



Licensing Regulation

Licensing Regulation

Article 1

In the application of the provisions of this Regulation, the terms and expressions used herein shall have the meaning given to them in the Communications and Information Technology Regulatory Law, whereas the following terms and expressions shall have the meanings shown against each, unless the text otherwise requires:

Act: the [updated/new Act]

Applicant: The Person making the Application.

Application: the Application Form and related attachments that are submitted to the Authority.

Application Form: the application forms for Individual and Standard Licenses as approved by the Authority and amended from time to time.

Application Guidelines: The guidelines issued by the Authority pursuant to this Regulation defining the application process, criteria, fees and other matters for the award of Public Telecommunications Individual and Standard Licenses issued pursuant to this Regulation.

Decree: [New Decree with respect to the Telecommunications Regulatory Authority].

Effective Date: the date on which a licence issued pursuant to this Regulation comes into effect, as specified in the relevant License.

Individual License: a License to provide Public Telecommunications Services and/or own and/or operate Public Telecommunications Networks that require the Spectrum Rights and as further specified under Article 9 of this Regulation.

Regulatory Measures: any orders, rules, instructions and other regulatory decisions issued by the Authority in accordance with the Act.

Spectrum Rights: means Frequency Spectrum that is assigned to the Licensee on an exclusive basis and requires the payment of a spectrum right fee.

Standard License: a License to provide Public Telecommunications Services and/or operate Public Telecommunications Networks not requiring the use of Spectrum Rights.

Article (2)

License scope and authorisation

The holder of a License issued under this Regulation is permitted to establish a Telecommunications System and to provide Public Telecommunications Services as specified in this Regulation.

The establishment of a Telecommunications System to provide Public Telecommunications Services includes:

1. The provision and operation of a Public Telecommunications Network;
2. Without prejudice to the relevant treaties to which the Sultanate is party, the laying and operation of telecommunications cable which connects the Sultanate (or any part of it) directly or indirectly with any foreign country, provided that in accordance with Article [] of the Act, an operator of International Telecommunication Infrastructure shall coordinate in advance with the Authority before laying international telecommunication cables.

Article (3)

Exemption of Private Telecommunications Networks

A Private Telecommunications Network shall not require a License where it is established and/or operated after obtaining a written approval from the Authority in accordance with the controls and procedures provided for in Annex 1 to this Regulation.

Article (4)

Classes of License

The Authority may issue the following types of License subject to the criteria that determine their applicability.

1. The Standard License including two Types: Standard A and Standard B Licenses;
2. Individual License.

The Authority shall publish the Standard A, Standard B and Individual License templates on its website.

Article (5)

Standard form of License

The Standard form of License shall be applicable in all circumstances where licensing is not exempted, other than in those exceptional instances where an Individual License applies.

Article (6)

Applications seeking to use rights access to public property

An Applicant who does not require an Individual License but seeks the right to use access to public property for the establishment of its network must apply for a **Standard A** License [unless the TRA determines that the rights of access to public property sought by the Applicant are not substantial, and that the Applicant may therefore apply for a **Standard B** License].

Article (7)

Applications not seeking use of access to public property

Applicants who do not require an Individual License and do not seek rights to use access to public property for the establishment of its network, [or in respect of whom the TRA has determined pursuant to Article 6 above that the rights of access to public property sought are not substantial] shall be approved on the basis that the grant will be of a **Standard B** License.

Article (8)

Individual License

An **Individual** License shall be required in two circumstances:

1. Where provision of the relevant service requires the use of Spectrum Rights;
2. Where activities to be undertaken under the License, in the objective assessment of the Authority, present significant risks to the development of fair competition and/or investment within markets.

The terms of an Individual License may vary from the terms of the Standard License only to the extent that such variation is determined to reasonably address a specified need that arises from the circumstances that dictate that a Standard License would not be appropriate.

In the granting of an Individual License, the Authority may use criteria in the application process that seeks to reasonably ensure the competence and financial viability of the entity, to which any License that is associated with the right to use Spectrum Rights is granted.

