

CRA Compliance Policy and Governance Model

(Internal Document)

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SIGN-OFF

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1 Introduction

1.1 Purpose and scope of this document

This document sets out:

- the CRA's objectives, policies, and approach to compliance monitoring;
- an overview of the CRA's Compliance Framework;
- the roles and responsibilities of different Departments/Units in carrying out work to ensure compliance;
- the compliance governance model and the role of the Compliance Committee; and
- the resources and tools available to CRA staff when they carry out compliance work.

This Compliance Policy is for CRA internal use only.

The **Compliance Framework** consists of:

- this Compliance Policy;
- the compliance processes and procedures;
- the List of Regulatory Instruments (LRI) and the database of all regulatory instruments/documents (RI Database);
- the list of Service Providers¹ obligations;
- the list of CRA obligations; and
- the related tools and templates.

All these documents are available to all CRA staff in the folder "Compliance Framework" on the common share drive [\\10.2.56.35\regpolicies_public](#). The LRI and RI Database are available in this folder on the share drive: [\\10.2.56.35\RegPolicies_public\RI](#).

Compliance refers to monitoring and assessing whether or not a Service Provider has complied with the obligations that are imposed by the Applicable Regulatory Framework ("ARF"). Compliance assessment by the CRA can lead to a recommendation that the CRA exercise its legal powers or commence proceedings in court against an operator who is not complying (which is 'enforcement').

Compliance includes monitoring whether or not the Service Providers are carrying out their obligations. It includes informal engagement to address any failure to comply.

Enforcement includes the legal actions that the CRA might take in case of non-compliance, like imposing a fine.

¹ The term Service Providers is used generically in the Compliance Framework and includes the Licensed Service Providers (Ooredoo, Vodafone Qatar, Qnbn, etc.) and the other parties who are subject to the CRA's regulatory framework such as real estate developers.

Compliance also refers to monitoring and assessing whether or not the CRA has complied with its own legal duties under the ARF and its statutory objectives.²

This Compliance Policy, and the Compliance Framework in general, do **not** cover the following subjects:

- Enforcement procedures following from a finding of non-compliance (e.g., to impose a penalty on a Service Provider). The Compliance Framework describes how a case of non-compliance may be passed from the compliance procedures to the enforcement procedures.
- Handling disputes between Service Providers. For this subject, please refer to the CRA process 'Managing dispute between Service Providers' under the Legal Unit.

1.2 Importance of compliance monitoring

The mission of the CRA is:

- To enable the development of a digital society and the postal sector for the social and economic benefit of Qatar, through a forward looking, transparent and consistent regulatory framework.
- To foster sustainable competition to promote a fair market place and improve customer experience through the ubiquitous availability of smart, innovative and high-quality services.
- To continue building our institutional capabilities through investing in and developing our staff, expertise and resources.

To achieve this mission, it is essential that Service Providers comply with the ARF and that CRA monitor compliance with the ARF by the Service Providers and by itself. In this role, the CRA engages with Service Providers and seeks to resolve issues of possible non-compliance and restore fair market conditions. Where the CRA determines that a Service Provider is not complying with the ARF, it can lead to serious consequences.

1.3 Legal basis

Service Providers must comply with the ARF. This is clearly stipulated in Article (3) of the Executive By-Law for the Telecommunications Law ("**Executive By-Law**") as follows: *"Licensees and Service Providers shall comply with the Law, this By-Law, the terms and conditions of their respective Licenses, and all regulations, decisions, orders, rules, and notices issued thereunder."*

In addition, it is a condition of each license that the licensee must comply with the ARF.

² These objectives are contained in Article (2) of the Telecommunications Law No. (34) of 2006 and Article (4) of the Emiri Decision (42) of 2014.

The CRA has the power and duty to ensure that Service Providers comply with the ARF. This is stipulated in various provisions in the legislative framework³, including but not limited to the following provisions:

- *“Monitoring the compliance of the licensees with the terms of the Licenses and Authorizations issued to them.”* – Telecommunications Law, Article (4.2) on “The Authorities and Powers of the CRA”.
- *“Ensuring the provisions of this Law and its Executive By-Law, regulations and decisions issued pursuant to it, are complied with.”* – Telecommunications Law, Article (4.11) on “The Authorities and Powers of the CRA”.
- *“The CRA may also monitor the compliance of the licensees as per the terms of their Licenses and the General Secretariat shall execute such monitoring work.”* – Telecommunications Law, Article (11) on “License Terms and Compliance”.
- *“The CRA may monitor the use of radio frequency and detect the use of unlicensed radio frequency and verify the compliance by licensees with license conditions.”* – Telecommunications Law, Article (16) on “Obligations of Licensees for the Use of Radio Spectrum”.
- *“The CRA shall take measures, actions and decisions, as it deems appropriate, to ensure that Licensees and Service Providers comply with the provisions of the Law, this By-Law and the provisions of the Licenses, or to remedy their breaches.”* – Executive By-Law, Article (6).
- *“The CRA shall establish the terms and conditions of all Licenses and shall monitor compliance by Licensees with the terms and conditions of their Licenses, and the CRA may take any measures and procedures in this regard.”* – Executive By-Law, Article (31).
- *“Establish conditions and criteria for granting licenses and approvals to communications and information technology services, postal services, access to digital media and use of frequencies; issue licenses and approvals in this regard, and check compliance with the conditions set thereof.”* – Emiri Decision, Article (4.9) on the powers of the CRA.
- *“Monitor compliance with the regulatory frameworks and take necessary actions toward licensees to ensure compliance therewith.”* – Emiri Decision, Article (4.14) on the powers of the CRA.

In exercising its compliance monitoring power and to determine whether Service Providers are complying with their obligations, the CRA has specific powers, including but not limited to:

- The CRA can require any person (including Service Providers) to provide any information that is necessary for the exercise of its powers⁴.

³ The legislative framework includes: The Telecommunications Law No. (34) of 2006 as amended by the Law n. 17 of 2017 (“**Telecommunications Law**”); Decision No. (1) of 2009 on the promulgation of the Executive By-Law for the Telecommunications Law (“**Executive By-Law**”); and The Emiri Decision No. (42) of 2014 on establishing the CRA (“**Emiri Decision**”).

⁴ Article 62 of the Telecommunications Law; Article 127 of the Executive By-Law.

- The CRA has the power to enter the premises of the Service Providers and have access to their records and documents and inspect their equipment and telecommunications systems to prove offences committed in violation of the Telecommunications Law⁵.

