 correspondant au 13 janvier 2003 fixant le montant de la redevance applicable aux opérateurs titulaires d'autorisations pour l'établissement et l'exploitation de réseaux de télécommunications et/ou la fourniture de services de

télécommunications.

- **Licensing Agreements**

[Algeria Mobile GSM service Licence](#) - Décret exécutif n° 04-09 du 18 dhou el kaada 1425 correspondant au 11 janvier 2004: portant approbation de la licence d'établissement et d'exploitation d'un réseau public de télécommunications cellulaires de norme GSM et de fourniture de services de télécommunications au public.

[Algeria Satelital mobile telecommunications service licence](#) - Décret exécutif n° 05-32 du 14 dhou el hidja 1425 correspondant au 24 janvier 2005: portant approbation de licence d'établissement et d'exploitation d'un réseau public de communications personnelles mobiles mondiales par satellites de type GMPCS et de fourniture de services de télécommunications au public.

Universal Access or Service

- [Decree No. 03-232](#) - This decree establishes the universal access regime for both post and telecommunications

Argentina

General Telecommunications Framework:

- [Argentina Decree No. 764/2000](#) - This decree sets out the general legal framework for telecommunications in Argentina. It includes licensing, competition policy, quality service, interconnection, scarce resources management, infrastructure sharing, collocation, universal service, tariffs regulation penalties and sanctions, and dispute resolution.
- [Argentina Decree No. 27/2003](#) - This decree sets out the creation of the telecommunications regulatory authority.

Australia

The [Telecommunications Act 1997 \(Cth\)](#) ("Act") deals with licensing and the rights and obligations of carriers and service providers in Australia. The Act distinguishes between:

- carriers, which are entities that own telecommunications infrastructure used to supply carriage services to the public;
- carriage service providers, which are entities that supply carriage services using a carrier's infrastructure; and
- content service providers.

These categories are not mutually exclusive and most carriers are also carriage service providers.

Carriers must be individually licensed by the [Australian Communications and Media Authority](#) ("ACMA"). The requirements for a carrier license include:

- the applicant must be a corporation, eligible partnership or public body; and
- the applicant must pay an application fee (A\$2,122, as at 18 June 2020), and may be required to pay an annual carrier license charge and contribute to levies for certain public interest services.

The ACMA may refuse an application if the applicant is disqualified (e.g. where the applicant's previous carrier license was cancelled or license fees or compulsory levies were not paid). There are no limits on the number of carrier licenses that the ACMA may grant. Carrier licenses are not granted for a fixed term, and subject only to surrender by the license holder or cancellation by the ACMA.

The Act sets out standard carrier license conditions that apply to carriers. The Communications Minister may impose further license conditions on individual carriers, classes of carriers or all carriers.

Carriage and content service providers are not required to be licensed, but must comply with certain obligations.

More information about Australia's licensing regime can be found on the Australian Communications and Media Authority's [licensing and registration webpage](#).

Brunei

General Telecommunications Framework

- [Brunei Telecommunications Order 2001](#) - This law sets out the general legal framework for telecommunications in Brunei. It contains a detailed institutional framework, including the creation of the regulatory telecommunications authority. It includes licensing, competition policy, quality service, interconnection, scarce resources management, infrastructure sharing, universal service, penalties and sanctions and dispute resolution.

Licensing

- [Licensing and regulatory framework](#) - this AITI regulation sets out the licensing regime.

Useful Links

- [Regulatory Telecommunications Authority \(AITI\)](#)
- [Ministry of Transport and Infocommunications](#)

Bulgaria

General Telecommunications Framework

- [Law on Electronic Communications Bulgaria May 10, 2007](#) - This law sets out the general legal framework for telecommunications in Bulgaria. It contains a detailed institutional framework,

including the creation of the Communications Regulation Commission. It includes licensing, competition policy, quality service, interconnection, co-location, scarce resources management, infrastructure sharing, universal service, tariffs regulation, penalties and sanctions and dispute resolution. It also covers some postal service issues.

Useful Links

- [Regulatory Telecommunications Authority \(CRC\)](#)
- [Ministry of Transport and Communications](#) - “The Minister shall exercise the right of ownership of the state in the enterprises and commercial companies in the field of transport and communications shall conclude privatization contracts and supervise compliance therewith.”
- [European Union Directives on Electronic Communications](#)

Chile

General Telecommunications Framework

- [Ley General de Telecomunicaciones No. 18.168 de 1982](#) - This law sets out the general legal framework for telecommunications in Chile. It contains a detailed institutional framework, including the creation of the regulatory telecommunications authority. It includes licensing, competition policy, quality service, interconnection, co-location, scarce resources management, infrastructure sharing, tariffs regulation, and penalties and sanctions. [Reglamento Servicio Publico telefónico, Decreto Supremo 425/96](#) - This decree sets out the regime for fixed, long distance and mobile telephony.