Article (9)

Applications seeking use of Spectrum Rights

1. Applications for the use of Spectrum Rights associated with an Individual License shall be made in accordance with procedures determined by the Authority. An Applicant for a License that separately applies for the use of Spectrum Rights may be issued an Individual License prior to receiving its authorization for the use of the Spectrum Rights. In such event, however, the Licensee will not be permitted to offer the Public Telecommunications Services or operate all or part of a Public Telecommunications Network using such Spectrum Rights until the Licensee obtains the appropriate License or authorization for the right to use the relevant Spectrum Rights.
2. The Authority may include obligations within an Individual License specific to the entity to which the right to use Spectrum Rights is granted that differ from those within the generality of Licenses to the minimum extent necessary to govern the use of such Spectrum Rights.
3. The grant of use of Spectrum Rights may be associated with particular assignment processes, including competitive tender, which may reflect the appropriate value of such Spectrum Rights to meet the national interest.

Article (10)

Compliance

A Licensee shall undertake all activities and provide all services that fall within the Scope of its License in accordance with the terms of its License and any applicable Regulations.

Article (11)

Requirement for Applicant to state activities to be undertaken and services to be provided

Applicants for Standard Licenses shall state in their Application the activities to be undertaken including the services to be provided.

Article (12)

Obligation to advise the Authority of additional activities to be undertaken and services provided

1. In the event that the activities to be undertaken by a Licensee under its License change, the Licensee seek prior approval from the Authority in writing before implementation.
2. If a Licensee seeks to provide additional services not originally identified in the original License Application submitted to the Authority, it must seek prior approval from the Authority in writing before initiating the new service.
3. In the event that the change of activity significantly alters the risk associated with the original licensing of the entity, the Authority may seek further information or undertakings from the entity, or change its form of licensing.
4. In recognition that the obligation to advise of changes of activity may, if excessively applied, become a disincentive to service development, broad groups of like, and risk-similar, activities shall be defined and published by the Authority within which the licensed entity may freely operate, in addition to activities listed in its License application, without a requirement for formal notification.

Article (13)

Exemption from Licensing and the introduction of Registration

1. In addition to the exemption from licensing contained in Article 3, the Authority shall retain the right to exempt from licensing certain of the activities that are addressed by this Regulation.
2. Any exemption shall be granted only in accordance with a published regulatory instrument that sets out the criteria to be applied in determining whether exemption is appropriate.
3. Activities that are exempted from licensing shall be registered with the Authority. It shall be the responsibility of the entity that is or intends to undertake activities that may be eligible for exemption to apply for exemption in a manner prescribed by the Authority. If in the view

of the Authority an application for exemption is not appropriate, it will direct that an application for an appropriate License is made.

4. Registered activities will remain subject to regulatory control.
5. No activity that falls within those specified in Articles 2 and 3 of this Regulation and is undertaken by an entity that is subject to the Laws of Oman can be lawful unless either licensed, or both exempted and registered. Nevertheless, an entity undertaking such exempted and registered activities shall be subject to any regulations issued by the Authority for the provision of such services.

Article (14)

Royalties

A Licensee shall pay to the government of the Sultanate of Oman a Royalty in accordance with any Determination issued by the Council of Ministers for the application of Royalties and in accordance with the regulations, rules and guidelines issued by the authority.

Article (15)

Fees

1. A Licensee shall pay the following License fees as determined by the Authority and published in Decisions.
 - a. A fee for issuing the License for the first time to be payable to the Authority on issuance of the License. This amount shall be payable to the Authority on issuance of the License.
 - b. An annual fee, being a percentage of the Licensee Gross Revenues. The Licensee shall be notified of this percentage before the end of October in each year for which the annual fee is payable. The applicable annual license fee shall be paid to the Authority annually in advance no later than 1st of January of each year thereafter. In case of delay, the Licensee shall incur a proportion for each day of delay at a rate equivalent to the annual interest on loans of commercial banks as published from time to time by the Central Bank of Oman.
2. The Licensee shall comply with any Regulatory Measures and Guidelines issued by the Authority from time to time in relation to the calculation, accounting, and verification of Licensee Gross Revenues.
3. An Individual Licensee shall pay the initial fee associated with Spectrum Rights specified in Article (7) of the License.

