

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

Telecommunications Services Regulation Law

**Chapter 1
General Provisions**

• **Article 1: The Basis**

This Law has been enacted in the light of Articles 10 and 37 of the Constitution of Afghanistan in order to promote and develop telecom services, regulate and supervise the telecom market, ensure relations between the Telecom Regulatory Authority (ATRA) and Operators or Service Providers, Users and other relevant agencies in the country.

• **Article 2: Purpose**

The purposes of this Law are:

1. To provide further access to Telecommunications Services to the public throughout the country;
2. To promote non-discriminatory entry of Operators or Telecom Service Providers to the market;
3. To strengthen telecommunications market in order to promote the quantity and quality of its services in the country;
4. To use impartial technology for the support of users and competitors and to prevent abuse of Significant Market Power by Telecom Service Providers or Operators.

• **Article 3: [Definitions of] Expressions**

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 networks;
10. “License” — The written document which is issued by the Telecommunication Regulatory Authority to applicants for providing 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 in this Law is verified and approved;
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 elements;
13. “Person” — means:
 - _ Any natural domestic person: means a person who holds Afghan nationality;
 - _ Any legal domestic person: means a person in the form of a corporation, partnership, sole proprietorship, limited liability company, joint venture, temporary investment, , joint stock private or public

company, trust, or any 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 ATRA) 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 ATRA will take into consideration a determined telecommunication 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 ATRA, as a specific service category or as a geographic scope;
 19. “Spectrum Management Office” — the branch that 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, navigation, 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 website designator (URL);
28. “Recognized Standard” — technical specifications or other standards published by a recognized international authority;
29. “Recognized Authority” — the approving body specified by the ATRA.

Chapter 2

Organizational Structure, Duties and Powers of the Telecom Regulatory Authority

- **Article 4: Establishment of the ATRA**

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 “ATRA”) shall have an independent organizational structure with separate budget that shall be processed in accordance with the provisions of the 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, a committee composed of Ministers [inter-

ministerial committee] shall be designated by the President upon proposal of Minister of Communications.

- **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**

1. In order to achieve the objectives provided for in this law, the ATRA shall have the following duties and authorities:
 1. Regulate and supervise the activities of Operators and Service Providers, in accordance with the provisions of this law;
 2. Supervise compliance by Operators and Service Providers with international treaties 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 the provisions of 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 through the Spectrum Management Office;
 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 settle the disputes between 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 equipments and devices;
 11. Establish and maintain the numbering plan and assign numbers to applicants;

12. Establish contributions of 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 ATRA notices and decisions concerning the claims of confidentiality or permissible disclosures, and publish them on the relevant website for public notice ;
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 Operators and Service Providers;
19. Determine and identify 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. 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 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 required;
26. Appraise and investigate any matters necessary to determine violations from the provisions of this law;
27. Appoint inspectors to verify the compliance with any decision of the ATRA or with any conditions imposed in the license or permit;
28. Determine whether any person has breached any condition of a license or permit;
29. Issue interim or 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 conditions, use of spectrum resources, construction of network infrastructure; towers, conduits, inside wiring, and so forth;
34. Prepare, organize and issue official identification cards to inspectors;
35. Instruct the 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: Acquisition of Information**

The ATRA has the power to require any Operator or Service Provider to provide the relevant information, provided that the ATRA has provided the Operator or Service Provider with fourteen (14) working days prior written notice.

The ATRA shall keep telecommunication secrets and other confidential information required by it.

Chapter 3

Decisions of the ATRA

- **Article 8: The Decision-making Process**

In making any Decision, the ATRA shall:

1. Consider matters within the scope of its duties and powers provided for in this law;
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 ATRA may oblige the violator to pay the whole or any portion of the compensation of damages sought by the relevant aggrieved person;
2. The ATRA may make a final or interim decision. Final decision shall be effective [retroactively] from the date on which the interim decision was made. The ATRA may revise its final decisions when needed.

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

1. The ATRA has the power to settle disputes between Service Providers, Users and other Interested Parties.
2. The decisions made by the ATRA in accordance with the provisions of this law, shall be applicable.
3. Any person aggrieved by a decision of the ATRA may appeal to the Commission for Settling Financial Disputes [Financial Services Tribunal] referred to in the Da Afghanistan Bank Law to conduct proceedings.
4. An appeal must be registered with the Commission for Settling Financial Disputes and a copy sent to the ATRA 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

Public Consultation and Procedures

- **Article 11: Public Consultation**

1. The ATRA may initiate a process of public consultation 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 other interested persons.
2. The process of public consultation shall be conducted openly by the ATRA, except when the ATRA decides otherwise due to the confidential nature of the issue.
3. The ATRA may record public opinions and make copies of its recordings available to all interested parties against payment.