Useful links

- [Regulatory Telecommunications Authority \(SUBTEL\)](#)

Colombia

General Telecommunication framework

- [Decree No. 2870/2007](#) - This Decree sets out the general legal framework for telecommunications in Colombia. It includes licensing, competition policy, scarce resources management, and penalties and sanctions.
- [Colombia Law 142/1994](#) - This Law includes licensing, competition policy, quality service, interconnection, tariffs regulation, penalties and sanctions, and dispute resolution. It contains a detailed institutional framework, including the creation of the telecommunications regulatory authority.

Licensing

- [Law 37/1993](#) - This law addresses the mobile services provision.
- [Law 555/2000](#) - This law includes the definition and licensing of PCS services.

Interconnection

- [CRT Resolucion 87 de 1993](#) (ES) - This resolution addresses the interconnection regime.

Institutions

- [Comisión de Regulación de Telecomunicaciones \(CRT\)](#)

Denmark

General Telecommunications Framework

- [Telecommunications Law](#) - This law sets out the general legal framework for telecommunications in Denmark. It contains an institutional framework, including the binding opinions of the Competition Council. It includes licensing, competition policy, quality service, interconnection, infrastructure sharing, universal service, tariffs regulation, penalties and sanctions and dispute resolution. It also covers the television service.

Useful links

- [Danish Business Authority](#)
- [European Union Directives on Electronic Communications](#)

India

General Telecommunications Framework

The laws below collectively set out the general legal framework for telecommunications in India:

These laws contain an institutional framework including the creation of the Telecommunication Regulatory Authority:

- [The Telecom Regulatory Authority Indian Act – 1997](#)
- The Telecom Regulatory Authority Indian Act – 1997 (amendment)

These laws address telegraphic communications:

- [The Indian Telegraph Act, 1885 \(13 of 1885\)](#)
- [The Indian Wireless Telegraphy Act, 1933 \(17 of 1933\)](#)

Useful links

- [Telecom Regulatory Authority of India](#)

Jordan

General Telecommunication Framework

- [Telecommunications Law No. 13/1995](#) - This law sets out the general legal framework for telecommunications in Jordan. It contains a detailed institutional framework, including the creation of the telecommunications regulatory authority (Telecommunication Regulatory Commission). It includes licensing, scarce resources management, and penalties and sanctions.

Universal service

- [Universal service obligations](#) - This regulation addresses the universal service regime.

Competition policy

- [Competition Safeguards](#) - This regulation addresses the competition regime.

Interconnection

- [Interconnection instructions](#) - This regulation addresses the interconnection regime, including co-location, infrastructure sharing.

Quality service

- [Instructions for implementing the Quality of Service Framework in Jordan](#) - This regulation addresses the quality service regime.

Useful Links

- [Telecommunication Regulatory Commission](#)
- [The Ministry of Digital Economy and Entrepreneurship](#)

Kenya

General Telecommunications Framework

- [Kenya Communications Regulations 2001](#) - This law sets out the general legal framework for telecommunications in Kenya. It contains licensing, competition policy, quality service, interconnection, co-location, universal service, tariffs regulation, penalties and sanctions and dispute resolution. It also covers some postal service issues.

Lebanon

General Telecommunications Framework

- [Lebanon Telecommunications Law: Law 431/2002](#) - This law sets out the general legal framework for telecommunications in Lebanon. It contains a detailed institutional framework, including the creation of the telecommunications regulatory authority. It includes licensing, competition policy, quality service, interconnection, scarce resources management, infrastructure sharing, universal service, tariffs regulation, penalties and sanctions and dispute resolution.

Licensing

- [Draft mobile license 2008](#) - This TRA draft regulation addresses the licensing regime.

Useful links

- [The Telecommunications Regulatory Authority of Lebanon](#)
- [Ministry of Communications](#)

Malaysia

General Telecommunication Framework

- [Act 588 Communications and Multimedia Act 1998](#) and [Act 589 Malaysian Communications and Multimedia Commission Act 1998](#) - These laws set out the current general legal framework for telecommunications in Malaysia. They contain a detailed institution framework including the creation of the regulatory telecommunications authority (MCMC). They include licensing, competition policy, quality service, interconnection, scarce resources management, universal services, tariffs regulation, penalties and sanctions and dispute resolution.