1.4 CRA's compliance monitoring objectives

The CRA's Compliance Framework is driven by the following objectives:

1. Ensure compliance of all Services Providers and other stakeholders with the ARF.
2. Ensure compliance of CRA with its own obligations.
3. Take appropriate, reasonable, proportionate and timely actions to resolve cases of non-compliance.
4. Ensure consistency and transparency in the implementation of the ARF including constructive engagement with stakeholders in a timely manner to discuss and resolve cases of non-compliance.
5. Identify cases of non-compliance and refer them to the relevant parties for enforcement actions.

1.5 Assumptions

The Compliance Framework has been developed under the following assumptions and factors:

1. The Compliance Framework should be simple, straightforward, and easy to implement.
2. The compliance processes and procedures are for the standard cases. Special cases may require a deviation from the standard processes.
3. In order to optimize the time and efforts of CRA staff, the Compliance Framework should require minimal periodic reporting from CRA's Departments/Units.
4. CRA staff are aware of their roles and responsibilities.
5. Service Providers know their obligations.
6. Current staffing in CRA.
7. The Compliance Framework will be updated from time to time to reflect the experience gained during its implementation.

⁵ Article 63 of the Telecommunications Law. To use this power, the employees of the CRA must be vested with this power by the Attorney General.

2 CRA's Compliance Monitoring Policies

All CRA staff must carry out their work under the Compliance Framework in accordance with the following policies/principles. These policies are intended to guide the CRA staff in their actions, especially in situations where standard approaches do not apply.

2.1 Effectiveness: securing the desired outcome

Effectiveness is about whether the CRA is achieving its objectives through the regulatory compliance actions taken. It is a target to ensure maximum impact of the regulatory framework.

Effective compliance action means that:

- all work is carried out to a high standard of care and professionalism;
- non-compliance cases are addressed and not left unresolved; and
- actions are assessed in terms of the likely impact (including unintended consequences) before deciding what to do.

Action is **effective** when the CRA achieves its relevant objective (most often, compliance with the ARF).

Being effective also requires being aware of the bigger picture (including the CRA's mission and objectives). Each step undertaken should build towards one or more defined CRA objectives. CRA staff shall ask themselves how their actions will support the CRA's overall mission and objectives.

Where work is failing to produce the required results, being effective demands that action is taken to fix that problem.

2.2 Efficiency: using our resources well

Efficiency (often measurable) is the ability to avoid wasting resources (i.e., efforts, money and time) in producing a desired (effective) result or output. Efficiency relates to the process to reach the effective solution.

Efficient compliance action means that:

- all work is done with due care to use resources well, without wasting time or efforts unnecessarily; and
- non-compliance cases move forward promptly.

Action is **efficient** when the CRA acts promptly and without wasting resources, including time or money.

Efficiency demands that each report is produced on time, each case assessment is advanced as quickly as it reasonably can be, and each process is managed properly.

Another aspect of efficiency is efficient use of the CRA's capacity by prioritizing those non-compliance cases that will make the greatest difference to the CRA's mission and to consumers in Qatar.

2.3 Proportionality: doing what is needed, not more

Proportionality means taking the least intrusive step that is necessary to achieve the CRA's objective. An example of a disproportionate action would be proceeding to issue a detailed provisional finding if it is clear that the Service Provider would be prepared to fix a compliance issue equally effectively through informal engagement. Another example of disproportionate action could be requiring a Service Provider to provide 10 years' financial records when a single years' information would give the CRA what it needed.

Action is **proportionate** when the CRA's actions impose no more burden than is needed to achieve a defined objective.

Each case of non-compliance is different and, therefore, what is proportionate will depend on the specific facts of the case. When deciding what action is proportionate in response to non-compliance, the CRA may take into account the following (not an exhaustive list):

- the extent of any harmful effects of the Service Provider's conduct;
- the nature of that harm (direct or indirect) and the parties affected (who and how many);
- whether the issue or problem is ongoing or creating problems that are at risk of becoming more serious; and
- any national policy priorities (for example, national security, safety, emergency, or resilience).

2.4 Transparency: being open and giving reasons

The CRA must operate in an open and transparent way, building confidence in the regulatory regime and its independence. The CRA must be able to show how decisions are made to Service Providers and the public.

Action is **transparent** when those affected by a decision know what has been done, and the reasons for it.

It follows that the CRA must keep appropriate records of all provisional or final decisions taken, the evidence it relies on in reaching a view and the reasons for its decision. Every step within the Compliance Framework must be documented as far as it is efficiently possible.

In gathering information, the CRA may use formal methods (such as information requests) and may also consider other evidence, such as consumer complaints, press reports, and other publicly available information.

2.5 Fairness: acting justly and with an open mind

Consistent with the CRA's legal obligations, it is important to treat all Service Providers fairly with respect to compliance.

Action is **fair** when it is justified and treats all parties in an even-handed way.

Fairness does not mean equivalence or taking exactly the same action in relation to each Service Provider, but it means giving just treatment to each case, treating each on their merits. It also means not discriminating in favor or against any Service Provider without due justification.

This includes procedural fairness, so that the CRA follows the processes and procedures set out in the Compliance Framework which guarantee Service Provider's rights:

- to know the case against them and the evidence used to support it;
- to have reasonable time to respond against the alleged grounds of non-compliance; and
- to have their response fully considered by the CRA.

A key part of fairness is not pre-judging the outcome of a case of non-compliance. When the CRA gives a Service Provider a chance to respond to a finding against them, the CRA must consider their response with an open mind, and test their arguments against the evidence.

2.6 Consistency: adhering to the same principles

The CRA must apply the same principles and standards in dealing with the compliance cases of all Service Providers.

Action is **consistent** when it constantly adheres to the same principles in all non-compliance cases and with all Service Providers.

Consistency requires CRA staff to take the same actions when the non-compliance cases of two Service Providers are exactly the same. For example, if a Notice of Non-Compliance was issued to a non-compliant Service Provider or a particular enforcement action was taken against it, then the CRA must issue a Notice of Non-Compliance to another non-compliant Service Provider or take the same enforcement action against it if the non-compliance cases and their circumstances are exactly the same.

2.7 Accountability: compliance by the CRA

The CRA is accountable for its compliance with its duties to consumers, the Qatari government, other stakeholders, and to Service Providers. The CRA will ensure that it complies fully with each of its own obligations. The CRA will adopt best practice in relation to compliance management and maintain a database of all relevant obligations.

Action is **accountable** when roles and responsibilities are clear, and when the CRA ensures that it complies with all of its obligations to consumers, the wider Qatari economy and the sectors it regulates.

