



**PUBLIC CONSULTATION ON:**

**Draft Regulation for the Execution of Services in  
Telecommunications Field**

**21 September 2021**

## **Legal Disclaimer**

This Consultation is not a binding legal document and also does not contain legal, commercial, financial, technical or other advice. The Telecommunications Regulatory Authority is not bound by it, nor does it necessarily set out the Authority's final or definitive position on particular matters.

# Part 1: General Information

## Request for comments

1. The Telecommunications Regulatory Authority (the “Authority”) invites all interested parties to submit written comments with regard to the issues addressed in the consultation document.
2. The Authority particularly welcomes comments and responses to the specific numbered questions set out in the “Draft Regulation for the Execution of Services in Telecommunications Field” supported by appropriate substantiation.
3. Due to the current case of Covid 19 and for the sake of safeguarding the visitors’ health, responses and feedbacks should be sent to the Authority by email (PDF format and MS Word format) to the attention of: [telecomlicense@tra.gov.om](mailto:telecomlicense@tra.gov.om) by 21<sup>st</sup> October 2021.
4. Responses should include:
  - a. The name of the company/institution/association etc.;
  - b. The name of the principal contact person;
  - c. Full contact details (physical address, telephone number and e-mail address);  
and

## **Part 2: The Consultation**

### **Preamble**

As the business trend over the last years for the provision of telecom services by licensee is to contract and outsource many of the projects and functions for other non-licensed companies, the Telecommunications Regulatory Authority (the “TRA” or “Authority”) decided that there must be a regulatory framework to govern the contracting with the telecom services licensees in the Sultanate of Oman and accordingly TRA prepared a draft Regulation that would like to consult the industry in this document.

As per the proposal, the licensees in the assignment of contracts to execute services in telecom field as described in the regulation, they will be obliged to contract only with companies or freelancers authorized by TRA. As well, it will not be allowed for companies or freelancers to contact with the licensees without an authorization from TRA. This new procedure will be used to ensure the following:

- 1- The authorized company in executing services on telecom field are complying with the Omanisation percentage (70%) determined by the Government and is paying efforts in hiring and training Omani cadres.
- 2- Ensuring that Omanis specialized in telecom and IT get decent opportunities to work in an appropriate and stimulating work environment.
- 3- The authorized company adhere the proper standards, specifications and requirements in executing the services.

## **Proposed Provisions:**

**Article (1):** In the application of the provisions of this Regulation, the terms and expressions used herein shall express the exact meaning exhibited in both Telecommunications Regulatory Act and its Executive Regulation, whereas the following terms and expressions shall have the meanings shown against each:

- 1- **Licensee:** A natural or legal person who obtains the license in accordance with the provisions of the Telecom Act, whether the license is issued by a Royal Decree, a decision by the Minister or a decision by the Authority.
- 2- **Authorized Entity:** every natural or legal person who is not a licensee as defined here and carries out services in telecommunications sector in the Sultanate, whether it is an individual (Freelancer) or a company registered in the Sultanate.
- 3- **Individual (Freelancer):** every natural Omani person who is self-employed and independent from an employer long-term or job contract at any entity.
- 4- **Professionals and Technical Employees:** All the employees of the Authorized Entity who are classified in the top three levels of occupations as per Ministry of Labor classification: Specialists, Technicians and Occupants.
- 5- **Services in the telecommunications field:** It includes the services provided by companies or individuals in the field of telecommunications, such as the supply, installation and maintenance of devices, systems, telecommunications networks, information technology, development work, programming and protection of systems, applications, databases, or management of telecommunications systems and networks, information technology and cloud service providers. Data centers, business development and marketing in the field of communications. It also includes field work for licensees' networks and office work for systems and networks, whether work is at the premises of the licensee or the authorized person.

**Article (2):** The licensee shall abide not to sign a contract with any company or corporation registered in Oman to carry out services in the telecommunications field unless it is authorized by Telecommunication Regulatory Authority. The licensee shall obtain TRA prior approval if the company/corporate is not registered

in Oman. Companies, corporations and individuals are not permitted to enter into contracts with the licensees to carry out services in the telecommunications field without a valid Authorization from the Authority.

