

Ordinance n°2012-293 of March 21 2012  
relating to Telecommunications and  
Information and Communication Technologies

**THE PRESIDENT OF THE REPUBLIC**

In View of the Constitution;

In View of the Additional Act A/SA. 1/01/07 relating to the harmonization of the policies and regulatory framework of the sector of Information and Communication Technologies (ICT);

In View of the Additional Act A/SA. 2/02/07 relating to the access and interconnection to networks and services of the ICT sector;

In View of the Additional Act A/SA. 3/02/07 relating to the legal framework to be applied to the operators and services providers;

In View of the Additional Act A/SA. 4/02/07 relating to the management of the numbering plan;

In View of the Additional Act A/SA. 5/02/07 relating to the management of the radio frequencies spectra;

In View of the Additional Act A/SA. 6/02/07 relating to the universal access/universal service;

In View of the prudential decision n°001/PR of October 03 2011 relating to the ordinances of the President of the Republic;

In View of the Directive n°01/2006/CM/UEMOA relating to the harmonization of the control and regulatory policies of the Telecommunications sector;

In View of the Directive n°02/2006/CM/UEMOA relating to the harmonization of the frameworks to be applied to the networks operators and services providers;

In View of the Directive n°03/2006/CM/UEMOA relating to the interconnection of Telecommunications networks and services;

In View of the Directive n°04/2006/CM/UEMOA relating to the universal service and obligation of performance of the network;

In View of the Directive n°05/2006/CM/UEMOA relating to the harmonization of rate systems of Telecommunications services;

In View of the Directive n°01/2006/CM/UEMOA organizing the general framework of the cooperation between the National Regulatory Authorities as regards Telecommunications;

In View of the Decision n°001/PR of October 03 2011 relating to the ordinances of the President of the Republic;

In View of the Act n°95-526 of July 07 1995 on the Telecommunications Code.

**THE CABINET HEARD**

**ORDERS**

## TITLE I: GENERAL PROVISIONS

**Article 1:** The hereby ordinance governs all the Telecommunications/ICT activities exercised from or to the territory of the Republic of Côte d'Ivoire with the exception of:

- The establishment and operation of Telecommunications/ICT networks and services by the State for the purpose of the national defence, the public safety and the aviation and off-shore safety;
- The facilities of the State using, for the purpose of the administration of frequency bands in accordance with the viewpoints and prescriptions of the International Telecommunications Union (ITU);
- The regulation as regards audiovisual policy and content.

**Article 2:** For the purpose of the hereby ordinance, the hereafter terms are defined as follows:

- 2.1 Access: provision provided by a Public Telecommunications/ICT operator or permitting to a service provider to access to its resources and infrastructures.
- 2.2 Unpacked Access to the local loop: the fact of providing a partially or fully shared access to the cable-controlled local loop. It does not involve any change as far as the ownership of the local loop is concerned.
- 2.3 Shared Access to the local loop: the fact of providing an access to the cable-controlled local loop of a notified operator, in order to permit to the beneficiary of this access to use non voice-frequencies of the frequency spectra available on the metallic twisted pair. The local loop continues to be used by the notified operator to provide telephone service to the public.
- 2.4 Fully unpacked Access to the local loop: the fact of providing an access to the cable-controlled local loop of a notified operator in order to enable the use of the whole frequency spectra available on the metallic twisted pair by the beneficiary of the access.
- 2.5 Assignment or Allocation of a frequency or radio channel: license granted by the authority for the use by a radio station of a frequency or radio channel determined according to specified terms.
- 2.6 Allocator of frequency bands: government department or administrative authority having access to one or many specific services frequency bands, for its own use or the allocation of the frequencies to third parties.
- 2.7 Allocation of frequency bands: entry in the table of the allocation of frequency bands, a given frequency band, for the purpose of its use by legal entities designated by the Authority or the company that assigns frequency bands under terms specified by the aforementioned bodies.
- 2.8 License: administrative act (Individual Permit or general License) that confers to a company a set of specific rights and obligations, according to which that company is expected to establish, operate networks or provide Telecommunications/ICT services.
- 2.9 General License: license that is granted by the National Regulatory Authority to any company meeting the requirements applicable to the proposed Telecommunications/ICT services and/or networks and that requires the company in question to get an explicit decision from the National Regulatory Authority before exercising the rights resulting from this act and

communiqué to the National Regulatory Authority the information required on the network or service proposed to ensure the compliance of the terms connected to the license in accordance with the legislation into force.

- 2.10 Local loop: set cable-controlled or radio links existing between the set of the telephone set of the user and the users switch to which it is connected. The local loop is therefore the part of the network of an operator that enables him to directly access the user.
- 2.11 Cable-controlled local loop: physical circuit with metallic twisted pair that links the termination point of the network in the premises of the subscriber to the main distributor frame or any other equivalent facility of the public fixed telephone network.
- 2.12 Public Telephone Box: telephone set put at the disposal of the public in a public place or open to the public.
- 2.13 Submarine Cable: physical support of Telecommunications/ICT signals that use the marine environment as installation field.
- 2.14 Interconnection catalog: Technical and tariff interconnection proposal published by Telecommunications/ICT networks in accordance with the provisions of the hereby ordinance.
- 2.15 Telecommunications/ICT multimedia Center: centre open to the public providing Telecommunications/ICT services, namely telephone, Internet, fax, word processing... These centers are also known as Community Access Centers or Community teleCenters or "cybercafé".
- 2.16 Co-location: provision of a space and technical resources necessary for the hosting and the connection of the equipments of the beneficiary, under reasonable terms.
- 2.17 Physical Co-location: provision proposed by a public Telecommunications network operator, consisting in placing at disposal of other operators of the infrastructures including the premises, so as they can settle in and if appropriate operate their equipments to the purpose of interconnection.
- 2.18 The board of Regulatory Bodies: Organ established by the decision relating to the establishment of the Board of Telecommunications/ICT Regulatory Bodies of the WAEMU State Members and gathering the National Regulatory Bodies of the State Members.
- 2.19 Electronic Communication: emissions, transmissions or receiving of signs and signals, written signs, pictures or sounds by electromagnetic mean.
- 2.20 Concession: rights and obligations conferred by the State to an operator within the framework of a concession agreement including a book of specifications, to operate Telecommunications/ICT activities.
- 2.21 Consumer: An individual that uses or requests an electronic communication service accessible to the public for professional purposes.
- 2.22 Cryptology: use of uncommon codes that permit the conversion of the information that one would like to transmit into signals that are incomprehensible by third parties.
- 2.23 Statement; Act prior to the start up of the activities coming from a Telecommunication/ICT services operator or provider and that does not compel the company in question to get an

explicit decision from the national Regulatory Authority before exercising the rights resulting from this act.

- 2.24 Unpacking of the local loop: provision that also includes connected provisions, namely that of co-location offered by a public Telecommunications network operator to permit to a public third party Telecommunications network operator to access all the items of the first operator's local loop to serve directly the subscriber.
- 2.25 Exclusive rights: rights granted by the State, through a statutory or administrative authority that reserve to him the right to provide a Telecommunications/ICT or undertake a Telecommunications/ICT activity over a given territory.
- 2.26 Special rights: rights granted by the State, through a statutory and administrative authority that confers to one or many companies a privilege or the possibility to provide a Telecommunications/ICT based on criteria that are not objective, proportional and non discriminatory.
- 2.27 Equipment terminal: Equipment being able to be connected to a termination point of a Telecommunications /ICT network in order to provide or access Telecommunications services.
- 2.28 Telecommunications/ICT Company: company operating one of the Telecommunications/ICT activities provided by the systems of individual permit, general license and statement benefiting from a license of the National Regulatory Body.
- 2.29 Essential requirements: essential measure to ensure the public interest, health and safety of individuals, electromagnetic compatibility between Telecommunications/ICT equipment and facilities and, if appropriate a correct use of radio frequency spectra in order to avoid damaging interferences for third parties.
- The essential requirements also include in justified cases, the protection of networks and namely the exchanges of command and management information that are connected thereto, the interoperation ability of the services and that of the terminal equipment, the protection of the data, the protection of the environment and the taking into account of urbanism and land-use planning constraints, the compatibility of terminal and radio equipments with measure preventing fraud, ensuring the access to emergency services and making their use easier for disabled people.
- 2.30 Telecommunications operator: legal entity that operates a Telecommunications network open to the public and/or any individual or legal entity that provides a Telecommunications/ICT.
- 2.31 Service provider: legal entity that ensures the provision of Telecommunications/ICT services.
- 2.32 Notified service provider: services provider that has been designated by the National Regulatory Body as having a significant influence on a relevant market of Telecommunications/ICT services provision.
- 2.33 Radio frequencies or spectrum: electromagnetic waves which frequency is between 3 kHz and 300 GHz, used for the transmission and reception of Telecommunications/ICT signal.
- 2.34 Management of the spectrum of the frequencies: all the administrative and technical actions aiming at ensuring a rational of the spectrum of radio frequencies by the beneficiary.