Accountability is also embedded in the Compliance Framework. Under the Compliance Framework, the roles and responsibilities of the different Departments and Units are set out clearly, and it is expected that all the required actions will be completed. The relevant Departments/Units and their staff are accountable for doing the work, and the heads of Departments/Units are accountable for ensuring that the work required by them is undertaken to the required standards of speed and quality.

3 Compliance Governance Model – Parties and Roles

3.1 Introduction – Governance model

The below diagram illustrates the governance model of the Compliance Framework. It shows the parties involved and their key roles.

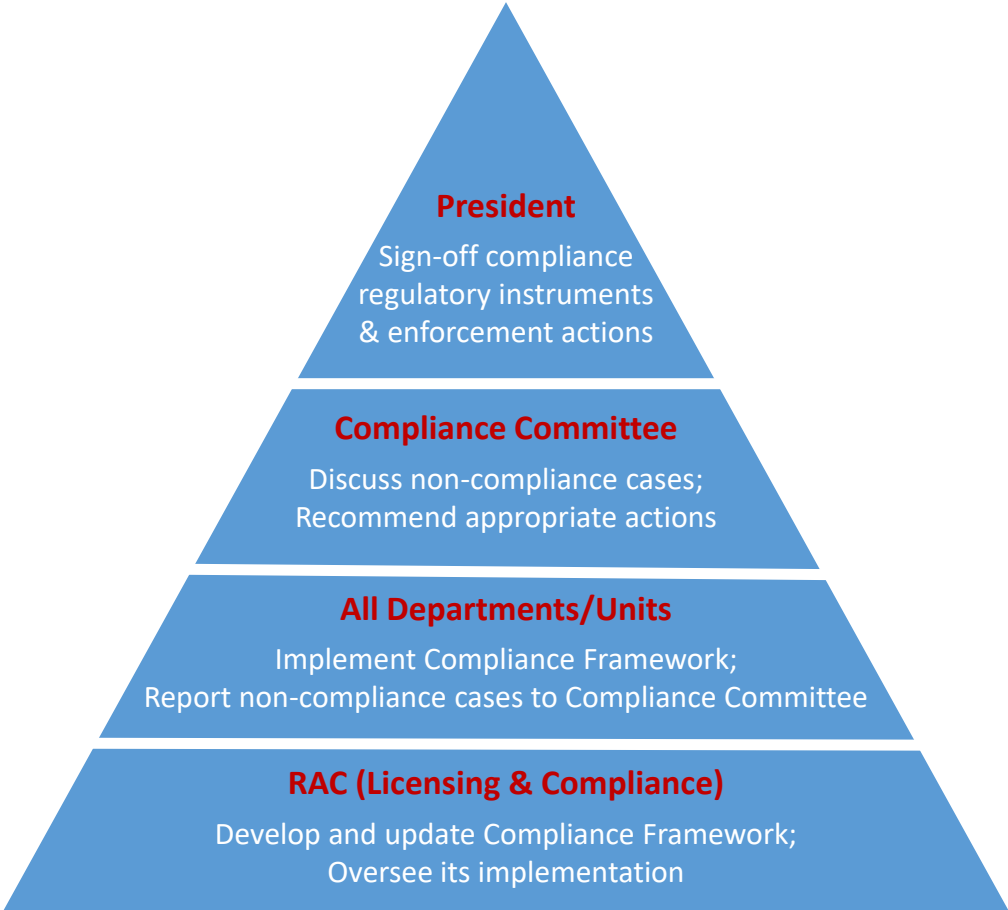


Figure 1: Compliance governance model

3.2 Roles and responsibilities for monitoring compliance

The sections below set out the detailed roles and responsibilities of the various parties involved in the compliance monitoring.

3.2.1 All CRA’s Departments and Units

All CRA staff have a role to play in the implementation of the Compliance Framework. All CRA’s Departments and Units have specific responsibilities for monitoring compliance in relation to matters that fall within their respective area of expertise.

Each obligation that is tracked as part of the Compliance Framework is allocated to one of these Departments/Units, based on the nature of the obligation.

Key responsibilities of each Department/Unit include:

- Review and approve the List of Regulatory Instruments (“**LRI**”).
- Review and approve the List of Regulatory Obligations of the Service Providers (“**SPO**”).
- Review and approve the List of Regulatory Obligations of the CRA (“**CRAO**”).
- Monitor compliance with all the obligations that are assigned to it in the SPO and CRAO.
- Follow the standard processes (refer to Section 4 of this document) for:
 - a) Service Provider Obligation Monitoring and Investigation (“**SPOMI**”);
 - b) Manage Service Provider Non-Compliance (“**MSPNC**”); and
 - c) CRA Obligation Monitoring (“**CRAOM**”).
- Engage with the Service Providers to discuss the non-compliance matters that fall within the responsibility of the Department/Unit;
- Prepare the required compliance reports (refer to Section 5 below);
- Support the Compliance Committee.

LRI refers to the list of all applicable regulatory instruments (documents).

SPO refers to the database of all Service Providers obligations. This is the master list against which compliance by SPs must be checked.

CRAO refers to the database of all CRA obligations. It will be used to ensure that the CRA is fulfilling its own duties.

It is worth noting, in particular, that the Legal Affairs Unit has responsibility to monitor compliance with the general provisions in the Telecommunications Law and its Executive By-law and other relevant laws and legislative documents, as well as monitoring compliance with its own regulatory instruments. It is also responsible for providing legal advice to other Departments/Units on compliance matters as and when required. The specialist role of the Legal Affairs Unit is also recognized through its participation in the Compliance Committee.

For the avoidance of doubt, the Departments and Units are **not** responsible for:

- Preparing and maintaining the LRI, SPO and CRAO. These lists are prepared by the RAC as Compliance Coordinator.
- Referring non-compliance cases to the LU for enforcement actions (this is done by, and through, the Compliance Committee).

3.2.2 RAC – Licensing and Compliance Section

In addition to its role in the monitoring of compliance within the areas of its responsibilities like all the other Departments and Units, the RAC has an additional role to act as the Compliance Coordinator. In this regard, the RAC (Licensing and Compliance Section) will:

- Develop the Compliance Framework for CRA;
- Oversee the proper implementation of the Compliance Framework in CRA;

- Review and update the Compliance Framework as and when required, taking into consideration the comments and feedback for all Departments/Units;
- Assist other Departments/Units in the implementation of the Compliance Framework and provide guidance and advice (as and when needed);
- Prepare and update the LRI, SPO and CRAO for review by other Departments/Units; and
- Produce the Compliance Framework management dash-board, using information provided by the Departments/Units. This is a tool for monitoring activities under the Compliance Framework and to provide information for internal CRA governance purposes.