- **Article 12: Procedure for Conducting Public Consultation**

The ATRA 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 providing their comments.

Chapter 5

Licensing

- **Article 13: License Conditions**

1. No person shall offer telecommunications services, except when licensed by the ATRA for its operation, in accordance with this law. Telecommunications devices operated by a person or entity for its private use shall be an exception to this rule.
2. It is a condition of any license issued by the ATRA that the licensee adheres to the provisions of this Law and to the conditions of the license.
3. Licenses issued to the same class of Operators or Service Providers shall not unjustifiably discriminate between licensees.
4. All licenses shall be public and shall be posted on the ATRA relevant website for public information, and a copy of the licenses shall be maintained by the ATRA.
5. 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 ATRA.
6. 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 ATRA may deem necessary.

- **Article 14: Competitive Processes**

1. The ATRA shall, taking into consideration public interests, establish competitive processes as follows:

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 included in application are not disclosed;
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 ATRA 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 ATRA may issue the requested licenses, in compliance with Articles 19 and 38 of this Law.
3. If the ATRA receives one or more additional applications in response to the public notice, the ATRA 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 by the ATRA to possess Significant Market Power shall, within sixty (60) days, submit a written application to the ATRA 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 its issuance, the license may only be amended in the following manner:
 1. By decision of the inter-ministerial committee, provided that:
 - _ The ATRA has sent the committee and the licensee a written notice stating the reasons for amendment and that the amendment is assessed as being in the public interests;
 - _ The ATRA has made the reasons of such amendments available to the public on the relevant website and has considered adequate time for the public to file comments and the licensee to reply such comments and opinions;
 - _ The ATRA 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 ATRA shall submit the report provided for in Paragraph (1) of this Article to the inter-ministerial Committee for making decision.
3. The inter-ministerial committee shall, taking into consideration public interests, issues a decree ordering some or all of the proposed amendments and shall announce its decision to the ATRA in order to be implemented. In the later

case, the ATRA shall be obliged to announce the decision of the committee to the licensee for implementation.

- **Article 17: License Duration and Renewal**

1. Subject to the terms and conditions stated in the license, the licenses shall be valid for a period of fifteen (15) years.
2. Provided that a licensee is not in breach of this Law or any condition of its license, the licensee may apply to the ATRA 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 writing.
3. Where the ATRA accepts the application it shall take action to renew the licensee not later than thirty (30) days prior to the expiry of the licensee's current license term.
4. Where the ATRA rejects 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 ATRA and a licensee] cannot reach to an agreement, the ATRA 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 ATRA 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 ATRA 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 license or permit.
2. The ATRA may suspend or revoke a license under the following conditions:
 1. Repeated breach of one or more conditions of the license;
 2. If the imposition of fines and/or compensation for 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 and misleading contents;
 5. In spite of receiving written notice form the ATRA for non-payment of applicable license fee, the licensee, within thirty (30) days after submission of the notice, does not pay applicable fees 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 ATRA;
 2. Publishing a copy of tariffs on the Operator's or Service Provider's website that can be accessed by the public without charge;
 3. Maintaining copy of tariffs at its business offices for public observation ;
 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 determined by the ATRA in accordance with the conditions provided for in the license.

- **Article 20: Tariff Approval Process**

1. A licensee having SMP may charge users only those rates set out in a tariff approved by the ATRA. The tariff approval process shall be a condition of license and shall be applicable without discrimination on all licensees.
2. The ATRA may, subject to the following conditions, exempt a licensee having significant market power from the requirement of tariffs 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 not be 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 on reasonable terms and conditions within a reasonable time, where the Operator or Service Provider has such facilities available;

2. Bundling of telecom services or determining conditions, limits and low price by a dominant Operator or Service Provider and imposing that as a condition or conditions for supplying service on 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 ATRA;
 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 ATRA 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. The following actions are also considered as actions that prevent 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 Service Provider 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. Refuse 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 ATRA may, on application by any person, or on its own initiative, determine cases of abuse of dominant position in the market or activities which represent an anti-competitive practice by the licensee. .
 2. Any determination by the ATRA shall be final and 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**

In order to prevent actions or activities of Operators or Service Providers who have SMP from abuse of their market power or which constitutes an anti-competitive practice, the ATRA may take the following actions:

1. Issue a decision or assign 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 ATRA 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 ATRA.
4. In cases of repeated breaches by Service Provider having SMP of a decision made, the ATRA 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:

The Operator or Service Provider has received an advanced written notice that such a decision was being considered and required comments from the Operator/Service Provider, and the ATRA 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 on an efficient basis, without discrimination among different Operators and Service Providers and between affiliates of the Operators who need to receive interconnection, including the Operator itself and provider Operators who are not affiliates.
3. The ATRA 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 ATRA.
4. The ATRA shall have the power to require that an Operator or Service Provider having SMP apply equivalent conditions in equivalent circumstances to affiliate and non-affiliated competitors, including price, time period and quality.
5. An Operator or Service Provider shall be entitled to refuse a request for interconnection if the requested interconnection is not technically feasible. The burden of proving that any requested interconnection is technically infeasible rests with the Operator providing the interconnection. The ATRA 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 ATRA for making a final decision. Any decision issued by the ATRA in response to such application shall be binding on the parties.

• **Article 26: Reference Interconnection Offer**

1. Service Providers or Operators with SMP shall be required to submit a proposed Reference Interconnection Offer to the ATRA for approval, in accordance with the provisions of this Law.
2. Any Operator or Service Provider determined by the ATRA as having Significant Market Power shall, within 30 days after determination, submit a proposed Reference Interconnection Offer to the ATRA 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 ATRA 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 incremental costs;
 2. Confidential information which shall be kept as such;
 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 ATRA shall issue a notice seeking public comments on it and give the Operator or Service Provider who filed the Reference Interconnection Offer sufficient time to reply to all comments received, and the proposed Reference Interconnection Offer shall become applicable after consideration of such comments and replies.
5. The ATRA may modify a Reference Interconnection Offer, taking into account Articles 2 and 4 of this Law.
6. The ATRA shall make all Reference Interconnection Offers available to the public for notice and observation 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 ATRA.

- **Article 27: Reference Interconnection Offer Implementation**

1. Operators or Service Providers required to provide interconnection shall be obliged to respond to written requests for interconnection within thirty (30) 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 ATRA to cooperate in resolving the dispute in accordance with the provisions of this law. The ATRA may establish Procedures from time to time that shall govern such dispute resolution.
4. Any decision taken by the ATRA shall be binding on the parties, and shall be implemented within thirty (30) days after the issuance of a decision.
5. All executed interconnection contracts shall be filed with the ATRA and thereafter published on the relevant website for public awareness and observation.

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 ATRA for assistance in getting permission to construct it.

4. When applied for by the relevant administration, the ATRA 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 ATRA 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 ATRA 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 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, permitted to a new telecom network in accordance with the provisions of this law, 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**

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 ATRA for decision.
3. Operators or Service providers having Significant Market Power shall file tariffs, rates, terms, and conditions of co-location with the ATRA.

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 ATRA shall be required, in accordance with the provisions of this Law, to 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. It shall foresee expected growth in demand for telecommunications services;
 3. It shall take into account the existing assigned numbers;
 4. It shall be consistent with the requirements of international and regional conventions, regulations and recommendations;
 5. It shall set up schedules of fees to be paid by Operators and Service Providers for the assignment and distribution of numbers;
 6. It shall consider 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 ATRA shall make the numbering plan available to the public for awareness and observation by posting it on the relevant website.
4. The ATRA 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 damages resulting from changes made by ATRA 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 ATRA 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 ATRA, shall be for an indefinite period of time.
2. The ATRA may revoke an assignment of numbers in the following conditions:
 1. Where the assignee consents;
 2. Where the ATRA concludes that the application contains false or misleading information;
 3. Where any applicable fee has not been paid on time, provided that the ATRA 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**

Assigned numbers are not transferable to other Operators or Service providers, without the prior written approval of the ATRA.

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 national and international standards, and upon granting permits and registration of radio communication means, in accordance with the provisions of this law.

2. The ATRA shall negotiate on behalf of Afghanistan with international and regional radio communication bodies on all matters related to radio frequency spectrum.
3. The ATRA 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 or plans of other relevant administrations of the government.
4. ATRA shall have the following duties in connection with the management of radio frequency spectrum:
 1. To develop radio frequency spectrum and its efficient use.
 2. To develop innovative services in using radio frequency spectrum;
 3. To promote competition in the provision of services using radio frequency spectrum;
 4. To take into consideration current and expected demands for radio frequency spectrum;
 5. Such other factors which are relevant to radio frequency spectrum.
5. The ATRA shall be obliged to 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. The ATRA shall make the information specified in paragraph 1) of this Article available to the public for awareness and observation by posting it on the relevant website, except such information which are related to national security or defense allocations needs of the country.