- 2.35 Approval: expert and audit operation carried out by the National Regulatory Authority to certify that the prototypes of Telecommunications/ICT equipments and systems are in compliance with the regulations and technical specifications into force.
- 2.36 IP (Internet Protocol): Telecommunications/ICT used on the networks that are used as an internet medium and permitting to crop the information to be transmitted in packet, to address the different packet, to transport them independently the ones from the other and to redial the initial message at the receiving. This protocol uses thus a technique known as packets switching.
- IP Address: address identifying a material connected to an internet network.
- 2.37 Information and Communication Industries: entity that carries out a commercial activity or that is committed in a commercial activity related to the Information and Communication Technologies.
- 2.38 Telecommunications/ICT installation: installation, device, wire, radio or optical system or any other similar technical process being able to serve as a Telecommunications/ICT or any other operation that is directly connected to it. Are however excluded from this definition, devices solely serving for the communication or processing of Telecommunications/ICT signals, namely for their transformation into speech, texts or any other intelligible form, as well as installations like cabling put into place to the user, that is auxiliary to the devices referred to in the above paragraph.
- 2.39 Radio installation: Telecommunications/ICT installation that uses radio frequencies for the propagation of waves in free space.
- 2.40 Information: signs, signals, written forms, pictures, sounds or any other form of message of any nature that constitute the content transmitted by communication processes including Telecommunications/ICT.
- 2.41 Interconnection: physical and logical link of public Telecommunications/ICT networks used by the same company or a different company, in order to permit to the users of a company to communicate with the users of the same company or of another one, or to access to the services provided by another company. The services can be provided by the parties concerned or by other parties that have access to the network. The interconnection is a special type of access put into place among the operators of public networks.
- 2.42 Interoperability of networks and terminal equipments: capacity of these equipments to operate, on the one hand, with the network and, on the other hand, with the other terminal equipments permitting to access a single service.
- 2.43 Roaming: provision permitting to the users of a mobile operator to have access to the network and the services offered by another mobile operator in an area non covered by the nominal or original network of the aforementioned users.
- 2.44 Individual license: prior license issued by the State to any legal entity that confers to that entity specific rights and obligations included in the book of specifications, for the purpose of the operation of Telecommunications/ICT activity.
- 2.45 Leased links or lines: Telecommunications/ICT systems that offer for the benefit of a user, a capacity of transmission between the determined termination points of a public network, with the exception of switching controlled by that user. Leased links can provide the interconnection with a public Telecommunications/ICT network.

- 2.46 Relevant Market: Market of a specific Telecommunications/ICT service open to the public.
- 2.47 Radio waves: electromagnetic waves propagating in the space without artificial guide.
- 2.48 Operator: Legal entity operating a Telecommunications/ICT network open to the public.
- 2.49 Beneficiary Operator: operator to whom a frequency or numbering resource is allocated.
- 2.50 Notified or powerful operator: operator that has been designated by the Regulatory Authority, either individually or jointly with other operators, as having a significant influence on a relevant market. It must be able to behave as appropriate independently from his competitors, customers and consumers.
- 2.51 Payphone: Telephone service provided to the public by the mean of public telephone boxes.
- 2.52 Interconnection Point: place where a Telecommunications/ICT network operator establishes the interface equipments permitting the interconnection to his network. The interconnection points with the operators of other networks and with the service providers can be distinct.
- 2.53 Portability of Numbers: Possibility for a user of public Telecommunications/ICT services to keep his telephone number when he changes operator.
- 2.54 Public payphone set: telephone set put at the disposal of the public and for the use of which payment means may be coins and/or credit/debit and/or payment cards, including cards used with numbering codes.
- 2.55 Interconnection provision: provision provided by a public Telecommunications/ICT network operator to a third party public Telecommunications/ICT network operator or to a public Telecommunications/ICT service provider, that enables all the users to freely communicate with each other whatever the network to which they are connected or services they use.
- 2.56 Radio Communication: Any Telecommunication using radio waves.
- 2.57 Radio Broadcasting: Radio communication which programs are intended to be received directly by the public
- 2.58 Individual Reception: Reception of the programs of a broadcasting-satellite space station by the mean of mere household installations and namely installations with small size antenna.
- 2.59 Electronic communication networks: transport or broadcasting facility or any set of facility as well as, if appropriate the other means insuring the routing of electronic communication, namely those for switching and routing.
- Are considered as electronic communication networks: satellite, terrestrial networks, and systems using the electric network as far as they are used for the routing of electronic communications and networks insuring the broadcasting or used for the distribution of audiovisual communication services.
- 2.60 Telecommunications/ICT network: set of equipment, infrastructure and electromagnetic systems connected to each other to provide Telecommunications/ICT services. It enables the transmission, between the termination points of the network, speech, but also other forms of communication such as telecopy and data transmission.
- 2.61 Telecommunications/ICT landline network: Telecommunications/ICT network with the exception of radio networks.

- 2.62 Independent network: private network using the public domain and reserved for non-profit private or shared use.
- 2.63 Internal network: private network fully established on a private property using neither the public domain nor a third party's property.
- 2.64 Private network: Telecommunications/ICT network reserved for the use of the individual or legal entity that it establishes or for the use of a closed user group for special and non-profit purpose. It cannot be connected to a network open to the public.
- 2.65 Public Telecommunications /ICT network: Telecommunications /ICT network used for the provision of Telecommunications services/ICT to the public.
- 2.66 Related Resources: resources connected to the provision of unpacked local loop access or an access to the interconnection, namely the collocation, the connection cables and the relevant computer systems required to enable a beneficiary to provide services on a fair competitive basis.
- 2.67 Scarce Resources: Numbering resources, radio frequencies, orbital positions, IP addresses.
- 2.68 Service or traffic resale: act of reselling the services or traffic of a public Telecommunications/ICT operator, including the resale to the final user of volume (minutes, speed etc...) bought in bulk to a Telecommunications/ICT services provider.
- 2.69 Selection of the carrier: mechanism that permits to a user to choose among a group of licensed public Telecommunications/ICT network operators or licensed Telecommunications/ICT service providers to route a part or overall electronic communications including calls.
- 2.70 Value-added services: Services that use as medium, a basic telecommunications network to send and exchange information by adding other functions to meet new needs as regards Telecommunications. These Telecommunications services provided to the public also comprise information processing. They can use the switched public network or leased links.
- 2.71 Internet services: set of multimedia service accessible across the internet network.
- 2.72 Medium service: mere information routing which purpose is to transmit and/or route signals between the termination points of a Telecommunication/ICT network, without submitting these signals to processing other than those required for their transmission, routing and control of the function.
- 2.73 Telephone service: commercial operation of voice transfer between users connected to the termination points of a Telecommunications/ICT network.
- 2.74 Telecommunications/ICT service: service provided namely paid service that consists exclusively or mainly of signals transmission or routing or a combination of these functions on Telecommunications/ICT networks, including transmission services on networks used for radio broadcasting, but that excludes services consisting in providing contents through Telecommunications/ICT networks and services or exercising an editorial liability on the contents.
- 2.75 Telex service: commercial operation of the direct transfer by exchange of telegraphic signals, typed messages between users at the termination points of a Telecommunications/ICT network.

- 2.76 Telecommunications/ICT universal service: minimal set of services defined within the framework of the sector-based policy aiming at providing, everywhere in Côte d'Ivoire, the access to everybody to good quality and affordable price essential Telecommunications/ICT provisions. It is provided in compliance with the principle of equality, continuity, adaptability and transparency.
- 2.77 Servitudes: Obligation that bind private properties to the benefit of the public or private domain for the purpose of public interest.
- 2.78 Radio station: set of transmitter and receiver, including accessory devices, essential to provide radio communication services at a given place.
- 2.79 Telecommunications: transmission (emission or reception) of information of any kind (texts, sounds, pictures, signs or signals) through electromagnetic means on metal, optical, radio or any other supports.
- 2.80 Information and Communication Technologies or ICT: technologies used to for the collection, storage, use, processing and sending of information. These technologies include those involving the use of computers or any other communication system including Telecommunications.
- 2.81 User: individual or legal entity that uses a Telecommunications/ICT open to the public for private and professional purpose, without necessary being subscribed to that service.
- 2.82 Final user: user that does not provide Telecommunications/ICT network or services open to the public.

**Article 3:** In the absence of definition provided for a term by the hereby Ordinance, the definition of the International Telecommunications Union, abbreviated ITU, or that provided by the community regulations of ECOWAS and WAEMU override.

**Article 4:** No any restriction of service offered on a network may be imposed to operators or suppliers, except in case of the safeguarding of the public order or good mores.

Any requirement imposed for the operation of networks or for the provision of electronic communication services must be non discriminatory, fair, proportioned and justified vis-à-vis the networks or services concerned.

**Article 5:** Practices that have as purpose or that can have as effect to prevent, restrict, distort the competition, are prohibited.

Are considered as cases of fair competition, practices tending to:

- Limit the access to the market or liberty in practicing the competition by other companies;
- Hinder the setting of prices by marketing game artificially favoring the increase or decrease of prices through dumping or crossed subsidy;
- Create discriminations between clients put under objectively equivalent conditions of services provisions.
- Limit or control the production, investments, or technical progress;
- Share markets and sources of supply ;

- Refuse to put at the disposal of other operators, timely, the technical information on the essential facilities and commercial information essential for the practicing of their activities;
- Use the information gotten to competitors for anti-competitive purpose;
- Favor abuse of dominant position of an operator or service provider or the practicing of anti-competitive activities;

Public Telecommunication/ICT network operators and service suppliers are compelled to provide their provisions under the same conditions and terms as those granted to their subsidiaries or partners

When, within the provisions of the hereby ordinance, the Minister in charge of Telecommunications/ICT and/or Telecommunications/ICT Regulatory Authority consider to adopt measures having a significant impact on the market, they render public the measures considered in a reasonable time before their adoption and collect the observations that are made as they are concerned. The results of these consultations is rendered public, subject to secrets protected by law.