As Compliance Coordinator, RAC is **not** responsible for:

- Doing tasks that are the responsibility of other Departments/Units (e.g., monitoring compliance in areas that are within the scope of other Departments/Units); or
- Engaging with Service Providers directly regarding non-compliance cases that fall outside the remit of RAC.

These activities fall under the responsibility of the relevant Department or Unit.

3.2.3 Compliance Committee

The Compliance Committee is the main governance body for the Compliance Framework. It will be established by a decision of the President of the CRA.

The key roles of the Compliance Committee include:

- Ensure that there is fair and consistent treatment of non-compliance cases between different Departments/Units;
- Review the Non-Compliance Reports (NCR) from the concerned departments and decide on the appropriate actions. The Committee is under no obligation to follow the recommended actions that are set out in the NCR;
- Provide guidance on key non-compliance cases;
- Review the Annual Compliance Reports produced by the Departments/Units and provide comments/feedback to the concerned departments as needed; and
- As and when required, make recommendations to the President of the CRA with respect to a final decision and further action in relation to cases of non-compliance.

The Compliance Committee will meet quarterly or *ad hoc* where the Chairman and the majority of the members determine it would be useful to do so. Outside the meetings, the committee may take decisions via email (subject to the agreement of the members to take decisions in this manner).

The Compliance Committee is expected to set out its terms of reference as soon as it is established.

3.2.4 The President of the CRA

The responsibilities of the President of the CRA, in relation to the Compliance Framework, include (but not limited to):

1. Sign-off the compliance regulatory instruments (e.g., Notice of Non-Compliance, Notice of Warning); and
2. Sign-off the enforcement actions recommended by the Compliance Committee.

4 Compliance Processes

4.1 High-level process

The following chart illustrates at a high level how the key elements of the Compliance Framework hang together.

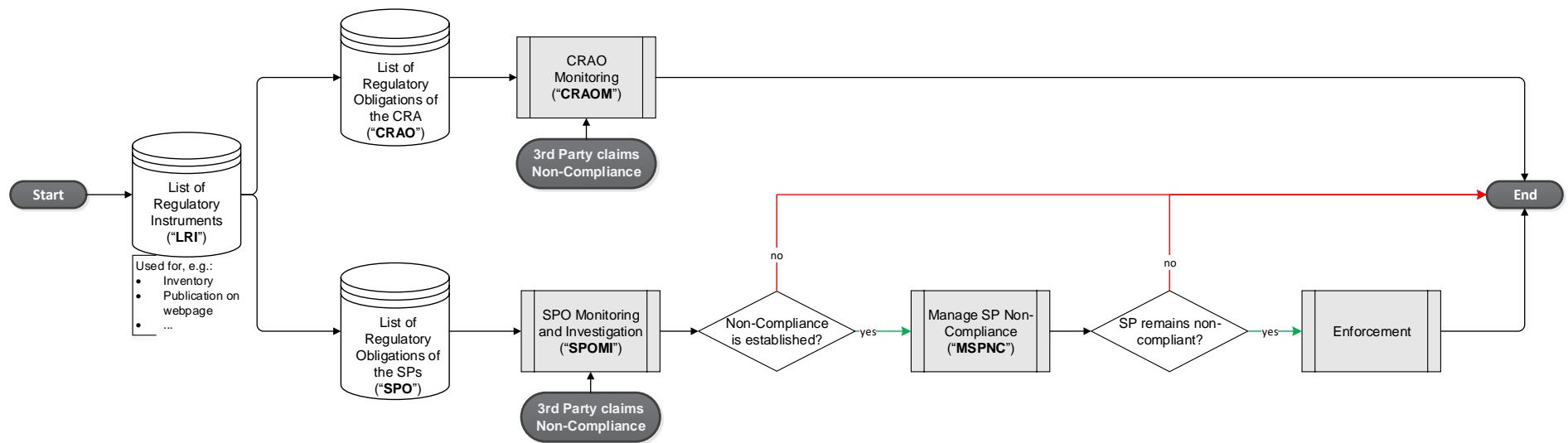


Figure 2: High-level compliance monitoring process

The first step of the Compliance Framework is to identify the obligations of the Service Providers as well as the CRA's own obligations. In this regard, the RAC – as Compliance Coordinator – has prepared the following lists:

1. The List of Regulatory Instruments (LRI): This is an “exhaustive” list and database of all the applicable Regulatory Instruments (i.e., regulatory documents in the broad sense) along with a database of all these documents (“**RI Database**”). This list includes all the applicable/effective (in force) regulatory documents since the establishment of ictQATAR in 2004.
2. The List of Regulatory Obligations of the Service Providers (SPO): This is an exhaustive list of the obligations of all Service Providers. **This is the master list against which compliance by Service Providers must be checked.**
3. The List of Regulatory Obligations of the CRA (CRAO): This is an exhaustive list of CRA obligations. It will be used to track and ensure accountability for each of the CRA's responsibilities and to ensure that the CRA is fulfilling its own duties.

RAC will maintain these lists and keep them up-to-date at all times, and they must be reviewed and approved by the relevant Departments and Units.

All CRA staff will have access to these lists and the RI Database in the folder “Compliance Framework” in the common share drive \\10.2.56.35\regpolicies_public.

4.2 Detailed processes

There are three standard processes under the Compliance Framework:

1. **Service Provider Obligation Monitoring and Investigation (SPOMI):**
This process shows step-by-step the actions that must be taken on a regular basis from the time the concerned Department/Unit identifies, suspects or receives a case of non-compliance by a Service Provider until the time when the case is either resolved (amicably) within a reasonable deadline or referred to the Compliance Committee for further actions (i.e., the next process).
2. **Manage Service Provider Non-Compliance (MSPNC):**
This process shows step-by-step the actions that must be taken from the time a non-compliance case is referred to the Compliance Committee until either
 - (a) the case is resolved following the issuance of a Notice of Warning or a Notice of Non-Compliance to the Service Provider, or
 - (b) the case is not resolved (i.e., the Service Provider has refused to comply) and it is referred to LU for enforcement actions.
3. **CRA Obligation Monitoring (CRAOM):**
This process is about the monitoring of the CRA's own obligations. It shows the steps that must be followed by the concerned Department/Unit from the time a case of non-compliance is identified (or reported) until the time it is resolved.