Universal service

- [P.U \(A\) 419/2002, Communications and multimedia \(Universal Service Provision\) Regulations 2002](#) - This regulation addresses the Universal Service regime.

Licensing

- [P.U \(A\) 129/2000, Communications and Multimedia \(Licensing\) Regulations 2000](#) - This regulation addresses licensing regime.

Spectrum

- [P.U \(A\) 128/2000, Communications and Multimedia \(spectrum\) Regulations 2000](#) - This regulation addresses spectrum regime.

Useful Links

- [The Malaysian Communications and Multimedia Commission](#)

Mexico

General Legal Framework

- [Ley Federal de Telecomunicaciones](#) - This law sets out the general legal framework for telecommunications in Mexico. It contains a detailed institutional framework, including the creation of the telecommunications regulatory authority. It includes licensing, competition policy, quality service, interconnection, scarce resources management, infrastructure sharing, collocation, universal service, tariffs regulation and penalties and sanctions.

Institutions

- [Secretaría de Comunicaciones y Transportes](#)

Morocco (Maroc)

General Telecommunications Framework

- Loi 2004 (consolidated text), Post and Telecommunications law - in French - This law sets out the general legal framework for telecommunications in Morocco. It contains a detailed institutional framework, including the establishment of the regulator. It includes licensing, quality service, interconnection, co-location, universal service, tariffs regulation, penalties and sanctions and dispute resolution. It also covers some postal service issues.

Competition Policy

- [Decree No. 2-05-772, 2005 on anticompetitive practices](#) - This Decree addresses telecommunication competition law issues.

Mauritania

General Telecommunication Framework

- [Loi Réglementant les télécommunications \(Loi 11 juillet du 1999\)](#) - This law sets out the general legal framework for telecommunications in Mauritania. It contains a detailed institutional framework, including the creation of the telecommunications regulatory authority. It includes licensing, competition policy, quality service, interconnection, scarce resources management, universal access, tariffs regulation, and penalties and sanctions.

Mozambique

General Telecommunications Framework

- [Lei No. 8 das telecomunicacoes](#) - This law sets out the general legal framework for telecommunications in Mozambique. It contains a detailed institutional framework, including the creation of the telecommunications regulatory authority (INCM). It includes licensing, competition policy, quality service, interconnection, scarce resources management, universal access and service, tariffs regulation, and penalties and sanctions.

Useful links

- [Instituto Nacional das telecomunicacoes de Mocambique](#)

Nepal

The [Telecommunications Act 2053 \(1997\)](#) (“**Act**”) is the main law regulating the telecommunications sector. Under section 21, the operator of any telecommunications service must hold a license. The Nepal Telecommunications Authority (“**NTA**”) will determine the number of licenses to be issued for each telecommunications service and publish a public notice specifying the time limit to submit applications for a telecommunications license. Each applicant must pay an application fee.

License applications are assessed on the basis of the financial, technical and operational capability of the applicant. Successful applicants will be granted a license for up to 10 years, with the potential to renew the licenses for up to 5 years at a time. The maximum period for a license is 25 years. The licensee must pay a fee (the amount of which depends on the type of telecommunications service) for the issue of the license and for each subsequent renewal of the license.

Service charges for telecommunications services must be approved by the NTA and be proper and reasonable. Licensees are prohibited from discriminating against users through service charges, other terms and conditions or priority of service and cannot cause undue loss or damage to anybody. Licensees can only

stop providing telecommunications services to consumers if:

- maintenance of the telecommunications network or system is required;
- the consumer fails to pay the service charge;
- the consumer uses the service without authorization or in contravention of the service terms and conditions; or
- there are events beyond the control of the licensee (i.e. a Force Majeure event such as natural disaster, lockout or riot).

More information on the [licensing procedure](#) or [license fees](#) (for both the issue and renewal of licenses) can be found on the NTA website. A [template license application form](#) is also available.

The NTA has issued a [Guideline for Tariff Approval for Telecommunications Services](#), which sets out the key principles in determining whether a service charge is proper and reasonable, as well the NTA's tariff approval process.

Nigeria

General Telecommunications Framework

- [Nigeria Communications Act](#) - This law sets out the general legal framework for telecommunications in Nigeria. It contains a detailed institutional framework, including the creation of the telecommunications regulatory authority (NCC). It includes licensing, competition policy, quality service, interconnection, scarce resources management, infrastructure sharing, universal service, tariffs regulation, penalties and sanctions and dispute resolution.