The Minister in charge of Telecommunications/ICT and/or Telecommunications/ICT Regulatory Authority, within the framework of their authority, implement transparent decision making procedures, namely by carrying out public consultations.

**Article 6:** The access of users to public networks and services must be insured under objective, transparent and non discriminatory conditions.

**Article 7:** Information and data issued through Telecommunications/ICT services are secret and inviolable, except, in the cases provided by the ordinance.

Operators and services providers are compelled to comply with:

- Inviolability and confidentiality of communications
- Neutrality and non discrimination in the eyes of the messages transmitted
- Protection of personal data.

## **TITLE II: NETWORKS AND SERVICES SYSTEM**

### **Chapter I: System of Individual Permits**

**Article 8:** are subjected to the system of individual permit:

- The establishment and operation of an electronic communications network open to the public, including those requiring the use of scarce resources;
- Provision of telephone services to the public
- The establishment and/or operation of a network for the provision of national and international routing capacities;
- The provision of services under special conditions, namely of a public, public security and public health nature.

**Article 9:** The individual permit is granted by the State to an Ivorian legal entity established for public or private interest, after advisory opinion of the Telecommunications/ICT Regulatory Authority. It is granted based on a book of specification that is annexed to it. This book of specification set by the Regulatory Authority sets the minimum terms for the establishment and operation of the network or the provision of service.

The book of specification annexed the permit is approved by the decree made during the Cabinet Meeting.

The acquiring of individual permit is subjected to the following requirements:

- To be an Ivorian legal entity ;
- To have the technical and financial capacities
- To submit an operation plan of the individual permit in accordance with criteria set by the book of specifications;
- To commit to comply with the applicable law as this regards, namely the hereby ordinance and its enforcement provisions, as well as the book of specifications annexed to the permit for which it is applying.

The permit is granted by the Minister in charge of Telecommunications/ICT in accordance with the provisions of the hereby ordinance. The permit and the book of specifications are published in the Official Gazette of the Republic of Côte d'Ivoire.

**Article 10:** The applications for permit are sent to the Telecommunications/ICT Regulatory Authority.

The Regulatory Authority conducts the selection of the legal entities being able to benefit from the individual permit according open, non discriminatory and transparent procedures. However, it may for objective reasons, applied to them different processing.

The call for tender is submitted to the approval of the Minister in charge of Telecommunications/ICT.

Tenders are called based on a procedure obeying the principles of objectivity, equity and transparency in accordance with the Code of Government Contracts.

The processing of the application for individual permit must be completed within a reasonable time. The applicant must be informed of the decision at the latest six weeks after reception of the application. This deadline must however be extended to four months in objectively justified cases.

**Article 11:** To limit the number of individual permits to be granted, the State:

- Takes into account the necessity to maximize the advantages for the users and encourage the development of competition.
- Gives the interested parties the possibility to express their point of view on a potential limitation;
- Publishes its decision to limit the individual permits and gives the motivations of that decision;

- Reassesses at a reasonable frequency the limitation imposed and carries out a call for tender for the allocation of new permits.

**Article 12:** The permit is issued for a maximum duration of twenty years renewable.

**Article 13:** The content of the book of specifications of the individual permit is set by decree.

**Article 14:** The book of specifications sets the requirements and terms of its modification. The modification of the book of specifications of the individual permit is subject to amendment that must be approved by decree made during the Cabinet Meeting and published in the Official Gazette of the Republic of Côte d'Ivoire.

**Article 15:** The individual permit is issued in an individual capacity and does not confer any right of exclusivity to its holder.

The transfer of the whole or part of the individual permit is allowed only with the agreement of the Government, after consultation of the Telecommunications/ICT Regulatory Authority. The transfer is subject to amendment that must be approved by decree made during the Cabinet Meeting and published in the Official Gazette of the Republic of Côte d'Ivoire.

**Article 16:** The holder of an individual permit may use, when installing his network, the infrastructures belonging to other Telecommunications/ICT network operators or to the State under reasonable technical and financial terms. In case of disputes, the Telecommunications/ICT Regulatory Authority is requested for arbitration.

The holder of an individual permit must comply with the rules and procedures essential for the installation of the items of his network, namely those related to the crossing of the network of public roads, as well as those related to carry out of constructions and to the modification of their value.

## **Chapter II : System of general licenses**

**Article 17:** A general license is required for:

- the establishment and operation of independent networks using the public domain;
- The provision of Telecommunications/ICT services the public, with the exception of those subjected to individual permit or to statement.

**Article 18:** The Telecommunications/ICT Regulatory Authority makes a decision setting the terms under which an independent network can, as a special case, and without allowing the exchange of communications between people other than those for which the use of the network is reserved, to be connected a public Telecommunications/ICT network. This decision comes into force only after its publication in the Official Gazette of the Republic of Côte d'Ivoire.

The Telecommunications/ICT Regulatory Authority sets by decision the terms under which an independent network can, as a special case, have a direct access to the international. This decision comes into force only after its publication in the Official Gazette of the Republic of Côte d'Ivoire.

The capacities of an independent network can, in no way, be leased or sold.

**Article 19:** Any legal entity can apply for a general license in order to practice a Telecommunications/ICT activity.

That application is sent to the Telecommunications/ICT Regulatory Authority and comprises the following items:

- the identity and legal status of the applicant;
- the nature, characteristics and coverage area of Telecommunications/ICT activity for which he is applying;
- the commitment of the applicant to comply with the hereby ordinance and its enforcement provision, as well as the book of specifications annexed to the general license for which the application formulated.

Any application for general license must be replied by the Telecommunications/ICT Regulatory Authority within a maximum time of two months starting from the date of acknowledgement of the application.

**Article 20:** The general License is materialized by a certificate notified by the Telecommunications/ICT Regulatory Authority within two months maximum and must be published in the Official Gazette of the Republic of Côte d'Ivoire.

**Article 21:** the general license can only be rejected only when:

- the safeguard of the public order requires it;
- the application is incompatible with the needs of national defense or public security, aviation and off-shore safety;
- the technical constraints inherent to the putting at the disposal of frequencies does not permit to accept the application;
- the applicant does not enjoy legal capacity;
- the applicant is subjected to one of the penalties provided by the hereby Ordinance;
- the terms provided for the practice of the activities for which the licenses has been applied, do not comply with the law.

The refusal of the general license is justified and notified to the applicant within two months.

**Article 22:** the general license is issued in an individual capacity for a period determined by the Telecommunications/ICT Regulatory Authority. It does not confer any right of exclusivity to its holder.

**Article 23:** The transfer of the general license to a third party complying with the terms of the article 21 of the hereby ordinance is allowed. However, the Telecommunications/ICT Regulatory Authority must be informed at least forty five days before the effective date of the transfer.

The transfer of the general license must be published in the Official Gazette of the Republic of Côte d'Ivoire.

**Article 24:** The book of specifications designed by the Telecommunications/ICT Regulatory Authority is annexed to the general license. The content of this book of specifications and the terms of its modification are set by decree.

### **Chapter III : System of statements and freedom of activity**

**Article 25 :** Are subjected to statement:

- the provision of internet services;
- the provision of value-added services;
- the reselling of Telecommunications/ICT services, with the exception of those subjected to the individual permit or general license.

**Article 26:** the activities being subjected to statement can be freely practiced provided their operation does not prejudice the security of the state or the public order. However, the service provider must beforehand file to the Telecommunications/ICT Regulatory Authority, a statement of intent to open a service.

The statement of intent to open a service must contain the following information:

- the identity and legal status of the applicant;
- the services that the applicant intend to operate;
- the characteristics of the equipments;
- the terms of the opening of the service;
- the geographic coverage targeted;
- the terms of access to the proposed service;
- the applicable fares.

The retailers of prepaid telephone traffic must carry out:

- a description of the services and distribution channel;
- a description of the geographic area of the reselling of services.

For retailers of prepaid telephone cards, the Telecommunications/ICT Regulatory Authority may require the deposit of a specific amount as security.

Any change brought to the initial statement, with the exception of tariff changes, shall be notified to the Telecommunications/ICT Regulatory Authority one month before the date considered for its implementation.

In case of out-of-business, the transferor is compelled to inform the Regulatory Authority of that change at least 30 days starting from the date of termination. The concession holder files, within the same time, to the Telecommunications/ICT Regulatory Authority, a statement of service opening.

**Article 27:** The Telecommunications/ICT Regulatory Authority issues a receipt on the delivery of the statement file.

The Regulatory Authority has a period of thirty days starting from the statement date to make its refusal decision. Beyond that period, the receipt of statement overrides on the installation and operation of the service.

The Regulatory Authority can go against the operation of the service stated, if it appears that that service prejudices the security of the State or Public Order, or requires a specific license for the necessity of defence, aviation and off-shore security.

**Article 28:** The transfer of an activity subjected to statement to a third party complying with the requirements of the article 26 of the hereby ordinance is allowed. I must be notified to the Telecommunications/ICT Regulatory Authority by the two service providers within a period of fifteen days starting from the date of transfer. In the absence of notification, the transfer is non-opposable to the Regulatory Authority to the third parties.