These processes cover the standard cases. Special cases may need a deviation from the standard processes or a different approach, depending on the circumstances.

The flow charts of these three processes are shown in Annex II.

The descriptions of these processes are set out in the manuals “Standard Operating Procedures”.

5 Reporting

It is essential to have clear and effective reporting on work done under the Compliance Framework and the ongoing non-compliance cases. This enables the CRA to track the overall performance of the regulatory regime and facilitate coordination between Departments/Units to achieve CRA's objectives.

All Compliance matters must be reported to the Compliance Committee by the heads of Departments/Units. This enables the committee to remain informed about the status of the non-compliance cases, recommend actions, and provide guidance to the concerned Departments/Units on the appropriate actions that should be taken.

There are two types of reporting:

1. Regular reporting through the Annual Compliance Report; and
2. Ad hoc reporting through
 - a) the Non-Compliance Report (NCR);
 - b) the continuous update of the Compliance Log; and
 - c) other ad hoc reporting manners (in case of urgency) that may include emails to the Compliance Committee or request for a meeting of the committee to discuss urgent or critical non-compliance matters.

5.1 Compliance Log

The Compliance Log is an Excel sheet that records the non-compliance cases and the progress and key events and actions made to handle them. Each Department/Unit is responsible for updating the log as soon as:

1. a case of non-compliance is identified;
2. any event or action is taken in this regard; or
3. the case is resolved.

The Compliance Log consists of two sheets/logs:

1. Compliance Log for Service Providers' non-compliance; and
2. Compliance Log for CRA's non-compliance.

The Compliance Log is a practical mean for all CRA managers and staff to be informed about the ongoing non-compliance cases, their status and progress toward resolving them. This will enable the concerned staff to learn about the past and ongoing non-compliance cases and benefit from the actions taken in each case to resolve it.

The Compliance Log is available to all CRA in the folder "Compliance Framework" in the common share drive \\10.2.56.35\regpolicies_public. A copy of the log is annexed to this document (Annex III).

5.2 Non-Compliance Report

This Non-Compliance Report (“**NCR**”) is prepared by the concerned Department/Unit in the following cases (please refer to the compliance processes in Annex II):

1. First Non-Compliance Report (**NCR1**): When a case of non-compliance is established/confirmed and the Service Provider has not complied after receiving an official letter from the CRA; or
2. Second Non-Compliance Report (**NCR2**): Following the issuance of a Notice of Warning or a Notice of Non-Compliance by the CRA, the Service Provider has still not complied with the provisions/instructions set out in the Notice.

The NCR must be submitted by the Head of Department/Unit to the Compliance Committee. The Committee will review the NCR and decide on the appropriate actions.

The template of the NCR is available to all CRA in the folder “Compliance Framework” in the common share drive \\10.2.56.35\regpolicies_public. A copy of this template is annexed to this document (Annex III).

5.3 Annual Compliance Report

Each Department/Unit must prepare its Annual Compliance Report (“**ACR**”) and submit it to the Licensing and Compliance Section by 21st January of each year covering the previous calendar year.

The ACR is a summary of all the non-compliance cases identified and handled by the Department/Unit including their impacts on CRA and the sector, any regulatory instruments issued to resolve them, current status/next steps, and the estimated man-days spent on compliance matters during the year. The ACR is also an opportunity for all Departments/Units to make recommendations for consideration by the CRA Management, the Compliance Committee and the Licensing and Compliance Section regarding any relevant matters such as enhancement of the Compliance Framework or amendment of regulatory instruments.

The Licensing and Compliance Section consolidates all the ACRs of the Departments/Units and submits the consolidated Annual Compliance Report to CRA Management and the Compliance Committee. The committee reviews the consolidated ACR and provides (when necessary) its comments and guidance on areas of improvements to the concerned heads of Departments/Units.

The purpose of the ACR is to draw together all of the relevant information in a single document that provides a clear understanding of:

- **Levels of compliance by the Service Providers.** The ACR provides a high-level view of where problems might be occurring;
- **Levels of compliance by CRA.** The ACR provides a high-level view of where problems might be occurring; and

- **Levels of activity by CRA Departments and Units working on compliance.** The ACR consolidates quantitative information about compliance work by each Department/Unit, providing a clear picture as to the overall level of resources consumed on the compliance activities, as well as the rate at which non-compliance cases are being resolved.

In addition, RAC will use the ACR to monitor the proper implementation of the Compliance Framework and seek to improve it and maximize its impact.

The Annual Compliance Report will also enable RAC, the Compliance Committee and all CRA Management to consider strategic questions such as:

- How the CRA approach to regulation might be adapted to solve repeated non-compliance?
- Is it possible to identify underlying causes of non-compliance (for example, are some rules simply not working as intended?) and consider how to address them?
- How well is the Compliance Framework working in achieving the CRA's objectives?

The content of the ACR can also be used as inputs to the Annual Report of the CRA and other reports.