Article (16)

Validity periods

The start date and the license duration shall be specified in the Licence in accordance with the following specification:

- Individual License: 15 years
- Standard A License: 15 years
- Standard B License: 10 years

Article (17)

License renewal

A License issued pursuant to the provisions of this Regulation shall be renewed after the end of its term at the request of the Licensee. The Authority may refuse the renewal in the following two cases:

1. If it has reasons to justify the non-renewal of the license, provided that the Licensee is notified of these reasons prior to the commencement of the last quarter of the term of the License.
2. If the Licensee breaches a condition of the License, provided that the Authority had notified him promptly after becoming aware of this breach, and the Licensee did not express any objections or representations within two months from the date of such a notification, or the objections or representations made were found to be inaccurate.

License renewal shall be subject to the renewal terms and conditions of the Authority at the time of renewal.

Article (18)

License amendment

A License may be amended by the agreement of both parties. The Authority may amend a License at any time, acting solely, if public interest requires. Otherwise, the Authority may amend a License subject to the following:

1. When 3 years has elapsed between an amendment and the one following it;
2. The Licensee is notified of the amendment one year before it is made and is consulted during that year.

Article (19)

Termination

The Authority may by a justified decision terminate a License or any rights granted hereunder in their entirety with respect to particular services in accordance with the provisions of the Act.

A License also terminates if the Licensee is dissolved, or enters into liquidation, bankruptcy or equivalent proceedings or makes a general assignment for the benefit of creditors or due to any other similar reason.

Article (20)

Expiration

A License terminates upon expiry of the License Term if it is not renewed in accordance with the Act.

Article (21)

Effect of Non-Renewal of Licenses

1. In case a License is not renewed, the Licensee shall cease performing the activity provided under the License and shall refund the amounts paid to the Licensee by intended beneficiaries and others, for services which cannot be provided by the Licensee because of non-renewal. Such repayment shall be made within a time frame to be determined by the Authority in accordance with the details contained in the License.
2. The Authority shall have, in case of non-renewal of a License, the right to supervise the operation and management of the Telecommunications System on its own or through third party on or a temporary basis, in a manner that ensures continuity of provision of the services to the beneficiaries.
3. A Licensee may not apply for a License within a period of two years from the expiry date of a non-renewed License.

Article (22)

Licence Conditions

A License issued under this Regulation shall have conditions of the following types.

- Grant of License
- Compliance with the Law
- Interpretation
- Scope and authorization of the License
- The right to apply to use public rights of way and other easements
- The right to apply to use Spectrum Rights (applicable to the Individual Licence type only)
- Co-operation with the Authority
- The licensed area
- Roll out and coverage obligations
- Effective date
- Duration
- Transition from other licenses granted for the provision of in-scope systems and services
- Other rights and obligations – in relation to Individual Licenses

Article (23)

Connection to Telecommunications Systems

A Licensee is authorized to connect its Licensed Telecommunications Systems to:

1. Any Telecommunications Network licensed in accordance with the Act and the decisions and regulations issued by the Authority;
2. Any Telecommunications System outside the Sultanate of Oman including any telecommunications satellite system and any international telecommunications cable laid in accordance with Articles [] of the Act; and

3. Any Telecommunications Equipment approved for use in the Sultanate in accordance with the Act or applicable Regulations, or other technical specifications identified or approved by the Authority.

Article (24)

Relations with other Licensees

1. A Licensee shall co-operate with other Licensees to facilitate the provision of Telecommunications Services to users.
2. A Licensee may seek Access and Interconnection Services in accordance with all applicable decisions, orders and guidelines issued by the Authority.
3. A Licensee shall provide Access and Interconnection Services to any eligible Licensee seeking Access and Interconnection services in accordance with the applicable regulations for Access and Interconnection, and all applicable decisions, orders and guidelines issued by the Authority.
4. A Licensee may obtain local roaming services from another Licensee according to the duration agreed between them.
5. A Licensee may seek access on a commercial basis to infrastructure of other licensees that does not fall under the Access and Interconnection Regulation.