**Article 29:** The exercise of the activities listed below is allowed:

- The establishment of internal networks;
- The establishment of independent networks other than radio networks, which termination points are located on distinct and distant sites with a length below a threshold set by the Regulatory Authority;
- The establishment of independent radio networks, composed of low power and weak range devices whose characteristics are defined by the National Regulatory Authority;
- supply and distribution of the final equipment intended to be connected to a public Telecommunications/TIC network;
- The operation of pay telephones opened to the public;
- The operation of multimedia centers;
- The supply and distribution of the terminal equipment intended to be connected to a public Telecommunications/TIC network;
- The operation of pay phones open to the public;
- The operation of multimedia centers;
- The installation and operation of individual receiving station;
- The supply of services not expressly subjected to the mode of individual permit, general license or statement.

#### **Chapter IV: Financial provisions common to the individual permit and the general license**

**Article 30:** The attribution of the individual permit and general license is subjected to the payment of a financial compensation.

**Article 31:** The exploitation of the individual permit and general license in particular results in the payment of royalties:

- ulatory royalties
- Contribution to research, training and standardization
- Contribution to the financing of the universal service.

The national roaming should in no case replace the

**Article 32:** The amount, requirements and terms of payment of the financial compensation and of the royalty are fixed by decree made during the Cabinet Meeting.

### **TITLE III: ACCESS TO THE INFRASTRUCTURES**

#### **Chapter I: Interconnection of networks**

**Article 33:** The interconnection is subject to a convention of private law between the two parts concerned. This convention determines, in compliance with the legislative and regulatory provisions applicable, the technical, commercial and financial requirements of the interconnection.

The agreement of interconnection concluded by the operators and service providers is forwarded, as soon as it is signed, to the Telecommunications/TIC Regulatory Agency which has a period of thirty days to require, if appropriate, modifications of the aforementioned agreement.

The operators of Telecommunications/TIC networks open to the public comply under objective, transparent and non discriminatory conditions, with the requests of interconnection of the other duly licensed operators of public network.

The services of interconnection include the services of access to the network. The request for interconnection cannot be refused if it is reasonable, as regards the need of the applicant, on the one hand, and on the other, the capacities of the operator to meet it. The refusal of interconnection shall be justified and notified to the applicant and the Telecommunications/TIC Regulatory Agency.

**Article 34:** The requirements and the minimal offer of interconnection are fixed by Decree.

#### **Chapter II: Access to the networks**

**Article 35:** The division of infrastructures between owners of public Telecommunications/TIC networks must be completed under equity non discrimination and equal access conditions.

The Telecommunications/TIC Regulatory Agency must encourage the division of passive and active infrastructures between operators of public Telecommunications/TIC networks.

The Regulatory Agency must ensure that this access is completed under conditions of transparency and non-discrimination.

When an operator or a service provider has obtained the right to place installations on the surface, above or below a public or private land, or benefited from condemnation proceedings or use of a property, it can be constrained by the National Regulation Authority to divide these installations and/or to use the aforementioned property with other operators or service providers.

**Article 36:** The mobile operators must offer national roaming service to the mobile operators that request it, with reasonable tariffs, insofar as this offer is technically possible.

ined in the book of specifications annexed to the licenses of mobile services.

The national roaming service shall be ensured under objective, transparent and non discriminatory conditions. This service is subject to a private law convention between mobile operators. This one determines the technical and financial requirements of the supply of national roaming service. It is communicated to the Telecommunications/TIC Regulatory Agency.

To guarantee the equality of the conditions of competition or interoperability of the services, the Regulatory Agency can require the modification of the national roaming agreements of already entered into.

Inconveniences relating to the entry into or enforcement of the Agreement of national roaming is submitted to the National Regulatory Authority.

The Regulatory Agency must publish guidelines specific to the national roaming which allow the operators to set the tariff, the technical and commercial conditions of the national roaming, in collaboration with the actors of the market.

**Article 37:** The mobile operators are must offer international roaming service to their subscribers.

The allocation of the licenses must take into account of the compatibility of mobile systems with the roaming.

The Telecommunications/TIC Regulatory Agency carries a control on the tariffs of international roaming. For this purpose, it:

- inquires into the prices of roaming practices within Community spaces; holds consultations with the actors concerned in order to reach reasonable tariffs allowing a maximum of roaming service user in the area to be able to use the networks at the best prices and quality;
- identifies the operators practicing abusive tariffs and requests the opinion of authority in charge of competition;
- allows the subscribers of prepaid services to profit from roaming services at reasonable tariffs;
- informs clearly and transparently and with detailed customers of the tariffs applied for roaming services;
- draws lessons from the international tariff practice.

**Article 38:** Operators must allow calls from fixed networks towards mobile network operators. For this purpose, the Telecommunications/TIC Regulatory Agency shall examine:

- costs of termination of call on the mobile networks and fixed networks;
- fees and tariff structures, the retail and interconnection prices and the sharing out of incomes between the original and termination operators within the framework of a call from a fixed network towards a mobile network and from a mobile network towards a fixed network;
- possible refitting in the tariff structures of the retail and interconnection prices;
- relevance of the interconnection market;
- relevance of the mobile termination market;
- identification of the powerful operators in these markets and implementation of measures which are essential and capable to support the development.

wer on a relevant market, Telecommunications/TIC Regulatory Agency shall:

- collect information on each identified market to measure the predominance;
- consult the actors of the Telecommunications/TIC market concerned, on the relevance of the markets;
- define the measuring criteria of predominance;
- hold consultations of the actors of the Telecommunications/TIC market concerned, on the obligations to impose to the operators having a significant power for each relevant market.

The Regulatory Agency conducts the analysis of markets in order to determine whether they have an actual competitive character or not.

In the case where the analysis confirms that the market is actually competitive, it cancels the possible obligations which have been applying hitherto;

If not, the Regulatory Agency identifies the powerful operator(s) that is (are) in a situation of equivalent to a dominant position within the meaning of the competition law with and imposes on these companies specific regulatory obligations.

**Article 40:** Rules of determination of the powerful operators or service suppliers are defined by the Telecommunications/TIC Regulatory Agency and published in the Official Gazette of Republic of Côte d'Ivoire.

Is assumed to exert a significant influence on a relevant market of the electronic communications sector, any operator or any service provider who holds a share of at least less 25% of such a market.

The Regulatory Agency can nevertheless decide that one operator or service provider having a share lower than 25% of the market.

The Regulatory Agency can also decide that an operator or a service provider holding a share higher than 25% of the market concerned do not exert a significant influence on this market.

The decision of the Regulatory Agency takes into account the capacity of the operator or service provider to influence conditions of the market, because of its turnover, the control that it exerts on the means of access to the final user, the accessibilities to the financial resources, as well as its experience in the supply of services on the market or any other criterion considered to be relevant by the Regulatory Agency.

An operator or a service provider considered as powerful on a market can have an influence on another market closely related to the first, if these two markets are such that the significant position of one operator or supplier of services on influences the other. The Telecommunications/TIC Regulatory Agency shall notify each year to the operators and service providers that they are declared powerful on a relevant market. The decision is published in the Official Gazette of the Republic of Côte d'Ivoire and on the web site of the Regulatory Agency.

**Article 41:** Powerful operators or service providers are compelled to annually publish a technical and tariff offer of interconnection which includes their catalog of price as well as the technical services offered.

The catalogs of interconnection of the powerful operators and suppliers of services are subjected to the prior approval of the National Regulatory Authority. The Authority can require the powerful operator to:

- add complementary offers of service, in particular service for third party or unpacking;

plements or these modifications are justified in comparison with the implementation of the principles of non-discrimination and orientation of the tariffs of interconnection towards the costs.

The Telecommunications/TIC Regulatory Agency must publish clear and transparent procedure relating to the approval of the catalog of interconnection of the powerful operators and service providers.

The powerful operators or service providers on the relevant market(s) of the infrastructures are also compelled to annually publish a technical and tariff offer in their catalog of interconnection according to the markets for which they were declared powerful.

The powerful operators and service providers are compelled to communicate their catalogs of interconnection to any operator or service provider who requests them.

The approved catalogs of interconnection are available on the web sites of the powerful operators and suppliers and Regulatory Agency.

**Article 42:** A decree shall set the minimum content of the catalogs of interconnection of the powerful operators or service providers.

**Article 43:** If the powerful operator cannot provide the interconnection to the network point requested, the Regulatory Agency can, when the request of the applicant is reasonable:

- Request the applicant party to build required infrastructures and have the powerful operator refund his investment. On this assumption, the costs of the infrastructure to be built are negotiated between the parties under the control of Regulatory Agency;
- Request the powerful operator or service provider to provide an interconnection to another point of the network but by applying the tariff which corresponds to the point of interconnection requires.

**Article 44:** The powerful operators and service providers must sufficiently break up the tariff of access and interconnection and comply with the principle of orientation towards relevant costs.

Relevant costs are the costs of the components of the network or management structures of the operator intervening effectively in the service of interconnection. The relevant costs include:

- the general costs which are relating to the elements of the networks used at the same time by the operator for the services to his own customers and for the services of interconnection;
- costs specific to the services of interconnection which are directly induced by only these services.

The non relevant costs include the costs specific to the services other than interconnection.