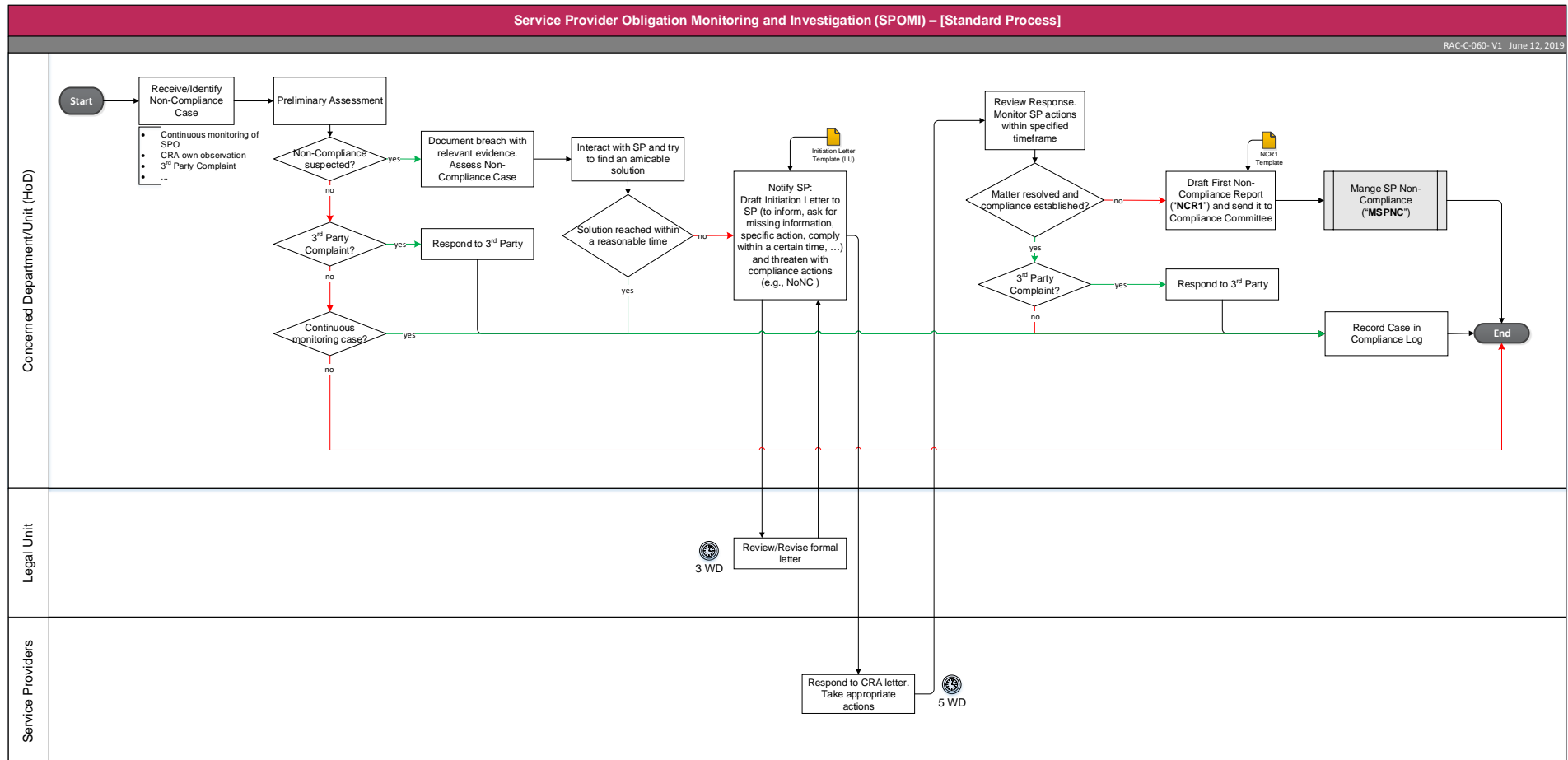
The template of the ACR is available to all CRA in the folder "Compliance Framework" in the common share drive \\10.2.56.35\regpolicies_public. A copy of this template is annexed to this document (Annex III).

Annex I Glossary

Term	Meaning
ACR	Annual Compliance Report
ARF	Applicable Regulatory Framework
Compliance Coordinator	The compliance role of RAC
CRA	Communications Regulatory Authority
CRAO	CRA Obligations. The List of Regulatory Obligations of the CRA
CRAOM	CRA Obligation Monitoring
Departments/Units	The administrative departments and units of the CRA
Emiri Decision	The Emiri Decree No. (42) of 2014 on establishing the CRA
Executive By-Law	Decision No. (1) of 2009 on the promulgation of the Executive By-Law for the Telecommunications Law
LRI	List of Regulatory Instruments (documents)
MSPNC	Manage Service Provider Non-Compliance
NCR	Non-Compliance Report
RAC	Regulation Affairs and Competition Department
RI Database	The database of all regulatory instruments / documents
SPO	Service Provider Obligations. The List of Regulatory Obligations of the Service Providers.
SPOMI	Service Provider Obligation Monitoring and Investigation
Telecommunications Law	The Telecommunications Law No. (34) of 2006 as amended by the Law n. 17 of 2017

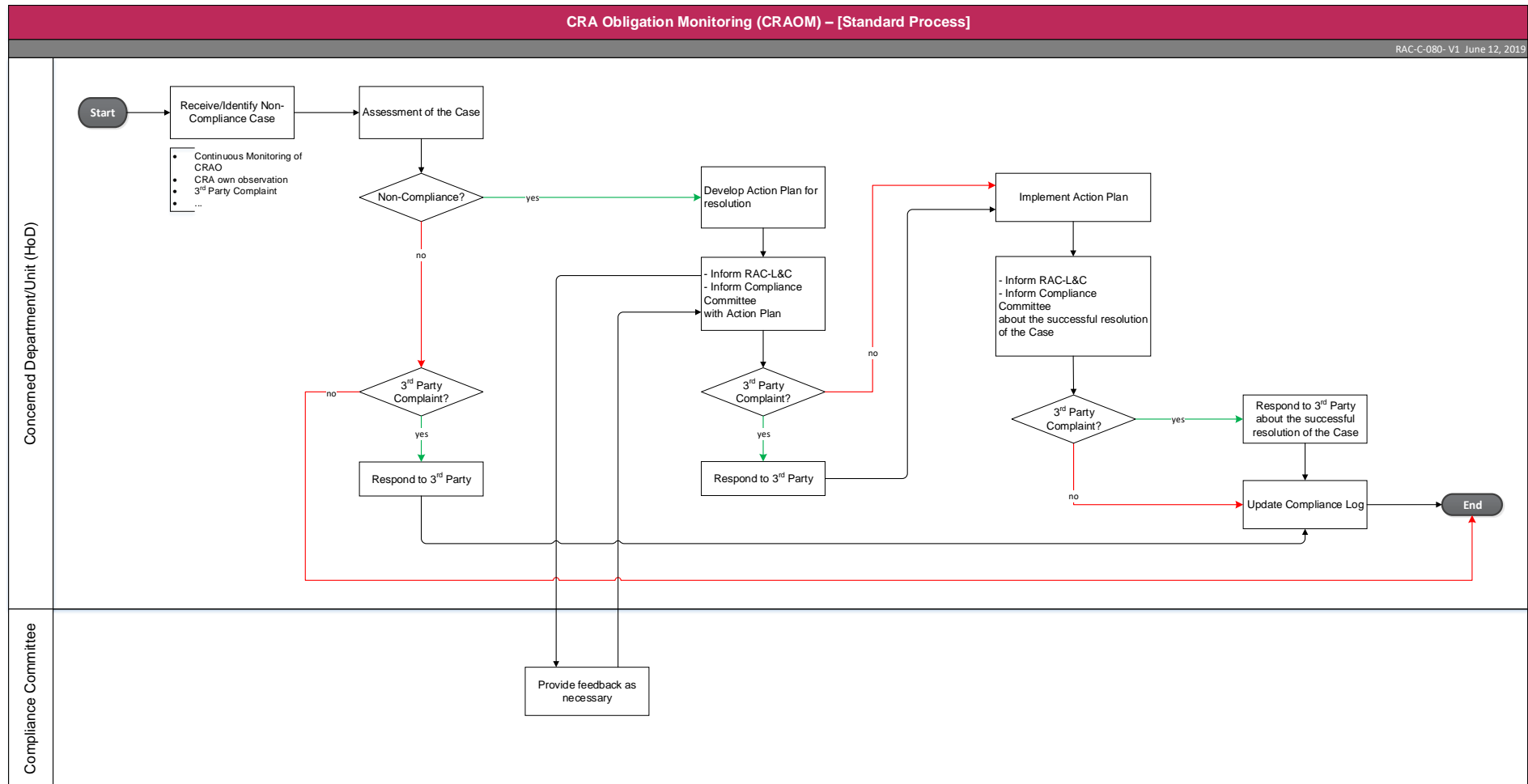
Annex II Compliance Processes

1- Service Provider Obligation Monitoring and Investigation (SPOMI)