Article (25)

International Services

1. An authorised Licensee may contract with International telecommunication operators for the provision of International Telecommunication Services, provided the Licensee gives prior notification to the Authority before entering into such agreement, notifies the Authority of the bases of accounting and settlement rates agreed with such Operators under this Condition and provides the Authority upon request with any information relating to the origination, transit and termination of International Telecommunications Services from, through or in the Sultanate of Oman and with the information that may assist the Authority in fulfilling its obligations in respect of any international telecommunications body.
2. In entering into interconnection agreements with such International telecommunications operators, the Licensee shall comply with all applicable International treaties and bilateral agreements now or hereafter binding upon the Government of the Sultanate of Oman as well as any rules which may be adopted by the Authority from time to time concerning interconnection with International telecommunications operators.
3. The Licensee shall not enter into any International Correspondent Agreement, the Accounting and Settlement Rates or any other term or condition of which would, according to regulations issued by the Authority, prejudice any other Public Telecommunications Operator or public service provider authorized to provide International Telecommunications Services to and from the Sultanate of Oman.

Article (26)

Quality of Service Requirements

1. The Licensee shall meet the quality-of-service requirements in accordance with the Regulations and any decisions, orders or guidelines published by the Authority from time to time.
2. The Licensee shall ensure that it maintains information records in the form set by the Authority for the purposes of satisfying the Authority that the Licensee is meeting the Quality-of-Service Requirements. The Licensee shall also comply with any special information disclosure or reporting requirements required by the Authority and the publication of the performance indicators of Quality of Service in the media.

Article (27)

Relations with customers

The relations between a Licensee and its Beneficiaries including the conditions of Customer contracts between Beneficiaries and the Licensee shall be governed by its License and by regulations relating to customer protection.

Article (28)

Retail Tariffs

The Licensee shall submit its charges and the terms and conditions upon which it proposes to offer the Licensed Services in accordance with the applicable decisions, orders and guidelines issued by the Authority in this regard.

Article (29)

Privacy and confidentiality

1. A Licensee shall protect the privacy of all Customers who request, in writing, unlisted numbers, addresses, names, or other personal information.
2. A Licensee shall take all reasonable steps to ensure that its employees, agents, consultants, or third party suppliers who are engaged in the Licensee's business or who have access to the Licensee's customer information do not disclose information about a customer of a Licensee which has been acquired in the course of the Licensee's business without the prior consent of the Customer.

Article (30)

Ownership and control

A Licensee shall comply with all relevant laws or rules under legislation or guidelines issued by the Government or Government agencies concerning its ownership and control.

In accordance with Article [] of the Act, a Licensee may not make changes to its share ownership without obtaining the Authority's prior written approval in accordance with the following controls.

1. Any proposed changes in share ownership of the Licensee that results in an accumulated 5% or more change of ownership of the Licensee is subject to TRA prior approval.
2. The request for approval for the cases referred to in Condition (1) shall be made thirty (30) working days prior to the taking effect of such change or acquisition.
3. Within thirty (30) working days of each anniversary of the Effective Date, the Licensee shall notify the Authority of the name of any natural or legal person directly or indirectly owning more than 50% of the Licensee shares as well as the total number of shares owned.
4. The Authority shall have the right to request any information relevant to any merger or acquisition from the Licensee.
5. The Licensee shall abide by any regulation, rules or guidelines issued by the Authority from time to time regarding merger and acquisition.

Article (31)

Provision through subsidiary/affiliate/subcontract

A Licensee may, with the prior approval of the Authority, provide through a separate subsidiary or Affiliate or sub-contract any or all of the Licensed Services. The Authority shall determine the terms and conditions for such provision as it sees fit.

Article (32)

Transfers of rights and obligations

1. A Licensee may not assign or otherwise transfer its License to another person without the prior written approval of the Authority.
2. Any natural or juristic person that becomes a duly authorized successor or assignee to the Licensee through affiliation, assignment, transfer of control, merger, liquidation, reorganization or otherwise, shall, as a condition to such succession or assignment, be required to execute such documents as the Authority deems appropriate confirming that such successor or assignee fully assumes the rights and obligations set forth in the License.

Article (33)

Outsourcing to External Companies

1. The outsourcing of any operational activity for Licensed Systems to companies not registered in Oman shall be subject to the approval of the Authority in accordance with the basis issued by a decision of the Authority's Executive President in this regard.
2. The Authority shall have the right to request any information relevant to the outsourcing at any time.

Article (34)

Regulatory regime

Licensees are subject to the Act, the Decree and all Regulatory Measures adopted under them.