The accounting systems of the costs must be complete, clear and detailed, in order to ensure the transparency of the calculation of the tariffs of interconnection.

The Telecommunications/TIC Regulatory Agency can require a powerful operator or service provider to completely justify his tariffs of interconnection and, if necessary, require its adaptation.

The models of determination of the costs of interconnection are set by the National Regulatory Authority.

The powerful operators are compelled to attach to the project of catalog of interconnection subjected to the Regulatory Agency, a detailed presentation justifying the major tariffs suggested. The Regulatory Agency draws up and communicates to the operators the detailed list of the required information, and updates periodically the aforementioned list.

The Regulatory Authority must make sure about the validity of the costing methods used and the validity of the data used.

**Article 45:** The powerful operators and suppliers must hold, for the purpose of regulation, a separated cost accounting per activity. They must isolate on the accounting level certain activities as regards

services and activities which permit to check the compliance with the imposed obligations.

Operators or service providers who have special or exclusive rights for the provision of services in others sectors, must hold a separate accountancy for the Telecommunications/ICT activities.

The powerful operators or service providers must hold a detailed cost accounting per services for their activities as regards interconnection, on the one hand, and for their other activities, on the other hand, so as to identify all the elements of receipts and expenditure related to all their activities.

The accountancy can be audited annually by an independent organization selected by the Regulatory Agency at the expenses of the operator having a significant power.

The Telecommunications/ICT Regulatory Agency is under the obligation to respect the confidentiality of non public information to which it has access within the framework of the control of the interconnection costs.

**Article 46:** Powerful operators are obliged to provide unpacked access to the local loop under objective, transparent and non- discriminatory conditions.

The technical and tariff unpacking offer is approved by the Regulatory Authority. The Authority is empowered to:

- Impose modifications of the reference offer for the unpacked access to the local loop and related facilities, including prices, when such modifications are justified,
- Require notified operators to provide information relevant to the implementation of unpacked access.

**Article 47:** The conditions and the minimum content of technical and tariff offer of unpacking are fixed by decree.

**Article 48:** The powerful operators must provide, within the framework of their interconnection catalog, an offer of selection of the carrier allowing the consumer to freely choose his operator of local loop and have access to the services of an alternative operator.

The Telecommunications/ICT Regulatory Agency is empowered to assign the prefixes to the operators known as carrier.

As regards the selection of the carrier, the Regulatory Agency is competent to make decisions on:

- Standard of selection of the router;
- eligible operators to offer the router;
- the notified operators having the obligation to offer the selection of the carrier; the types of calls routed;
- problems inherent to the selection of the router, in particular the problem of invoicing and offers of subscribes identification.

**Article 49 :** The provision of co-location is an obligation for powerful operators. A technical and tariff of co-location, not comprising any hindrance to the entry of competitors, appears in the interconnection offer and the one of unpacking.

The Telecommunications/ICT Regulatory Agency makes a decision on the minimum conditions must be complied with in any offer of co-location or sharing of infrastructures, after consultation of public networks operators Telecommunications/ICT.

**Article 50:** The radio frequencies are scarce resources which belong to the public domain of the State.

**Article 51:** The functions of planning, allocation and control of the frequencies are exercised by the Ivorian Radio Frequency Management Agency, abbreviated AIGF, established as a Public Corporation. A decree made during the Cabinet Meeting sets the composition, organization and operation of this Agency that

nd administrations of the State.

The receivers of the spectrum manage the frequency bands that are allocated to them either for their own needs or for the benefit of third parties.

**Article 52:** The Ivorian Radio Frequency Management Agency allocates radio frequency spectrum to the different services or administrations of the State. Its mission is to:

- ensure the planning, allocation and control of radio frequencies while ensuring the needs for the administrations and authorities to whom radio frequencies have been allocated;
- establish the National Frequency Table;
- monitor the use of the frequencies in accordance with the permits and licenses granted, with the recordings of the frequency register, and inform the frequency recipients of anomalies noticed;
- carry out, on its initiative or upon the request of the recipients, the operations of investigations, observation of the infringements and seizure;
- authorize and coordinate the establishment on the national territory of radio stations of any nature, in order to ensure the best use of the sites available and to ensure of their conformity;
- prepare the position of Côte d'Ivoire in the international negotiations as this regards;
- ensure the enforcement of international conventions and treaties in the field of the radio communications;
- ensure the registration of the radio frequencies to the qualified international authorities;
- ensure the protection of the national interests in the field of the radio frequencies as well as the protection of the orbital positions reserved to Côte d'Ivoire;
- contribute to the research activities, training, standardization and studies, relating to radio communications ;
- contribute to the fulfillment of the missions of the State as regards defence and public safety, as regards the field of the radio communications;
- contribute to the fulfillment of any other mission of public interest which could be entrusted to him by the Government in the field of radio communications.

The Ivorian Radio Frequency Management Agency exclusively allocates the frequencies to the recipients.

The operation of radio equipments must comply with the specifications set by the Ivorian Radio Frequency Management Agency. When this use does not comply with the conditions set by operating license or causes disorders or interferences to the operation of other radio equipments, the Ivorian Radio Frequency Management Agency takes the necessary measures to put an end to the anomaly observed with the assistance contest of the recipient of the frequencies concerned.

When the use of radio equipment is likely to prejudice the requirements of national defence, public safety, the aviation and off-shore security, the Ivorian Radio Frequency Management Agency can, upon the request of the Minister in charge of the national defence, the Minister in charge of public safety or the Minister in charge of transports provisionally seize the aforementioned equipment until the release of the cause of the seizure.

The transmitting radio stations must comply with the specifications set in the regulations of radio communications with regard to the maxima levels tolerated for out-of-band emissions. In the absence of such specifications, they must comply with the requirements relating to the limitation of the out-of-band emissions specified in the most recent recommendations of the ITU.

Any establishment of Radio equipment and any installation or setting up of antenna must comply with a regulation relating to the protection of the public against the effects of the electromagnetic

disasters, infrastructures and radio equipment of any kind natural may be requisitioned in accordance with the laws into force.

**Article 53:** The sector-based management of the radio frequencies is ensured by the recipients. The Telecommunications/ICT Regulatory Authority is the recipient of the spectrum of the frequencies that are intended to the actors of the Telecommunications/ICT sector.

The Telecommunications/ICT Regulatory Agency ensures the distribution of the administrative management of the spectrum of which it is the recipient.

The Telecommunications/ICT Regulatory Agency assigns to the actors of the sector, the frequency bands corresponding to their needs. It communicates to the Ivorian Radio Frequency Management Agency, information for the update of the national plan of frequencies.

The assignments of the radio frequencies must be carried out under objective, transparent and non discriminatory conditions

The Telecommunications/ICT Regulatory Agency must make sure that all the users, whatever the category considered, optimize the use of the frequency bands which they are the assignees. In the event of re-assignment of frequencies by the Telecommunications/ICT Regulatory Agency or reallocation by the Ivorian Radio Frequency Management Agency, the Regulatory Agency informs the users of the needs for modification for the frequency bands previously assigned.

The use of a radio frequency bands by a natural person or legal entities is subordinate to the prior assignment of this frequency band by the Telecommunications/ICT Regulatory Agency. The termination of the operation of radio equipments or one of their elements must immediately, notified to the Telecommunications/ICT Regulatory Agency.

**Article 54:** Aircrafts and ships are allowed to use their radio communications equipment only for the exclusive needs of navigation or of their operation. They are compelled to comply strictly with the silence orders that could be transmitted to them by the Ivorian civil or military authorities.

It is forbidden to use the radio ham stations for communications from or to third people.

Any breach of the provisions of the hereby article, apart from the penalties provided by the hereby ordinance, results in:

- for the contravening ship or aircraft, the seizure of the equipment and sealing, and this until the moment its leaves territorial water or airspace of the Republic of Côte d'Ivoire
- for radio ham, the sequestration of its material until the expiry of the penalty imposed.

**Article 55:** The use of a radio frequency results in the payment of a royalty for the use of frequency which amount and payment terms are determined by decree made during the Cabinet Meeting.

**Article 56:** The diplomatic representations and consular accredited in Côte d'Ivoire can, upon their request, be exempted from the payment of the royalty for the use of frequencies, subject to reciprocity.

**Article 57:** The assignment of radio frequencies is completed by call for bidders or by bidding. When the demand is higher than the supply, the National Regulatory Authority supports a system of transfer to the biddings for the assignment of the frequency bands to the various applicants in order to guarantee the transparency, objectivity and impartiality in the procedure of assignment.

When one has recourse neither to the biddings nor to the trade of the frequencies, the determination of the costing method of the royalty of the frequencies must be based on the opportunity costs of the spectrum.

## **Chapter II: Numbering Resources**

which belong to the public domain of the State. The Telecommunications/ICT Regulatory Agency is in charge of the allocation of the numbering resources in compliance with the principles of equitable competition and equal treatment.

**Article 59:** The Telecommunications/ICT Regulatory Agency is in charge of the establishment and management of the National Numbering Plan into force. This plan must be durable and balanced. It must be dynamic and must envisage a sufficient reserve to face any unforeseen need.

The Telecommunications/ICT Regulatory Agency can, if it deems necessary, modify the national numbering plan into force. It plans these modifications in connection with the operators or service providers concerned.