Note: All key events and actions must be recorded in the Compliance Log by the concerned Department/Unit

3- CRA Obligation Monitoring (CRAOM)



Note: All key events and actions must be recorded in the Compliance Log by the concerned Department/Unit

Annex III Reporting Templates

Please refer to the following enclosed separate documents:

1. Template – Compliance Log.
2. Template – First Non-Compliance Report (NCR1).
3. Template – Second Non-Compliance Report (NCR2).
4. Template – Annual Compliance Report (ACR).

June 12, 2019

First Non-Compliance Report (NCR1) (Template)

Report to be submitted by the head of Department/Unit to the Compliance Committee about a case of non-compliance.
Please refer to the compliance processes.

Prepared by: [Insert name of Department/Unit]

Name: [Insert name of the head of Department/Unit]

Signature:

Date: [Insert date]

Note: A scanned copy of this signed report (including all supporting documentations) must be sent as one PDF file to the Compliance Committee.

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1 Summary of the Non-Compliance Case and Recommendations

[Please fill in the right column and feel free to add other rows/information as necessary. Please be concise and comprehensive]

1	Name of Service Provider	
2	Name of License and date of grant	
3	Obligation that was not complied with. Include the exact provisions from the relevant Regulatory Instrument(s)	
4	Clear description of the case of non-compliance	
5	How the case was identified/suspected (e.g., continuous monitoring, 3 rd party complaint, etc.)	
6	How many times this non-compliance was repeated by this SP. Give the date and summary of each time	
7	Summary of investigation and key events / actions taken	
8	Summary of the current status	
9	Underlying causes of the non-compliance	
10	Impacts of the non-compliance on the sector (including other SPs)	
11	Impacts of the non-compliance on CRA	
12	Recommendations to the Compliance Committee on the next steps (e.g., Notice of Warning, Notice of Non-Compliance, etc.). Include the specific actions that the Service Provider must take and the related timeframes.	

2 Supporting Documentations

*[Please enclose in this Section (or as annexes) copies of the **relevant and key** letters, emails, and other supporting documentations / evidence. Provide the list of the documentations/annexes and actual copies]*

June 12, 2019

Second Non-Compliance Report (NCR2) (Template)

Report to be submitted by the head of Department/Unit to the Compliance Committee about a case of non-compliance. Please refer to the compliance processes.

Prepared by: [Insert name of Department/Unit]

Name: [Insert name of the head of Department/Unit]

Signature:

Date: [Insert date]

Note: A scanned copy of this signed report (including all supporting documentations) must be sent as one PDF file to the Compliance Committee.

Table of Contents

1	Summary of the Non-Compliance Case and Recommendations	3
2	Supporting Documentations	4

1 Summary of the Non-Compliance Case and Recommendations

[Please fill in the right column and feel free to add other rows/information as necessary. Please be concise and comprehensive]

1	Name of Service Provider	
2	Name of License and date of grant	
3	Obligation that was not complied with. Include the exact provisions from the relevant Regulatory Instrument(s)	
4	Clear description of the case of non-compliance	
5	Date of the Notice of Warning and/or Notice of Non-Compliance. Attach a copy	
6	Summary of key events / actions taken after the issuance of the Notice of Warning and/or Notice of Non-Compliance	
7	Summary of the current status	
8	Recommendations to the Compliance Committee on the next steps (e.g., specific enforcement actions)	

2 Supporting Documentations

*[Please enclose in this Section (or as annexes) copies of the **relevant and key** letters, emails, and other supporting documentations / evidence. Provide the list of the documentations/annexes and actual copies]*

June 12, 2019

Annual Compliance Report (ACR) (Template)

Report to be submitted by the head of Department/Unit to the Licensing and Compliance Section by 21st January of each year for the previous calendar year.

Prepared by: [Insert name of Department/Unit]

Name: [Insert name of the head of Department/Unit]

Signature:

Date: [Insert date]

Note: A scanned copy of this signed report and the original MS Word version must be emailed to the Licensing and Compliance Section.

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1 Part 1: Service Providers' Non-Compliance

1.1 Summary of Service Providers' Non-Compliance Cases

[Please list in the table below all the non-compliance cases that your Department/Unit handled during last year. In the second column describe in a concise manner the case of non-compliance. In the last column, if the case has been resolved, explain how and when; otherwise write "ongoing"]

	Non-compliance case	SP	Current status
1			
2			
3			

1.2 Details of Service Providers' Non-Compliance Cases

[Please fill in the following table for each case of non-compliance that your Department/Unit handled during the previous year. Please be concise and comprehensive]

Case 1

1	Name of Service Provider	
2	Name of License and date of grant	
3	Obligation that was not complied with. Include the exact provisions from the relevant Regulatory Instrument(s)	
4	Clear description of the case of non-compliance	
5	How the case was identified/suspected (e.g., continuous monitoring, 3 rd party complaint, etc.)	
6	How many times this non-compliance was repeated by this SP. Give the date and summary of each time	
7	Has a Notice of Warning been issued? If yes, specify the date	
8	Has a non-compliance notice been issued? If yes, specify the date	

9	Has the case been resolved? If no, explain why, the current status and the next steps	
10	Underlying causes of the non-compliance	
11	What were (are) the impacts of the non-compliance on CRA	
12	What were (are) the impacts of the non-compliance on the sector (including other SPs)	
13	Does this obligation need to be modified or removed? If yes, please explain and justify your answer	
14	When was the case of non-compliance identified?	
15	When was the case of non-compliance resolved? If not yet resolved, write "ongoing"	
16	Number of staff in your Department/Unit who were involved in handling this case	
17	Estimated total time spent on handling this case (number of man-days)	

Case 2

...