In particular and in accordance with the Act, Licensees shall comply with the following:

1. Laws and regulations related to environmental protection (Article [] of the Act);
2. Obligations relating to fulfilling the requirements of national security contained in Articles [] of the Act and pursuant to Articles [] of the Act;
3. Competition and interconnection obligations contained in and pursuant to Articles [] of the Act;
4. Frequency spectrum regulated and licensed pursuant to Articles [] of the Act;
5. Rules, controls and procedures required for the provision of services on the internet pursuant to Article [] of the Act;
6. Easement rights enabling provision pursuant to Article [] of the Act;
7. Penalties and dispute settlement between Licensees pursuant to Articles [] of the Act.
8. All other applicable provisions of the Act.

Article (35)

Accounting requirements

1. Within five (5) months of the end of each year, a Licensee shall deliver to the Authority the audited financial statements of the Licensee at the end of such fiscal year accompanied by a report thereon from an independent auditor stating that such financial statements present the financial position of the Licensee for the year indicated and prepared in accordance with accounting principles generally accepted in the Sultanate of Oman.
2. The Licensee shall maintain an accounting system which allows the recording of investments, expenses and revenues in accordance with accounting principles accepted and approved in the Sultanate of Oman and as required by the Authority for the purpose of calculation of Royalty, License Fees and other payments specified in the Act.
3. The Authority may request the Licensee to submit other accounting information it may require in order to effectively supervise and enforce the terms of this License and the Licensee shall provide such information within a reasonable period of time as determined by the Authority.
4. If the Licensee fails to comply with its obligations under Conditions 35.2 and 35.3 above or if the accounting system used by the Licensee fails to achieve the objectives set forth in that subsection, the Authority may order the Licensee to provide certain Licensed Services

through a separate division or divisions, a separate branch or branches or a separate subsidiary or subsidiaries.

Article (36)

Requirement to provide information

1. A Licensee is required to maintain and provide such information in such manner and at such times as the Authority may request. The Authority shall have the right to request the Licensee to submit periodic reports, statistics and any other form of reporting.
2. The Licensee shall provide the Authority or any of its authorized representatives with access, at any time, to all equipment, facilities, books and records of the Licensee relevant to the performance of this License.
3. If the Licensee fails to submit any requested information, in a timely manner or submitted such information in a different format the Licensee may be subject to a penalty in accordance with Article 38 of this Regulation.

Article (37)

Disputes

The Authority has the right to decide on disputes that arise between a Licensee and other Licensees or Beneficiaries in accordance with the Act and the applicable regulations issued by the Authority

Article (38)

Penalties

1. The Authority shall deliver written notice to a Licensee when the Licensee violates the obligations of its License. The notified Licensee will be given a reasonable time limit at the discretion of the Authority of not less than (15) fifteen working days to propose a plan to remedy the violation including the time needed for the remedy where remedying the fault is possible. The Authority may approve the plan and notify the Licensee to implement it.
2. In addition to any specific penalties set out in this Regulation, or under the provisions of Article [] of the Act, the Authority shall impose the penalty it estimates as a percentage of the annual fee payable by the Licensee in accordance with Article 15 of this Regulation in the following cases:
 - a. If the Licensee fails to submit a remedy plan within the period specified by the Authority, or if such plan was not approved by the Authority.
 - b. If the Licensee fails to implement the remedy plan within the period specified by the Authority.
 - c. If the Licensee fails to comply with any of the terms and conditions of its License.

Article (39)

Public emergencies and national security

1. A Licensee shall update its emergency plan upon request from the Authority.
2. A Licensee shall undertake to provide at its own expense all the technical capabilities, including equipment, systems and programs that allow access to its network by the security authorities to meet national security requirements. The provision of service shall coincide with the provision of the required technical capabilities subject to the technological advancement in accordance with all the decisions issued by the Authority within the limits of the provisions of the applicable laws. If the technical capabilities of the security authorities are affected by any change in the equipment, systems and programs in the Licensee's Telecommunications network, the Licensee shall incur the cost borne by the security authorities in providing such necessary technical capabilities.
3. In the event of a situation of a natural catastrophe or exceptional public emergencies, the Minister of Transport, Communications and Information Technology may call upon the entire telecommunications services and networks of a Licensee and all its employees in charge of the operation and the maintenance of such services and networks in order to overcome the emergency.
4. In the event that the emergency or crisis is related to national security, the Licensee shall coordinate with the security agencies identified by the Authority and shall implement the emergency plan and act in accordance with the instructions of the Authority.