The numbers and blocks of numbers reserved in the numbering plan for all the Telecommunications/ICT services accessible to the public are published. For the purposes of national security, the numbering resources intended for the police and defence services are not published.

**Article 60:** The numbering plan must in particular take into account the needs to provide short and special numbers for the emergency services, information services, the services of operators and service providers, including those of added-value services, the services of assistance to the users, and ensure that prefix numbers and numbers or blocks of numbers are allocated under objective, transparent and non discriminatory conditions.

**Article 61:** The numbering resources can be transferred to a third party only with the agreement of the Telecommunications/ICT Regulatory Agency. In the event of bankruptcy, liquidation or out-of-business of the operator or service provider, the numbering resources are automatically reassigned to Regulatory Agency.

When the applicant transfers the operation of its Telecommunications/ICT service for which the numbering capacity is allocated, this numbering capacity is allocated to the assignee in so far as this one is allowed to operate the service and that a declaration in this direction is introduced beforehand at to the Telecommunications/ICT Regulatory Agency.

The numbers and blocks of numbers cannot become the property of the applicants or the end-users. They cannot be protected by a Copyrights, Patent and Trademark Law. They are allocated after reservation by the Telecommunications/ICT Regulatory Agency, for a limited time that corresponds to the duration of the operation of the service or application.

**Article 62:** Any decision of the Telecommunications/ICT Regulatory Agency concerning the reservation, allocation and canceling of the numbering resource shall be justified and published.

The refusal of reservation does not give right has to the refunding of the application fees. The allocation of number must be technologically neutral, non discriminatory and compatible with the portability of the numbers.

**Article 63:** The requirements and procedures of reservation, allocation and canceling of the numbering resources to the operators and the service providers are set by decree.

**Article 64:** The holder of a numbering resource can entrust to another operator the assignment of this resource (X) to the final customer (S). We distinguish then the "recipient" operator to which the resource is allocated, from the "trustee" operator who allocates the resource to the final customers.

The putting at the disposal to third party operator is possible only under the following conditions:

- The "trustee" operator has declared to the National Regulatory Authority, the activity essential for the operation of the resource concerned;
- The "trustee" operator notifies to the National Regulatory Authority by registered mail with acknowledgement of receipt of the resources which are put at the disposal of the "trustee"

I be provided through this or these resource(s).

This notification must intervene prior to the convention of putting at disposal between the “recipient” operator and the trustee operator.

In case of a resource allocated per block, the putting at disposal can be relating to the whole or part of the resource.

The compliance with all the obligations associated with the allocation of a resource is the responsibility of the recipient operator.

The operators concern with the putting at disposal must guarantee right to the portability for the end-users.

**Article 65:** Operators and services providers are compelled to register in the routing tables of their networks all the numbers or blocks of numbers allocated by the Telecommunications/ICT Regulatory Agency, under non discriminatory conditions and within a time specified by that one.

Operators and service providers are compelled to deactivate in the routing tables of their networks all the numbers or blocks of numbers removed by Telecommunications/ICT Regulatory Agency, under non discriminatory conditions and within a time specified by that one.

**Article 66:** The use or activation of a numbering resource allocated by the Regulatory Agency is prohibited.

**Article 67:** The allocation or the reservation of a numbering resource results in the payment of a royalty for the use of numbering resource which amount and payment terms are set by decree made during the Cabinet Meeting.

**Article 68:** The Telecommunications/ICT Regulatory Authority carries out market studies to assess the needs of consumers as regards the portability in order to identify the categories of consumers likely to request this service.

In case of need clearly identified, to permit the consumer to keep his phone number when he or she changes operator, the Regulatory Authority organizes a prior cooperation with the actors of market and makes a decision specifying the provisions which are applied to the actors concerned by the setting of the portability.

## **TITLE V: INSTITUTIONAL FRAMEWORK**

### **Chapter I: THE STATE**

**Article 69:** The regulation of the Telecommunications/ICT sector is the responsibility of the State. That responsibility is exercised by the Government.

**Article 70:** The State has as missions in the Telecommunications/ICT sector:

- to define Policies, to work out and propose the legislation that it deems is the best the adapted to meet the needs as regards Telecommunications/ICT.
- to work out the orientations, the guiding principles and objectives in order to ensure a development of the Telecommunications/IC sector.

I institutions as regards Telecommunications/ICT;

- to allocate licenses;
- to guarantee an optimal use of the scarce resources;
- to define the policy for the universal service .
- to ensure the separation of the functions of regulation, control of the activities of the Telecommunications/ICT sector and of operation of networks or supply Telecommunications/ICT services;
- to guarantee the independence of the National Regulatory Authority with respect to the political power and any other organizations ensuring the supply of networks, equipment or Telecommunications/ICT services and any other organization intervening in the sector;
- to define the responsibilities and authority of each actor of the institutional framework so as to avoid any ambiguity in F distribution of the tasks;
- to support the increase of the existing services and offer of new services under the conditions of a fair competition;
- to guarantee the compliance with the principle of equal treatment of the users, whatever the content of the message transmitted;
- to guarantee the access to the public networks under objective, transparent and non discriminatory conditions;
- to support the construction of a national and regional effective, stable and competitive Telecommunications/ICT sector;
- to ensure the harmonization of the policies and the progressive realization of an open and competitive market with the other countries of WAEMU and of ECOWAS;
- - to create a favorable environment for the diffusion and sustainable development of Telecommunications/ICT;
- to guarantee the supply of accessible, widely spread and good quality services;
- to guarantee the supply of the access to Telecommunications/ICT services applying the principle of technological neutrality over the overall territory and to all the population;
- to support investment in the Telecommunications/ICT sector;
- to encourage innovation, development and the use of the information and communication technologies;
- to guarantee a specified minimum level of the Information and of the communication Technologies resources for educational institutions and public services;
- to develop national and regional expertise in the Telecommunications/ICT sector;
- to promote and increase the use of Telecommunications/ICT providing to the individuals and organizations a minimal level of knowledge as this regards as well as a good training in the field;

**Article 71 :** It is established an independent Administrative Authority called Telecommunications/ICT Regulatory Authority of Côte d'Ivoire, abbreviated ARTCI with a judicial personality and financial autonomy.

**Article 72:** The ARTCI is in charge of providing the function of regulation on behalf of the State. For this reason, it has as missions:

- to encourage the development of the Telecommunications/ICT at the national and regional level;
- to control competition in collaboration with the Authorities in charge of the regulation of competition;
- to control the compliance with the obligations by the operators and suppliers services;
- to define and implement the rules in the field of interconnection and of the sharing of the infrastructures;
- to deal with the applications for licenses, prepare and implement the procedures for the allocation of licenses by call for tender;
- to prepare and update, in connection with the government departments concerned, the regulations of the book of specifications relating to the licenses;
- to deliver general licenses; to receive and process the declarations;
- to carry out the allocation of scarce resources, in particular the radio frequencies of which it is the recipient and of the numbering resources as well as the control of their conditions of use;
- to establish the indicators and standards of the quality of services and performance for the supply of Telecommunications/ICT services and control their conformity;
- to deliver, control the approvals, to define the obligatory specifications and approve the terminal equipment;
- to work out accountancy requirements and tariff principles as regards interconnection tariff policy;
- to contribute to the definition of programs of universal service implemented by the Government within the framework of its policy of universal service;
- to contribute, upon the request of the Government, to the fulfillment of the missions of the State as regards national defence, public safety, aviation and off-shore security;
- to know and settle with possibility of appeal, disputes of the sector;
- to manage domain names and Internet addresses of Côte d'Ivoire in relation with the specialized structures . A decree made in the Cabinet of Meeting organizes the management by ARTCI, of domain names and Internet addresses in Côte d'Ivoire;
- to protect the interests of consumers, the operators and service providers by taking all the measures likely to guarantee the practice of an effective, honest and durable competition;
- to take part upon the request of the Minister in charge for Telecommunications/ICT, in the working out of the Ivorian position in the international Telecommunications/ICT organizations;
- to contribute, upon the request of the Government, to the fulfillment of any other mission of public interest on behalf of the State in the Telecommunications/ICT sector;
- to give an opinion on any subject which is within the framework of its responsibilities and which is subjected to it by the Minister in charge of Telecommunications/ICT;
- to work out, upon the request of the Government or on its initiative, proposals aiming at:
  - o adapting the legal, economic and security framework of the sector of Telecommunications/ICT;
  - o developing an effective competition, largely taking into account the technological neutrality;
  - o ensuring the good performance, in the fields economic and technical fields, as well as the

Technologies, in accordance with the normal practices and the internationally recognized protocols, by taking into account the convergence of technologies in the field of Telecommunications/ICT;

- o Ensuring the treatment of questions relating to the protection of the interests of consumers, including the establishment of an appropriate mechanism for the reception of the consumers' complaints, and the relating investigations, relating to Telecommunications/ICT services and where appropriate, submit the aforementioned complaints to the appropriate institutions.

The missions of regulation are exercised by the Telecommunications/ICT Regulatory Agency, independently, impartially and transparently.

**Article 73:** The ARTCI has a Regulatory Board, collegial body, and of a General Management put under the authority of the Regulatory Board.

The Regulatory Board is responsible for carrying out the missions of the ARTCI, and General Management put under the authority of the Regulatory Board, is in charge of coordinating and managing the services of the ARTCI.