2 Part 2: CRA’s Non-Compliance

2.1 Summary of CRA Non-Compliance Cases

[Please list in the table below all the CRA non-compliance cases that your Department/Unit encountered during last year. In the second column describe in a concise manner the case of non-compliance. In the last column, if the case has been resolved, explain how and when; otherwise write “ongoing”]

	Non-compliance case	Current status
1		
2		
3		

2.2 Details of CRA Non-Compliance Cases

[Please fill in the following table for each case of CRA non-compliance that your Department/Unit encountered during the previous year. Please be concise and comprehensive]

Case 1

1	CRA obligation that was not complied with. Include the exact provisions from the relevant Regulatory Instrument(s)	
2	Clear description of the case of non-compliance	
3	Impacted parties	
4	How the case was identified/suspected (e.g., self-monitoring, 3 rd party complaint, etc.)	
5	Has the case been resolved? If no, explain why, the current status and the next steps	
6	Underlying causes of the non-compliance	
7	What were (are) the impacts of the non-compliance on CRA	

8	What were (are) the impacts of the non-compliance on the sector	
9	Does this obligation need to be modified or removed? If yes, please explain and justify your answer	
10	When was the case of non-compliance identified?	
11	When was the case of non-compliance resolved? If not yet resolved, write "ongoing"	
12	Number of staff in your Department/Unit who were involved in handling this case	
13	Estimated total time spent on handling this case (number of man-days)	

Case 2

...

3 Recommendations

[Please provide here any relevant recommendations that you may like to share with the CRA Management, the Compliance Committee, and RAC regarding relevant matters such as enhancement of the Compliance Framework or amendment of regulatory instruments]

Ref: CRA/___/___/2019

Date: Month DD, 2019

TEMPLATE FOR INITIATION LETTER

Subject: Compliance with [obligation and naming the specific source of the obligation]

We refer to [state the document or provision in terms of the law/ instrument].

In terms of this provision [The SP] is required to [explain the action that is supposed to have been carried out by the service provider].

The CRA has been monitoring [explain how the obligation was monitored] and has observed that [explain the nature of the noncompliance].

This implies that [SP] is not [explain the nature of the noncompliance].

The CRA requires [explain what the SP is required to do to comply].

The SP [state the required timeframe within which the above action must be taken]

Further be advised that you are required to attend a meeting on the [date, time, venue] at which you are required to provide all relevant information with supporting evidence relating to the alleged noncompliance.

If the suggested date is not suitable, please provide an alternative date for such a meeting.

Please let us have your response by no later than [date] failing, which the CRA shall proceed with the noncompliance procedure established by the CRA.

Yours sincerely,

Head of Department

Communications Regulatory Authority

Copy to Legal dept

Notice Ref No: CRA/LU/___/___/2019

NOTICE OF NON – COMPLIANCE

ISSUED TO : [service provider]

DATE :

SUBJECT : Non-Compliance with [refer to details in initiation letter]

A. GROUNDS FOR NON – COMPLIANCE:

1. State precise obligation
2. Monitoring outcome
3. Investigation outcome

B. LEGAL PROVISIONS FOR MONITORING & ESTABLISHING NON-COMPLIANCE:

1. As the National Regulatory Authority for the communications sector, the Communications Regulatory Authority (“CRA”) is obliged under Article 11 of the Telecommunications Law enacted by Decree 34 of 2006 (“TL”) to monitor the compliance of licensees in accordance with their licenses, the TL and the Executive By-Law (“EBL”) issued in 2009.
2. The provisions of Article 4 (14) of the Emiri Decree Number (42) of 2014, specifically mandates the regulator to monitor compliance of a licensee with the regulatory frameworks and implement the necessary measures to ensure their compliance.

[Include the other provisions that are specifically and directly relevant to the breach]

C. ACTION REQUIRED TO RECTIFY/REMEDY NON-COMPLIANCE:

1. Specify precisely the remedy which the referring department requires the SP to take to remedy the breach.
2. Provide a defined timeframe with course of action to be carried out
3. Indicate how it will be monitored and assessed to decide if the SP has complied or not.

D. ENFORCEMENT PROVISIONS

1. Any failure to comply with or disregard of this Notice shall result in the following course of action:
 - a) The offence shall be punishable under the provisions of chapter sixteen (16) of the TL or;
 - b) Referred to the Financial Sanctions Committee (“FSC”) pursuant to Article 62 (bis) of the TL and Article 4 of Law No. 17 of 2017.

E. EFFECTIVE DATE THIS NOTICE:

The effective of this notice shall be the date of signature.

ISSUED BY: The Communications Regulatory Authority of the State of Qatar.

Dated and signed on this ----- day of (month) (year)
Mohammed Al Mannai

NB. Pre-Requisites for NCN:

- a) An investigation report must be submitted with the referral
- b) All supporting evidence must be attached , preferably in Arabic and English
- c) The referral must be sent with the above information to the “Enforcement mailbox”
- d) If these requirements are not satisfied the matter shall be returned to the Compliance department

Notice Ref No: CRA/LU/ /2019

NOTICE OF WARNING

ISSUED TO :

DATE :

SUBJECT :

A. REFERENCE TO CONTEXT OF WARNING:

1. [Based on facts presented]

B. NATURE OF INVESTIGATION :

[Based on facts of the issue]

[tabled as per the investigation report]

C. OUTCOME OF THE INVESTIGATION:

[As per the report]

D. REFERRAL & DECISION OF THE COMMITTEE:

[Based on the findings and decision of Committee]

ISSUED BY: The Communications Regulatory Authority of the State of Qatar

Dated and signed on this_____ of [month] 2019.

**Mohammed Al Mannai
President
Communications Regulatory Authority**

Notice Ref No: CRA/ /2019

NOTICE OF WITHDRAWAL OF NON-COMPLIANCE

ISSUED TO :

DATE :

SUBJECT :

A. REFERENCE TO NON-COMPLIANCE:

1. [Set out facts based on each individual case.]

B. REMEDIAL ACTION OR RECTIFICATION OF THE BREACH:

[The action is dependent again on the case and the requirements of each department's pre-requisites]

[To be itemized as informed by the department.]

C. CONDITIONS OF WITHDRAWAL

[as cited above]

ISSUED BY: The Communications Regulatory Authority of the State of Qatar

Dated and signed on this_____ of [month] 2019.

**Mohammed Ali Al Mannai
President of the Communications Regulatory Authority**