**Article (3):** The authorized entity in accordance with this regulation is not permitted to enter into agreement with companies or corporations or individuals for the purpose of assigning a subcontractors tasks of the original contract concluded with the licensees unless this entity or person is authorized by the Authority.

The authorized entity shall consider the small and medium enterprises (SME) that obtained the Riyadh Entrepreneur Card when subcontracting the business, by allocating a percentage of not less than 10% of the total purchases and tenders.

**Article (4):** For the contract signed with licensees either directly or by subcontracting, the following tasks are limited to Omani workers:

- 1- Joining, and connecting works of copper or fiber optic cables and in the installation of the last mile connectivity of the licensed networks to houses and facilities.
- 2- Supervisory works on excavation and cables rollout and installation of telecom systems in exchanges and towers.
- 3- Installation works of telecom and IT networks and equipment at houses.
- 4- Dealing with beneficiaries 'subscriptions such as registering new subscribers or renewing, amending or canceling their existing subscription.

**Article (5):** The authorized entity shall provide the necessary training courses from accredited institutes by the Ministry of Labor for all workers to carry out their projects, as well as workers specialized in establishing or climbing towers shall hold accredited certificates in the Rules of Health and Safety.

**Article (6):** The authorized entity is obliged to issue identity badges to all his field workers while they are carrying out their tasks, in which the following details are shown at least:

- Employee Name
- The Project Executing Company
- Professional Specialization
- Employee Number

Special uniform to the workers shall be provided indicating the identity of the company executing the project. In addition, the used vehicles shall carry the logo and name of the company executing the project.

**Article (7):** The application shall be submitted on the form prepared for this purpose and enclosing the documents and details determined by TRA. The authorized shall be obligated to provide any information requested by the Authority within a reasonable period estimated by the Authority.

**Article (8):** Any person aggrieved by the rejection decision may submit a complaint to the Executive President within (60) sixty days from the notification date. The complaint shall be resolved within (30) thirty days from the date of its submission.

**Article (9):** The duration of the authorization is (5) five years renewable based on the applicant’s request.

**Article (10):** To obtain or renew the authorization for the companies registered in the Sultanate of Oman is to prove achieving Omanisation percentage not less than the percentage shown on the table below on the Professionals and Technical Employees:

Classification	Omanisation %
SMEs holding Riyada Entrepreneur Card from SMEs Development Authority “Riyada”	40% on Renewal
SMEs registered in SMEs Development Authority “Riyada”	50%
Other Companies	70%

**Article (11):** The authorization shall expire if the legal personality of authorized entity is dissolved, or entered the phase of liquidation or bankruptcy or any legal proceedings taken against or having a similar effect or waiver of property for the benefit of its creditors or for any other reason.

**Article (12):** In case of violation of these regulations, the Authority may apply the measures stipulated in Article 51 Repeat of the Telecom Act. In case of the violation is by the authorized entity, the Authority may apply any or all of the following measures according to the violation gravity:

- 1- Impose fines not exceeding (10,000) Ten Thousand Omani Rial per each breach. The fine shall be doubled if repeated.
- 2- Revoke the violation at the expense of the violator.
- 3- Suspend the permit for a period not more than 2 years.
- 4- Cancel the permit & shall not issue a new permit within 5 years.

In any case, TRA have the right to request a remedy plan and approve it before applying those measures.

**Article (13):** The following fees are collected for the purpose of obtaining the authorization:

Fees	Amount (OMR)
Authorization Fee/ Renewal	500
Authorization Fee/ Renewal for SMEs registered in SMEs Development Authority "Riyada" (Got Registration and Classification Certificate)	60
Authorization Fee for the first time for SMEs holding Riyada Entrepreneur Card	25
Authorization Renewal Fee for SMEs holding Riyada Entrepreneur Card	50
Individual Permit Fee	5