A decree made in the Cabinet Meeting specifies the organization and operation of the ARTCI in accordance with the provisions of the hereby ordinance.

**Article 74:** The Regulatory Board is made of seven members, including a chairman appointed by decree made in Cabinet Meeting for an office of six years non renewable.

The members of the Regulatory Board are chosen, because of their probity, qualifications and proven competences in the fields of Information and Communication Technologies, after a transparent procedure carried out under the responsibility of the Minister in charge of Telecommunications/ICT.

No one can be member of the Regulatory Board if he has been under a penal judgment that has become final or total ban or temporary to carry on an activity pronounced by a jurisdiction.

The members of the Regulatory Board commit their personal responsibility in the fulfillment of the missions which are assigned to them.

The members of Regulatory Board cannot be revoked before the end of their office, except for serious offence duly justified. They cannot be appointed beyond seventy years old.

If one of the members of the Regulatory Board cannot exercise his office until its term, due to resignation to any impediment duly noticed, it is provided to his substitution within two month as from the date of resignation or notice of the impediment. The member chosen to substitute him, after a call for nomination, fulfils his functions for the remaining duration of the office.

For the first office of the members of the Regulatory Board, three members, except the Chairman, are appointed for three years. Thereafter, all the other members are appointed for a six-year office not renewable.

effective within maximum three months after the publication of the hereby ordinance in the Official Gazette of the Republic of Côte d'Ivoire.

**Article 75:** The members of the Regulatory Board swear an oath before the President of the Court of Appeal, with the exception of the Magistrates.

Within the three months which follow its establishment, the Regulatory Board makes the Rules of Procedure. The draft Rules of Procedure is communicated one month before its adoption to the Minister in charge of Information and Communication Technologies. The Rules of Procedure adopted is published in the Official Gazette of the Republic of Côte d'Ivoire.

**Article 76:** The function of member of the Regulatory Board is not compatible with any public or private job, any elective office and any direct or indirect holding of interests in a company of the Telecommunications/ICT sector operating in Côte d'Ivoire.

**Article 77:** The members of the Regulatory Board are under the professional secrecy for the facts, acts and information that they have been able to get because of their functions.

The violations of the professional secrecy and self-dealing abuses committed by the members of the Regulatory Board liable to a one to ten-year imprisonment penalty and a fine of minimum fifty million Francs CFA or one of the two penalties.

**Article 78:** For a period of two years, according to the termination of their appointment within the Regulatory Board, the members of the Regulatory Board cannot, in any case, become salaried employees or be given remuneration in any form or case in a Telecommunications/ICT company, within the meaning of the hereby ordinance, established in Côte d'Ivoire.

The member of the Regulatory Board that does not comply with this regulation is liable to a one to ten-year imprisonment penalty and a fine of at least fifty million francs CFA or one of the two penalties. The conditions of termination of appointment of the members of the Regulatory Board are set by the decree on the establishment, organization and operation of the ARTCI.

**Article 79:** A decree made in the Cabinet Meeting sets the amount of the remunerations and advantages from which the members of the Regulatory Board profit.

The remuneration of the members of the Board must be at a level comparable to the one of the members of institutions. The remuneration of the President must be at a level comparable to the one of the Presidents of institutions.

**Article 80:** The Regulatory Board is responsible for the technical, administrative and financial management of the ARTCI. It sets and applies the terms for the organization of work.

The Chairman of the Regulatory Board convenes and chairs the meetings of the Board.

The Chairman of the Regulatory Board signs the decisions of the ARTCI, after deliberation of the

their implementation. It takes the initiative of investigation commenced by the Regulatory Board.

The Chairman of the Regulatory Board can delegate part of his authorities to another member of the Regulatory Board. The delegate people are, automatically, persons in charge of the good execution of the missions of management and administration, subject of the delegation, before the financial audit institutions and the jurisdictions envisaged by the law.

**Article 81:**

The daily management of the technical, administrative and financial businesses of the ARTCI is ensured by a Head office led by a General Manager. The General Manager acts under the authority of the Regulatory Board. It attends, with advisory voice, the meetings of the Regulatory Board. The drafts projects deliberations of the Regulatory Board are drawn up under his responsibility.

The General Manager is appointed by decree made in the Cabinet Meeting for a four-year office renewable only once. It cannot be revoked before the end of his office, except for justified heavy serious offence.

The remuneration of the General Manager must be at a level comparable to the one of the General Managers of Public Corporation.

**Article 82:**

The ARTCI must set up its own means of communication, in order to ensure an effective and transparent communication with the operators and the service providers, the State, the economic environment and consumers. These means will at least include a periodic review and an updated web site.

The ARTCI is compelled to publish, every six-month period, the major statistics of the Telecommunications/ICT sector. The non publication of these statistics within the statutory period, except in the event of force majeure duly noticed, constitutes a serious offence.

The ARTCI must produce each year, at the latest on September, 30th, an Activity Report. This Report is communicated to the Government, the National Assembly and the Supreme Court. It is published.

The ARTCI must set up a process of consultations of the actors of the sector before any important decision. The Regulations of the consultation are communicated to the actors sufficiently beforehand the reception of their contributions. They are published on the Web site of the ARTCI. The report of the contributions of the actors is published.

The ARTCI sets up a one-stop information access permitting the access to all the public consultations, except in specifically set cases of confidentiality of the information.

**Article 83:**

The operators of networks and service or equipment providers are compelled to forward all the necessary information, including financial information to the ARTCI.

These companies periodically provide this information and upon the request, by complying with the deadlines and level of details required by the ARTCI. The information requested by the ARTCI matches

The ARTCI must indicate the reasons justifying its information requests. It receives and analyzes all information and necessary documentations of the Telecommunications/ICT network operators and service providers within the framework of their permits and general license and, if necessary, request all the precise and additional details.

The professional secrecy is not opposable to the ARTCI. However, this one is compelled to comply with the confidentiality of information received.

**Article 84:** The accounting and financial transactions of the ARTCI are subjected to the accounting rules of the Organization for the Harmonization of Business Law in Africa (OHADA).

The financial management of the ARTCI is subjected to an independent accounting and financial audit after each financial year, on the initiative of the Minister in charge of economy and finances. The results of the audit are communicated to the Minister in charge of Telecommunications/ICT, and published on the web site of the ARTCI and annexed to its annual activity report.

**Article 85:** The ARTCI can recruit contract employees in accordance with the Labor Code. It can employ civil servants and government officials in secondment position. The personnel of the services of the ARTCI is compelled to comply with the professional secrecy for the facts, acts and information of which they could be informed because of their functions.

The civil servants and government officials in secondment at the ARTCI are subjected, throughout their secondment to the regulations governing the ARTCI and the labor legislation, subject to the provisions of the general status of the public service.

The members of the personnel of the ARTCI should in no case be salaried employees or benefit from remuneration in any form or case of a Telecommunications/ICT company established in Côte d'Ivoire , nor hold direct or indirect interests in such a company.

Any breach of the obligations mentioned in the hereby article constitutes a serious offence resulting in the dismissal under the conditions envisaged by the labor legislation.

**Article 86:** The personnel of ARTCI in charge of carrying out operations of control, investigation, observation the offences and seizure, must be sworn. It swears an oath before the Court of First instance of Abidjan.

The sworn personnel can carry out a search, seizure of equipment and closing of the premises, on written warrant of the ARTCI after deliberation of the Regulatory Board. In case of need, it shall benefit from the support of the law enforcement services in fulfillment of its mission. The warrant shall specify the reason for its issuance and the action to be carried out.

**Article 87:** The ARTCI cooperates with all the National Regulatory Authorities of the ECOWAS and of WAEMU in charge of the regulation of the Telecommunications/ICT sector, of the enforcement of the competition law, the protection of consumers' right and the protection of personal data.

rantee, within the framework of their co-operation, the confidentiality of the correspondences in compliance with the Community regulations.

## **Title VI: APPROVAL OF EQUIPEMENTS AND AUTHORIZATION OF INSTALLERS**

### **Chapter I: Conditions for the start of the sales phase of equipment**

**Article 88:** The equipment intended to be connected to a Telecommunications/ICT network open to the public and radio equipment must be subjected to an evaluation of their conformity to the essential requirements by the ARTCI.

The equipments which meet the requirements are approved by the ARTCI. The approval is materialized by a certificate established by the ARTCI.

The evaluation of conformity is subjected to the payment of a duty to the ARTCI. The amount and methods of calculation of this duty are set by joint decree of the Minister in charge of the economy and finances and the Minister in charge of Telecommunications/ICT.

**Article 89:** The ARTCI can entrust independent national or foreign standardization institutions to design technical standards for the approval of equipments. The technical standards adopted by the ARTCI are published in the Official Gazette of the Republic of Côte d'Ivoire, after their approbation by a ministerial order of the Minister in charge of Telecommunications/ICT.

**Article 90:** A decree sets the content and conditions of issuance of the approval certificate of the radio equipment intended to be connected to a Telecommunications/ICT network open to the public.

### **Chapter II: Evaluation Procedures**

**Article 91:** The ARTCI determines the procedures for the evaluation of the conformity to the applicable essential requirements. These procedures correspond to those which are used on the international level for equipment of the same standard and category.

The evaluation procedures adopted by the ARTCI are submitted to the Minister in charge of Telecommunications/ICT for approbation.

