

Notice Ref No: CRA/LU-00001/05/2016

## NOTICE OF NON - COMPLIANCE

**ISSUED TO** : Ooredoo Qatar Q.S.C

**DATE** : 19 May 2016

### A. GROUNDS FOR NON – COMPLIANCE:

1. The CRA has made numerous requests to Ooredoo to provide copies of the Agreements with International Service Providers (“Agreements”) in relation to having “Points of Presence in Qatar”.
2. Under the Telecommunications Law Decree 34 of 2006 (Telecoms Law”), more specifically Article 62, the CRA has the authority to request any information, it requires for exercising its powers, in the form, manner and time specified in the request.
3. Chapter 13 of the Telecoms Law sets out specific requirements and consequences for the “Provision of Information”. In terms of Article 127, the authority is entitled to request information from service or any other parties , where such information is necessary to enable the regulator to exercise its powers and perform its functions.
4. In this regard, the regulator has a mandate under Article 2 of the Telecoms Law to enhance the telecommunications sector’s performance in the State of Qatar through encouraging competition. This mandate is further re-inforced by the provisions of the Emiri Decree (no. 42 of 2014 Establishing the Communications Regulatory Authority), Article 4(3) which requires the CRA to “*encourage competition and prohibit or minimize anti-competitive practices, prevent misuse by any person or entity of its market dominance position, and take all necessary measures to achieve this.*”

5. The CRA's information request was specifically focused in this area of enquiry.
6. Under the provision of Article 132 of the Telecoms Law, where such information is not provided by the recipient of the information request, the regulator shall be entitled to *“base its decision or any other action on the best alternative data available to it , and may collect the alternative data from published reports issued by third parties, relevant benchmarks, and reasonable estimates based on known data.”*
7. Ooredoo has further a legal obligation in terms of Article (11) of the Telecoms Law, to comply with its Licence terms and conditions.
8. Clause 4 of the Licence issued to Ooredoo, obliges Ooredoo to comply with the terms and conditions of its licence as well as the applicable regulatory framework and any amendments that may, be adopted from time to time.
9. Clause 14.3 of the Licence contains further compliance requirements that stipulates that the licensee shall not engage in any anti-competitive behavior in terms of the legal framework.
10. The provisions of Clause 21 of the Licence places a mandatory requirement on the Licensee to provide “true and complete responses to all information requests issued” by the CRA.
11. Despite numerous requests by the CRA, Ooredoo has and continues to refuse to provide copies of the agreements requested. The history of these requests is set out in detail in the covering letter to this Notice.
12. The CRA, has a legal mandate, to monitor the communications market, and in so doing, has requested these agreements for the purpose of market reviews and ensuring compliance with the Competition Policy.
13. Ooredoo's failure to provide copies of the said Agreements constitutes a breach and violation of the law and consequential non-compliance with the

Telecommunications Law and as well as the terms of its Licence as stipulated in paragraph 6 above.

14. Ooredoo's failure to provide the requested information shall have further consequences of leading the CRA to make findings and assessments in the market, without the benefit of such information, which may then have an adverse impact.
15. Ooredoo therefore, is declared to be in non-compliance of the Telecommunications Law and its Licence.

**B. ACTION REQUIRED RECTIFY/REMEDY NON-COMPLIANCE:**

1. Ooredoo is hereby instructed within 5 business days from the date of this Notice
  2. to explain the provision contained in the contractual agreement with Orange which seems legally to prevent international service providers from serving Qatari headquartered companies;
  3. to provide copies of the requested Agreements.
2. The Agreements, are to be delivered to the CRA in either soft or hard copies with the confidentiality request.

**C. ENFORCEMENT PROVISIONS TO BE IMPLEMENTED :**

Failure to comply with this Notice shall result in one or a combination of the following enforcement provisions:

1. Issuing of an Order and Instruction compelling Ooredoo to produce the said Agreements;
2. Issuing any decision or taking any action related to ensuring effective competition in the market, in the absence of and without the requested information as stipulated in paragraph 6, above;
3. Invoking the provisions of chapter sixteen of the Telecoms Law , whereby the Licensee may be subject to criminal prosecution;

4. Imposing a penalty or a fine as may be provided for in the law and including any subsequent amendment thereto;
5. Initiating a process to amend the licence by considering a reduction in the terms of the licence as provided for under Article (12) of the Telecommunications law, for this repeated transgression.

The CRA further reserves its right to publish this Notice on its website under the provisions of Article 6 of the Telecommunications Law, in the interest of transparency and non-discrimination.

**ISSUED BY:** The Communications Regulatory Authority

Dated and signed on this 19 day of May 2016.



Mohammed Al Mannai  
President  
Communications Regulatory Authority