- **Article 36: Allocation of Frequency Bands**

The ATRA shall be obliged to develop and manage national frequency allocation tables in accordance with regional and international standards, and shall allocate frequency bands to be used by National security, Defense, civil services, broadcasting, emergency preparedness, Telecommunications and other administrations as the ATRA may determine from time to time.

The ATRA shall publish the frequency allocation tables and any amendments thereto on the relevant website for public awareness and observation.

- **Article 37: Frequency Assignment Permit**

1. No person shall use any radio frequency or any frequency-emitting device in Afghanistan; unless a license for operation or an exemption document is obtained from the ATRA.
2. The ATRA shall establish those frequency emitting devices and radio-communication services that are exempted from license [permit] requirements

and shall make a list of such exempt devices and services available to the public for awareness and 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 ATRA.

- **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 ATRA may issue a permit for use of a radio frequency in accordance with the national frequency allocation table, provided that it is not subject to bidding process contemplated by Article 13 of this Law. In case of rejecting an application, the ATRA shall provide its reasons in writing within forty-five (45) days to the applicant.
3. The ATRA 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 ATRA may revoke the permit.

- **Article 39: Contents of Permits**

1. The ATRA may grant a permit without discrimination between applicants of the same class.
2. The permit provided for in paragraph (1) 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 ATRA 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 ATRA 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 thirty (30) days prior to the expiration date of the current permit and shall file it with the ATRA.
3. Where a grantee wishes to renew a permit on different terms and conditions, it shall fill a standard application form, within ninety (90) days prior to the expiration date of the current permit and shall file it with the ATRA.
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 ATRA may modify a permit under 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 conventions 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 thirty (30) days after the application date and shall file it with the ATRA for approval.
3. Where a grantee wishes to transfer a permit on different terms and conditions to another person, it shall be obliged to fill the relevant form, within ninety (90) days after the application date and shall file it with the ATRA for approval.

- **Article 42: Suspension and Revocation of Permits**

1. The ATRA may suspend or revoke a permit under the following conditions:
 1. In case of repeated violation of 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 suspected violations claimed against him, within a 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 ATRA 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 ATRA 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 ATRA for public information by posting it on the relevant website.

- **Article 43: Permit Fees**

1. The ATRA shall be obliged to establish schedules of the following fees, in accordance with the provisions of this law:
 1. Schedules of 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 ATRA pursuant to paragraph (1) 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 paragraph (1) of this Article, the ATRA 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 ATRA may consider being necessary.
6. All schedules of fees provided for in this Article shall be made available by the ATRA for public information through posting it 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 ATRA.
2. The ATRA shall establish those frequency emitting devices and radio communication services that are exempted from permit requirements and shall make a list of such exempted devices and services available to the public for awareness through posting it on the relevant website.
3. Operators and Service providers who 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 ATRA.

Chapter 12

Equipment

- **Article 45: Equipment Approvals**

1. The ATRA shall approve the use of telecom equipments in Afghanistan that are in compliance with the recognized regional and international standards, in accordance with the relevant Procedures.
2. The owners of equipments approved pursuant to paragraph (1) of this article shall keep the documents establishing its source and the approving authority.
3. The ATRA shall be obliged to make a list of recognized standards and shall post it on the relevant website for public information.

- **Article 46: Use of Approved Equipment**

1. Equipment may be used, marketed, sold or otherwise dealt with when it complies with the ATRA 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 for providing national security, defense, civil emergency services and other cases of natural disasters;
 4. Equipment manufactured within Afghanistan for the purpose of export;
 5. Such other similar equipment as the ATRA may establish from time to time.

Chapter 13

Universal Access

- **Article 47: Provision of Universal Access**

1. The ATRA shall be obliged to establish grounds for providing access to Telecommunications services from the point of view of 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 ATRA shall ensure the provision and use of necessary funds from the Telecom Development Fund, in accordance with the provisions of law.

- **Article 48: Telecom Development Fund (TDF)**

1. The ATRA shall be the sole authority to administer, oversee and control the Telecom Development Fund.
2. The Operators and Service Providers shall be obliged to contribute to the TDF their respective shares determined by the ATRA to the TDF.