Licensing Process

- The licensing process is described in the [Nigerian Communications Commission Web site](#) (NCC does not contain a licensing regulation; they only establish the licensing requirements on the internet)

Peru

General Telecommunication framework

- [Decreto Supremo No. 003-2007](#) - This law sets out the general legal framework for telecommunications in Peru. It contains a detailed institutional framework. It includes licensing, competition policy, quality service, interconnection, scarce resources management, universal service, tariffs regulation, penalties and sanctions.

- [Decreto Supremo No. 013-93](#) - Supreme Decree approving the consolidated text of Peru's Telecommunications Act

Sharing Infrastructure and Co-location

- Law 28295/2004 - This resolution sets out the sharing infrastructure and co-location regime.

Useful Links

- Ministerio de Transporte y Comunicaciones
- Organismo Supervisor de la Inversión Privada en Telecomunicaciones (OSIPTEL)

Romania

General Telecommunications Framework

- [Ordinance 79/2002 general regulatory communications framework \(includes amendments of law 591/2002\)](#)
- [Law no.239/2005 on the amendment and completion of several normative acts in the field of communications](#) - These laws set out the general legal framework for telecommunications in Romania. They contain a detailed institutional framework, including the creation of the national regulatory authority for communications (ANRC). They include licensing, competition policy, quality service, interconnection, co-location, scarce resources management, infrastructure sharing, universal service, tariffs regulation, penalties and sanctions and dispute resolution. They also cover some postal service issues.

Interconnection

- [Ordinance no. 34 of January 30, 2002, interconnection](#) - this ordinance addresses interconnection issues.

Universal Service

- [Law no.304/2003 on the universal service and users' rights relating to the electronic communications networks and services](#) - this law addresses universal service issues.

Useful links

- [National Regulatory Authority for Communications and Information Technology of Romania: \(ANCOM\)](#)

Samoa

General Telecommunications Framework

- [Samoa Telecommunication Act No. 20/2005](#) - This law sets out the general legal framework for telecommunications in Samoa. It contains a detailed institutional framework, including the creation of the telecommunications regulatory authority. It includes licensing, competition policy, quality service, interconnection, co-location, scarce resources management, universal access, tariffs regulation, penalties and sanctions and dispute resolution. It also covers some postal service issues.

Useful Links

- [Ministry of Communications and Information Technology](#)

Singapore

General Telecommunications Framework

- [Telecommunications Act](#) - This law sets out the general legal framework for telecommunications in Singapore. It contains a detailed institutional framework. It includes licensing, competition policy, quality service, interconnection, scarce resources management, infrastructure sharing, penalties and sanctions and dispute resolution.

Licenses

- [Facilities Based Operator Licenses \(FBO\) Guidelines](#)
- [Service Based Operator Licenses \(SBO\) Guidelines](#)

These guidelines address universal service issues

South Africa

General Telecommunications Framework

- [Independent Communications Authority of South Africa Act 2000 No. 13 of 2000 \(ICASA Act\)](#)
- [Telecommunications Act 103 of 1996](#)
- [Electronic Communications and Transactions Act 25 of 2002 \(ECT Act\)](#)

These laws set out the general legal framework for telecommunications in South Africa. They contain a detailed institutional framework, including the creation of the telecommunications regulatory authority (ICASA). They include licensing, competition policy, quality service, interconnection, scarce resources management, universal service, tariffs regulation, penalties and sanctions and dispute resolution. They also cover the electronic communications and transactions.

Useful links

- [Regulatory Telecommunications Authority \(ICASA\)](#)
- [South Africa Public-Private Partnership Unit](#)

Spain

The main regulation on telecommunications is [Law 9/2014, of 9 May, on General Telecommunications](#). Consistent with the objective of liberalizing the telecommunications sector and promoting free competition, this law aims to impose minimal regulatory requirements on the operation of networks and the provision of communication services in Spain.

The operation of networks and the provision of communication services must be carried out by an individual or legal entity from a European Union member state or from any other nationality provided that, in such case, this has been stipulated under international agreements binding in the Kingdom of Spain. For other individuals or legal entities, the Spanish Government must authorize general or particular exceptions to the aforementioned provision.

Before operating any networks or providing communications services, the interested party must have been previously registered before the Spanish Register of Operators of Electronic Communication Networks and Services, under the authority of the [Spanish National Commission on Markets and Competition](#) (“CNMC” in Spanish).

