

## **Supporting Document 3.4 (3)**

DRAFT

### **Proclamation No \_\_\_\_\_/2002 A Proclamation to Amend A Proclamation to provide for the Regulation of Telecommunications**

WHEREAS, It has become imperative to properly address difficulties encountered in the implementation process in the telecommunication sub-sector and introduce new working method for same;

WHEREAS, it has become imperative to incorporate into our laws new regulatory conditions resulting from technological and operational changes at the international level;

NOW THERE, In accordance with article 55(1) of the Constitution of the Federal Democratic Republic of Ethiopia, it is hereby proclaimed as follows:

#### **1. Short Title**

This proclamation may be cited as the “Telecommunication (Amendment) proclamation No\_\_\_\_\_/2002.”

#### **2. Amendment**

Telecommunication Proclamation No. 49/1996 is hereby amended as follows:

1. The following new Sub-Articles (3) and (4) are added under Article 2 of the Proclamation.]
- “3. “Sole Telecommunication Service Provider” means the Corporation established by the Ethiopian Telecommunication Corporation Establishment Council of Ministers Regulations No. 10/1996 or any service provider that replaces it.
4. “Telecommunication Service” means Public Switched Telecommunication Service; Cellular Mobile Service; Internet Service; Satellite Telephone Service; Data Communication Service; Telecenters or Resale Service; Mobile or Fixed Private Radio Service; VSAT (Very Small Aperture Terminal) Service; Cable Installation and Maintenance Service; Telecommunication Switches Installation and Maintenance Service; the transmission or reception through the agency of electricity or electromagnetism of any sounds, signs, signals, writing, images or intelligence of any nature by wire, radio, optical fiber or other electromagnetic system or any other

service designated as Telecommunication Service by the Ministry. It shall not include Broadcasting Service and Intercom Connections.”

2. Sub-Article 6 of Article 2 of the Proclamation is hereby deleted and replaced by the following new sub-article (6).

‘6. “Call-back service” means the use of dial tone of a foreign telecommunication operator for international connections without the knowledge of the domestic telecommunication operator and shall include services that are identified as call-back by the International Telecommunication Union.

3. Sub-Article (3), (4), (5), (6), (7) and (8) of Article 2 of the Proclamation are re-numbered as Sub-Articles (5), (6), (7), (8), (9) and (10), respectively.

4. The following new Sub-Articles (8) and (9) are added under Article 6 of the Proclamation.

“8. to issue license to satellite companies so as to allow them to send and receive signals to and from Ethiopia, provided that such companies shall first enter into agreement with the sole Telecommunication Service Provider;

9. To compel the Sole Telecommunication Service Provider to provide the necessary disaster communication service by itself or by entering into agreement with others, where a natural disaster or problem occur in Ethiopia and the Ministry issues a Directive to this effect. The agency, in such cases, shall exempt the Sole Telecommunication Service Provider from specifically stipulated regulatory conditions;

5. Sub-Articles (8), (9), (10), (11) and (12) of Article 6 of the Proclamation are re-numbered as Sub-Articles (10), (11), (12), (13) and (14), respectively.

6. The word “Government” under Article 7 Sub-Article 3(b) shall be replaced by the word “Ministry”.

7. The following new Sub-Articles (3) and (4) are added under article 10 of the Proclamation.

“3. Notwithstanding the provision of Article 5(2) (b) of Proclamation No. 37/1996 (as amended), the Agency shall issue license to individuals or companies participating in the following services:

- a. Telecenters or resale service;

- b. Outside cabling or Wireless Local Loop lines Installation or Maintenance,
  - c. Telecommunication exchange installation or maintenance;
  - d. In-house or building cable installation;
  - e. Other similar activities to be designated by the Directives of the Ministry.
4. The Ministry, so as to enable the Agency to issue the license under Sub-Article 3 of this Article, shall issue Directives.
8. The following sub Article (b) is added under sub-Article (3) if Article 14 of the Proclamation
- “B. If the equipment is imported for profit, the importers material, financial and human resource capability to supply spare parts and provide maintenance service for the equipment imported;”
9. Sub-Article 3 (b), (c), (d), (e) and (f) of Article 14 of the Proclamation are re-numbered as (c), (d), (e), (f), and (g), respectively.
10. Sub-Article (2) of Article 24 is hereby deleted and replaced by the following new Sub-Article (2).
- “2. The use or provision of call-back service is prohibited.”
11. The following new Sub-Articles (3) and (4) are added under Article 24 if the Proclamation.
- “3. The use or provision of voice communication or fax service through the internet are prohibited.
4. No person shall, using the telecommunication service provider network or by bypassing same, engage in private or commercial Telecommunication Service unless a license is issued to it.”
12. Under Sub-Article (1) of Article 25 a new phrase “24(3) or 24(4)” are added next to a phrase “ the provision of Article 15(2) or 24(2).”
13. The following new sub-Article (1) is added under Article 25 of the Proclamation.
- “1. Any person who engages in telecommunication services without having a license or a valid license as per this proclamation or any other relevant laws shall be punished with fine equal to double revenue estimated the have been earned by the person during the period of time the person operated the service and with imprisonment from 3 up to 5 years.

14. Sub-Article (1) and (2) of Article 25 of the Proclamation are re-numbered as sub-Articles (2) and (3), respectively.

**3. Effective Date**

This Proclamation shall come into force as of the \_\_\_\_\_ day of, \_\_\_\_\_2002.

Done a Addis Ababa on the \_\_\_\_ day of \_\_\_\_\_, 2002.

GIRMA WOLDE GIORGIS  
PRESIDENT OF THE  
FEDERAL DEMOCRATIC  
REPUBLIC OF ETHIOPIA.