Article (40)

Radiocommunication and Frequency Assignment

1. The Authority may assign from time to time to a Licensee such radio frequencies or frequency bands under a Radio License as is necessary and to the extent consistent with the National Spectrum Allocations Plan, and depending on the availability of the required frequencies, to enable the Licensee to exercise its rights and to perform its obligations in its License, provided that the licensee shall comply with the provisions of the Act, the Decree and the decisions issued in execution thereof and all the orders and guidelines issued by the Authority. This is in addition to the compliance with the following:
 - a) The Licensee shall ensure that the Radiocommunication Equipment comprised in its Radio Stations is designed and constructed, used and maintained, so as not to cause any harmful interference when in use and conforms with all relevant regulations issued by the Authority.
 - b) The Licensee shall not permit any person to use the Radiocommunication Equipment comprised in its Radio Stations unless the person is under the control of, and authorized by, the Licensee.
 - c) The Licensee shall ensure that all persons using the Radiocommunication Equipment comprised in its Radio Stations are made aware of the terms of this License and comply with them.

- d) The Licensee shall permit any person authorized by the Authority to have access to its Radio Stations for the purpose of inspection and testing at any time, to verify compliance with the terms of the Radio License, or to investigate sources of radio interference.
 - e) The Licensee shall restrict the operation of, or close down and cease to operate, its Radio Station or any of its Radiocommunication Equipment immediately in accordance with the demand of a person authorized by the Authority in accordance with the Act and for the duration specified in the demand, in case of the Licensee's violation of any Condition of the Radio License or violation of the related rules under the Act.
 - f) The licensee shall not operate or use a radio station or radiocommunication equipment for any purpose other than those specified in the Radio License.
 - g) The compliance with all the agreements signed by the Sultanate of Oman with neighboring countries to control coverage in the border areas and control harmful interference. The usage of frequencies shall be in compliance with ITU-R Radio Regulation, Resolutions, and Recommendations in the border and coastal areas.
2. The Authority may, by a substantiated decision and based on the exigencies of public interest, amend the Radio License, and may revoke it upon the Licensee request, or as a result of the Licensee's violation of the License Condition(s).
 3. All the frequencies assigned by the Authority to the Licensee, including the assignments listed in Annex 2 of an Individual License, shall remain public property and no ownership or other proprietary right is conveyed when an assignment is made and such assignment gives the Licensee the right to use these frequencies during the terms of the associated licenses only.

Article (41)

Recruitment of Omani Nationals

1. A Licensee shall take all reasonable steps to train Omani nationals to take positions at all levels in the Licensee's administrative and technical organization structure and to maintain the percentage of Omanisation set out in Annex 2. The Authority may, by a decision from the Executive President increase these percentages in accordance with the trend of the Government in this regard. The Authority may impose a penalty in the event of non-compliance to such percentage.
2. A Licensee may recruit foreign experts for the installation, operation, maintenance and exploitation of licensed activities in accordance with prevailing rules, regulations and decisions.

Article (42)

In-Country Value Obligation

A Licensee shall maximize the procurement of local goods and services as well as improving the capacity and capability of Omani nationals and Omani companies in order to secure sustainable commercial benefits for the Sultanate in accordance with any relevant Government directives.

Article (43)

Supply of content

A Licensee is permitted to supply Content Services in accordance with the following terms:

1. The Licensee shall be only responsible for the content and information services for which it exercises editorial control, and shall obtain all necessary approvals from relevant authorities in the Sultanate of Oman. The Licensee shall remove or disable access to any content or information on notice from any relevant authority in the Sultanate of Oman. The Licensee shall not be responsible for the content of its users or customers over which it does not exercise editorial control.
2. The Licensee shall inform the users that they are not allowed to reproduce, re-distribute, re-transmit, publish, translate, transfer, or exploit, any information or other material that are subject to the owner's copyright. Any subscriber can however, retrieve public domain information content through the service for his personal use or non-commercial re-distribution.
3. The Licensee shall not provide the service in a way that may create problems or bring contempt to the country or its people or tends to undermine integrity or solidarity of the State or violate any provisions of the constitution of Sultanate of Oman or any of the applicable laws.
4. The Licensee shall take reasonable steps to ensure that content services provided through it are not used for any unlawful purpose and comply with all applicable laws, regulations and industry codes of practice. The Licensee shall notify the Authority and any other relevant authorities of any illegal or harmful content published, posted, uploaded or distributed by any of its customers.
5. The Licensee shall ensure that the programs available through the service must not mislead any person with respect to the content or cost of the service being offered and shall not induce an unacceptable sense of fear or anxiety in the general public and all its advertisements shall not be in violation of the applicable Laws in the Sultanate.
6. The Licensee shall inform the Authority of the procedures intended to be taken by the Licensee to control unsolicited mail and shall inform its Customers, from time to time, about how they can take adequate precautions to protect themselves from computer misuse or illegal or harmful content (including viruses and similar dangers) associated with access to content.

Article (44)

Applications for Licenses

1. In accordance with Article [] of the Act and Paragraph [] of the Decree, the Authority shall issue License Application Guidelines and criteria for awarding Licenses, under which Applicants may be licensed to build, operate and manage a Public Telecommunications Network and/or provide Public Telecommunications Services in Oman.
2. Applications for Licenses shall be made to the Authority in accordance with the issued Application Guidelines and authorised by the Authority subject to the criteria issued by the Authority for that purpose.

Article (45)

Application Fee

An Application submitted to the Authority shall not be considered unless the prescribed fee has been paid. In return, a receipt for the fee shall be issued by the Authority to the Applicant. In addition, the application shall be registered on the same date and shall be processed in accordance with Articles 51 and 52 of this Regulation.

Article (46)

Services Launch and Performance Bonds

1. The Authority shall have the right to request an Applicant to post a performance bond. The performance bond may, as required by the Authority, cover applicable material obligations including rollout, service provision and commitments as well as other obligations in compliance with any directions issued by Authority.
2. Where the Authority considers that there is need for an Applicant to post a performance bond, the Authority shall state its reasons to the Applicant and the amount and nature of the performance bond. The performance bond shall not be greater than 7% of the Applicant's total budgeted capital investment as committed in its application, in accordance with the specimen Banker's Guarantee specified in the Annex to the Application Guidelines and made in favour of the Authority.

Article (47)

Publication of Identity of Applicant

The Authority may publish the identity of the Applicant and, in the case of a consortium, the prospective shareholders of the prospective Licensee. The Authority has the right to disclose any information submitted by the Applicant which the Authority deems necessary.

Article (48)

Right of Rejection

The Authority shall have the right to reject an Application if the information provided in the Application is not submitted in compliance with the requirements set out in the Application Guidelines. Non-compliant Applications will not be evaluated by the Authority.

Article (49)

Right of Suspension by the Authority

The Authority shall have the right to suspend any License that was issued by the Authority based on information contained in the Application that is found by the Authority to be fraudulent or intentionally falsified.

Article (50)

Application Date

The Application Date is the date of payment of the prescribed fee.

Article (51)

Completeness of Application

1. If an application for a License is complete in term of all procedures and documents, the Authority shall examine the application within two months of the Application Date.
2. If an application for a License is incomplete in terms of all procedures and documents, then the Authority shall within (20) working days of the Application Date request the Applicant to complete any deficiencies or provide any additional information. The applicant must reply to the Authority within (40) working days from the date of notification of the need to complete the procedures and documents. In this case the Authority shall examine the application within (60) working days of the date of the receiving of all the requested documents. The application shall not be considered if the requirements of the Authority are not met.
3. In the event of reasonable justifications, the Authority shall not be bound to periods stipulated in this Article.
4. In case the Authority declines the application, for which it must provide justification, the Applicant shall not have the right to apply for any License for a period of one year; with exemption for applications already under the Authority's consideration at the time that the authority declines the application.

Article (52)

Application Approval

Within the specified periods stated in Article 51, if the application meets the Authority's requirement, the Authority shall issue the decision to grant the License and notify the applicant of its decision.

Article (53)

Notices

1. All notices and correspondence issued by the Authority to Licensees shall be sent by post or delivered by hand to the Licensee at the Licensee's registered office and their receipt shall be acknowledged. Such postal and delivery process can be modified in accordance with any digital documents delivery process adopted by the Government.
2. The Authority may send urgent notifications to a Licensee through electronic mail followed by an official written notification with the same content.