Once the registration process has been completed, the operator will be considered a telecommunications operator in Spain and shall be entitled to operate networks and provide communication services.

Notwithstanding the registration process, some goods and infrastructure which are necessary to operate networks and provide communications services (e.g. radio spectrum) may be considered public goods and are therefore legally reserved to the Kingdom of Spain. In such cases, the operator may also need to obtain an authorization or concession to use the goods or infrastructure.

The [Royal Decree 123/2017, of 24 February, approving the Regulation on the use of the radio spectrum](#) sets out the main procedures regarding the obtainment of the relevant authorizations needed for private use of the radio spectrum.

The [Spanish Register of Operators of Electronic Communication Networks and Services page](#) on the CNMC provides further detail on the registration process necessary for the operation of networks and the provision of communication services.

Turkey

General Telecommunications Framework

- Telecommunications Law No. 4673 of 12.5.2001
- Telecommunications Law No. 4502 of 29.01.2000

These laws set out the general legal framework for telecommunications in Turkey. They contain a detailed institutional framework. They include licensing, competition policy, quality service, interconnection, scarce resources management, universal service and tariffs regulation. It also covers the television service.

Universal Service

- [Universal Service Law 2005](#) - This law addresses universal service regime.

Uganda

General Telecommunications Framework

- [Uganda Communications Act](#) - These laws set out the general legal framework for telecommunications in Uganda. It contains a detailed institutional framework, including the creation of the telecommunications regulatory authority (UCC). It includes licensing, competition policy, quality service, interconnection, scarce resources management, tariffs regulation, penalties and sanctions. It also covers the postal service. It also covers some postal service issues.

Licensing

- [Licensing Guidelines](#) - Communications licensing guidelines issued by the Uganda Communications Commission.

Useful links

- [Uganda Communications Commission](#)

Venezuela

General Telecommunication framework

- [Ley Organica de Telecomunicaciones/ 2000](#) - This law sets out the general legal framework for telecommunications in Venezuela. It contains a detailed institutional framework, including the creation of the telecommunications regulatory authority (CONATEL). It includes licensing, competition policy, quality service, interconnection, scarce resources management, universal service, tariffs regulation, penalties and sanctions and dispute resolution.

Universal Service

- Reglamento de la Ley Orgánica de Telecomunicaciones sobre el Servicio Universal de Telecomunicaciones/2003 - This Regulation addresses the Universal Service regime.

Interconnection

- Reglamento de Interconexión - This regulation addresses the interconnection regime.

Useful Links

- [Ministerio del Poder Popular para la Comunicación y la Información](#)

Case Studies for PPPs in Telecommunications and ICTs

Find samples of PPPs arrangements telecommunications and ICT [here](#)

Further Reading

- [PPIAF: A Model for Calculating Interconnection Costs in Telecoms](#) - This guidebook provides a sound methodology to help regulators and telecommunications operators adopt a tariff regime and deal with interconnection disputes on the basis of a rigorous cost model.
- [Public-Private Partnerships \(PPPs\) in e-Government: A knowledge map and handbook \(June 2009\)](#) - This Knowledge Map is designed to provide policy makers, development agency staff, private sector partners, and other key practitioners with guidance on the policies, programs, services, and instruments that may facilitate the engagement of the private sector into areas traditionally seen as those solely of government.
- [Next Generation Connectivity - A review of broadband internet transitions and policy from around the world Bulk Operation](#) (February 2010) - An independent expert review conducted by Berkman Center for Internet & Society for the benefit of FCC (Federal Communications Commission).
- [Report on Next Generation Access - Economic Analysis and Regulatory Principles \(June 2009\)](#) - Produced by the European Regulators Group (ERG), this report discussed current regulatory developments in the European Union addressed to the economic and technical challenges and various PPP practice at the local level to build out fiber infrastructure in collaboration with local communities.
- [The Economics of Next Generation Access—Final Report \(September 2008\)](#) - In this study for the European Competitive Telecommunications Association (ECTA), public private partnerships are presented as an effective vehicle for achieving “open access” to multiple competitors.
- [Implementing Electronic Business Registry \(e-BR\) Services: Recommendations for policy makers based on the experience of EU Accession Countries](#) (June 2008) - By Lewin, Anat, Leora Klapper,

Bruno Lanvin, David Satola, Sophie Sirtaine, Richard Symonds, and Cara Zappala.

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[Telecommunications Licensing \(by Country\)](#)

[Telecommunications Universal Access / Universal Service](#)

[Telecommunications Interconnection and Price Regulation](#)

[Telecommunications Competition Policy](#)

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