3. The amount and manner for payment of the contributions referred to in paragraph 2 of this article shall be specified in the relevant Procedures, provided that such contributions are predictable and shall be collected in non-discriminatory manner from the net revenues of Operators and Service providers.
4. The ATRA 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 paragraph (2) of this Article shall not be spent for any other purposes, 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 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 ATRA shall be obliged to 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 ATRA 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. Limits of Operator and Service Provider responsibility;
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 ATRA concludes are necessary.

- **Article 51: Confidentiality of Telecommunications**

1. Operators and Service Providers shall be obliged to take required measures to ensure confidentiality of the Users telecommunications.
2. Service Providers and Operators shall not alter or modify User telecommunications.
3. The ATRA may require an Operator or Service provider to monitor telecommunications to the users for the purposes of tracing and locating a source of harassing, offensive or illegal telecommunications.
4. The ATRA or legally authorized bodies may require 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 (2) and (3) of this article, the Operator or Service Provider shall be obliged to provide the ATRA with the information resulting from its monitoring of the User's telecommunications, including numbers that are the source of harassment, offenses, or illegal telecommunications and the dates of their occurrence and their frequency.
6. The ATRA 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**

The Operator or Service Provider shall be obliged to provide the information required by courts and other bodies of competent jurisdiction, and provide them with immediate access to their telecommunication network services in accordance with the provisions of this law and other laws applicable to criminal cases and issues of national security.

- **Article 53: Confidentiality and Protection of User Information**

1. An Operator or Service Provider shall be obliged to 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 or Service providers shall be obliged to 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 ATRA may make decisions as necessary 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 be required to organize and present user information, when needed, in an accurate manner.
6. Users are permitted to inspect their records registered with Operator's or Service Provider's to get satisfied with accuracy of their personal information.
7. The provisions of this Article shall not prohibit access of competent governmental bodies to users' information, in accordance with other enforced laws.

• **Article 54: Telephone Directories and User Information Services**

1. Operators or Service Providers shall be obliged to develop a directory of users in accordance with the conditions of the license, and to establish 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 be obliged to provide 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 infrastructures shall be made in accordance with the provisions of this law.

- **Article 56: Equal Treatment**

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

- **Article 57: Applying the Provisions of Other Laws**

1. Telecommunications Industry and related services and infrastructures 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 principal 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 its funds, and the right to submit a case to court.
2. Operators or Service Providers, importers and sellers of telecommunications equipments shall be obliged to fulfill their tax and monetary liabilities and obligations in accordance with the provisions of the law.

Chapter 16

Violations and Penalties

- **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 of this Law, without prior authorization or licensing by the ATRA;

2. Provides telecom services specified in Article 13 of this Law, to other persons without prior authorization or licensing by the ATRA;
 3. Continues with their activities despite a ruling on prohibition of activities;
 4. Operates or uses equipment or radio frequencies (Article 37 – paragraph 1 of this Law) without a ruling by the ATRA 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. Fails to reach agreement concerning telecom services with other service providers, or to accept their demand for network interconnection, or fails to make it possible for their subscribers to communicate with subscribers of other operators (Article 25 of this Law);
 8. Fails to grant reasonable requests for access to the network (Article 25 of this Law);
 9. Fails 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 ATRA (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 the ATRA 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 paragraph (1) 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 ATRA, 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 ATRA 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 an 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 ATRA 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 paragraph (1) 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 ATRA;
 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 fulfill 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 fulfill its obligations in providing universal services as provided for in this law;
 8. As assignee of numbers, transfer the assignment of numbers without prior approval of the ATRA (Article 34 of this law).
 9. Commits other similar violations from the provisions of this law or the ATRA 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 execute an offer to amend or add an interconnection, within the period required by ATRA (Article 27 of this Law);
 2. Fail to submit to the ATRA 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 the ATRA establishes the infringement to be of this category.

2. A fine between 10,000 and 50,000 Afghani for an infringement shall be imposed upon a natural person that commits an offense specified in paragraph (1) 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 ATRA 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 Regulations and Procedures**

1. The ATRA shall be authorized to establish regulations for the purpose of better implementation of the provisions of this law and in addition to the Procedures referred to in this law; the ATRA 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 Regulations and Procedures enacted pursuant to paragraph one of this article.

- **Article 64: Stamp and Seal**

The ATRA may stamp and seal or close down telecommunication equipment or facilities 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 ATRA 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**

1. The ATRA 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
2. The ATRA may provide a copy of the documents mentioned in paragraph (1) of this article to applicants upon payment of its price.

- **Article 67: Date of Enforcement**

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