Annex 1: Controls and Procedures to be used to obtain written approval for a Private Telecommunications Network

Article (1)

Establishing or operating Private Network Not Connected to the Public Network for personal utilization shall not be permitted unless the respective Authorization from the Authority is obtained.

Article (2)

In accordance to the provisions of these regulations, all fixed links point-to-point or point-to-multi-point being utilized for the personal use not connected to the public network; if this point scope exceeded the entity scope or the applicant land, where the parallel connections link the exact locations for the same applicant consider a single network.

Article (3)

The authorization applications shall be submitted to the concerned department in the Authority according to the designed form, the following documents attached shall be:

1. Single copies of each of the following firm documents:
 - a. The Valid ID of the authorized Signatory
 - b. The Valid Commercial Registration Certificate
2. Statement of the area and suggested locations to be covered with a marked map if required.
3. Network structure and the suggested provided services if required.
4. Any additional documents, information requested by the Authority with respect to the prospective Telecommunications System and equipment to be utilized in establishing the network.
5. Receipt of Application fee.

Article (4)

1. The concerned department shall examine the application within (30) days of the date of submission of the necessary documents; the decision of rejection shall be justified.
2. In case the Authority's Approval is obtained, the applicant shall be notified to process the fees payment within 30 days of the notification date; the Authorization shall be issued after the receipt of the payment evidence.
3. In all cases, the application is deemed to be cancelled if the applicant did not comply with, in any stage of the application, period or the stipulated procedure in this Article.
4. The concerned department, upon applicant appeal shall not stick to the periods stipulated in this Article when subjective reasons justified the Authority action.

Article (5)

The concerned entity shall appeal to the executive president against the application disapproval within (60) days of the notification. The decision shall be made within 30 days of submission.

Article (6)

The authorization shall be for a period of three years renewable, unless the authorized requests cancellation, where the authorized shall pay the renewal fee (30) days from the renewal date.

Article (7)

The authorized shall pay (10 OMR) for the reissuing of the Authorization in case of the loss, modification or waiving in accordance to the provisions of these regulations.

Article (8)

Every natural or legal person authorized by law to succeed, in case of dependency or management transmitted rights or merger or reorganization or otherwise, to submit the necessary documents required by the Authority to determine eligibility to acquire the rights guaranteed by the authorization.

Article (9)

The authorized entity to establish or operate a Private Network shall be prohibited from the following practices:

1. Connecting its private network to the Public Telecommunications Network or to any other Telecommunications Network
2. Providing telecommunication services to others either with or without remuneration.
3. Selling or leasing the network extra capacity to others unless an approval is obtained from the TRA.
4. Waiving the Authorization to any natural or legal person without a prior written consent from the TRA.

Article (10)

The authorized entity to establish or operate a Private Network shall be committed to all laws, systems and regulations related to environment protection and local orders issued in this regard.

Article (11)

The authorization shall be deemed invalid if the authorized entered the stage of liquidation or bankruptcy or judicial proceedings have been taken against him with similar effect or waive the ownership for the benefit of Creditors or any other reason.

Annex 2: Omanisation

1. Individual and Standard A Licensees shall undertake to realize the total Omanisation percentages as given in Table 1 in this Annex.

Level	12 months from Effective Date	24 months from Effective Date	36 months from Effective Date	48 months from Effective Date
Executive Officer	17%	33%	33%	50%
Director	13%	37%	50%	50%
Department Head	40%	60%	70%	70%
Section Head	57%	69%	75%	87%
Professional	48%	78%	87%	91%
Support Staff	76%	84%	92%	94%
Total	57%	77%	86%	90%

Table 1: Individual and Standard A Licensee Omanisation percentages

2. Standard B Licensees shall undertake to realize the total Omanisation percentages as given in Table 2 in this Annex.

Level	At launch	12 months from Effective Date	24 months from Effective Date	36 months from Effective Date	48 months from Effective Date
Total No.	65%	70%	80%	85%	90%

Table 2: Standard B Licensee Omanisation percentages

3. In the event of not achieving any of the Omanisation percentages at each level for each stage, penalties would be imposed on the Licensee at the discretion of the Authority.