**Article 92:** The laboratory tests and the organizations to which resorted the people responsible for the start of the sales phase of Telecommunications/ICT in order to establish their compliance with the essential requirements, must either:

- be accredited by the ARTCI,
- be recognized in Côte d'Ivoire according to the international agreements,
- be entitled in whatever way by the Ivorian Law.

nications/ICT equipments open to the public which do not meet the requirements for their start of sales phase must clearly specify that the aforementioned equipments are not in compliance with the regulations and that they cannot be marketed.

If the equipments are used for demonstration purposes, the owner of these equipments must obtain the prior agreement of the ARTCI.

If it is considered to connect these equipments to a Telecommunications/ICT network, the owner of these equipments must obtain, in addition to the agreement of the ARTCI, that of the operator of the aforesaid network.

**Article 94:** The ARTCI controls the compliance with the essential requirements of equipments intended to be connected to a network open to the public and radio equipments intended to be installed or already installed or in operation.

The ARTCI carries out, to this end, unexpected checks or selective checks and can request the help of any national or international entity.

**Article 95:** The ARTCI is entitled, within the framework of the checks, to require:

- from the person responsible for the start of sales phase of the aforementioned equipment, the documents and information contributing to prove the conformity of this equipment.
- the free handing-over of the equipment necessary to make tests by n entitled laboratory or organization.

The ARTCI can order tests:

- if the approval certificate of the country of origin or any other document in lieu thereof does not correspond the equipment;
- if it does not clearly arise from the documents presented that the equipment is in conformity with the essential requirements.
- If there are reasons there to suppose that the equipment is not in compliance with the essential requirements.

The cost of the tests is at the expense of the person responsible for the distribution or starting of sales phase of the equipment:

- if this person could not provide whole or part of the documents and information requested within the time set by the ARTCI;
- if it arises from the tests that the equipment does not comply with the essential requirements.

Before ordering the tests, the ARTCI hears the person responsible for the distribution or the start of sales phase of the equipment.

**Article 96:** The ARTCI can constantly have access to the equipments connected to a network open to the public and radio equipments which disturb the Telecommunications/ICT or radio broadcasting and take suitable measures.

**Article 97:** The equipments intended to be connected to a network open to the public and the already approved radio equipments which features were modified, must be subjected again to the approval procedure.

**Article 98:** The approval ends:

- at the expiry of its period of validity, if that one is limited;
- when the ARTCI cancels it;
- in case of modification of the technical characteristics of the equipments.

The ARTCI can cancel an approval for justified reasons, including:

- in case of amendment of the provisions of the hereby ordinance or its technical and administrative prescriptions;
- if the holder of the approval certificate has not complied with the provisions of the hereby ordinance or the requirements connected to the approval.

The ARTCI assesses the opportunity to extend the effects of the cancellation of the approval certificate to equipments already distributed, sold, installed or operated.

#### **Chapter IV: Installer's Authorization**

**Article 99:** Physical persons or legal entities that wish to exercise the activity of Telecommunications/ICT equipment installers are compelled to get an installer authorization.

**Article 100:** The installer Authorization is issued the ARTCI for a period of two years renewable.

**Article 101:** The issuance of installer authorization is subjected to the payment of a royalty set by a joint order of the Minister in charge of economy and finances and the Minister in charge of Telecommunications/ICT.

**Article 102:** The installers of Telecommunications/ICT equipments incur the sanctions provided by the hereby ordinance in the event of non approval of the Telecommunications/ICT equipments or the radio equipments installed.

**Article 103:** The people who exercise the activity of Telecommunications/ICT equipment installers without installer Authorization, incur the sanctions provided by the hereby Ordinance.

**Article 104:** The ARTCI knows, in the first instance, any litigation which can occur in Telecommunications/ICT sector in particular:

- any violation, by a Telecommunications/ICT operator or service provider, of legal or statutory provisions or regulatory as regards Telecommunications/ICT or conventional clauses;
- any refusal of interconnection or renting of capacity or infrastructures, contrary to the requirements provided by the applicable regulations and any dissension relating to the application or interpretation of conventions and the catalogs of interconnection;
- Any violation of the conditions of granting or refusal to grant to an operator the rights of

occupancy on the domain of public entities or of right-of-way on a private property for the purposes of establishment and operation of a Telecommunications/ICT network;

- any default in the application by a Telecommunications/ICT operator or a service provider of its book of specifications or any other similar document containing the requirements connected to its authorization or declaration;
- any default in the application or violation of a clause appearing in a standard contract of subscription entered into with the consumers.

**Article 105:** When it is requested about a fact likely to receive a penal qualification, the ARTCI informs by any means, the Public prosecutor.

**Article 106:** The ARTCI cannot be requested about facts that happened more than three years ago, if nothing was made for their research, observation or sanction.

**Article 107:** When a dispute opposes a party established in Côte d'Ivoire and another in a Member State of the ECOWAS or WAEMU, the ARTCI is qualified to be informed of this dispute. In this case, the ARTCI coordinates its actions with the National Regulatory Authority of the Member State concerned.

**Article 108:** In the event of refusal of access or interconnection, failure of the commercial negotiations or dissension on the entry into or enforcement of a convention of interconnection or access to an electronic communication network, the Telecommunications/ICT Regulatory Agency can be requested about the dissension by one or the other of the parties.

The ARTCI takes measures both to settle the dispute within a period of two months maximum as from the referral date and to guarantee the continuity of the service during this time.

## **Chapter II : Procedure of referral to the ARTCI**

**Article 109:** Any natural person or legal entity can request the ARTCI to ask for redress of damage undergone, the modification of the conditions of supply of a service, or to another request occurring within the framework of the Telecommunications/ICT activities.

The parties to the dispute can the ARTCI with the assistance of a lawyer.

**Article 110:** The referral to the ARTCI is carried out according to the following rules:

- The plaintiff requests the ARTCI by filing a request to its head office for the issuance of a receipt; this request is sent to the Chairman of the ARTCI.
- the request is produced in as many copies as parties to the dispute;

- the request must be justified;
- the request also indicates the quality of the applicant, in particular:
  - o If the plaintiff is an individual: his full name and, residence, nationality, date and place of birth: he attaches a copy of an identity document;
  - o If the plaintiff is a legal entity: its name, status, head office, legal or statutory representative; is attached to the request, for commercial companies, a copy of the trade register dating back to maximum three months and for nonprofit legal entities, a copy of the articles of association and receipt of declaration;
- The plaintiff must specify the full names, and residence of the defendants with, if they are several legal entities, their denominations and head office;
- The claimant must elect residence in Côte d'Ivoire.

The request is registered on a book-order and with a stamp indicating its date of arrival. The documents sent to the ARTCI being processed are also bear a stamp indicating their date of arrival.

**Article 111:** The processing of disputes is carried out according to transparent and non discriminatory procedures, in compliance with the contradictory principle and the rights of defense.  
The ARTCI decides within maximum three months, after having requested to the parties to present their observations. However, this time can be extended to six months when it deems necessary to conduct complementary investigations and expertise.

The duly justified decisions are rendered public, in particular on the web site of the ARTCI.

The procedure rules relating to the registration and processing of the cases, with the course of the hearings and the deliberations as well as the maximum deadlines for the processing of the disputes are specified by a decision of the ARTCI which is rendered public and available on its web site.

**Article 112:** The decisions of the ARTCI are provisionally enforceable and are not likely to be opposed.  
In case of serious offence to the rules governing the Telecommunications/ICT sector, the ARTCI can automatically, after having heard the parties in question, order provisional measures especially in order to ensure the continuity of the operation of the networks.

The decisions of the ARTCI can be subject to appeal before the Court of appeal of Abidjan within one month as from their notification. Fifteen days can be added to this time if the recipient of the notification resides within the territorial authority of another Court of Appeal and two months if he resides abroad.

The authority in setting aside formed, where appropriate, against the judgment of the Court of Appeal is exerts in IE deadline one month as from the date of notification of this judgment.

**Article 113:** The decisions of jurisdictional nature made by the ARTCI, in particular those made pursuant to the hereby ordinance, are likely to be appealed. The appeal is not suspensive except for financial penalties.  
However, the suspension of execution of the decision can be ordered if this one is likely to bring about obviously excessive consequences. In this case, the request for suspension of execution is submitted to the first President of the Court of Appeal of Abidjan who rules as regards special hearing.

The administrative decisions that the ARTCI makes in the fulfillment of its missions are likely to be subject of proceedings for annulment under conditions set by the law on the establishment, organization and operation of the Supreme Court.

The provisional measures made by the ARTCI can, within fifteen days as from their notification, be subject of proceedings for reformation or annulment before the first president of the Court of Appeal of Abidjan which rules as regards special hearing. The appeal proceedings against the provisional measures made by the ARTCI are judged within one month maximum.

In the event of disputes between parties established in two Member States and in the absence of response from the Authority requested by the claimant or coordination between the Authorities, each party can request either the Commission of the ECOWAS or WAEMU by sending a copy of the referral to each party and with the interested National Regulatory Authorities. The Commissions of ECOWAS or WAEMU take the useful required measures for the settlement of the aforesaid dispute by the qualified National competent Authorities within a reasonable deadline.

### **Chapter III : Observation of offences**

**Article 114:** In addition, the officers and agents of judicial police acting in accordance with the provisions of the Criminal Procedure Code, the agents of the national service of coastal overseeing and the officers and commanders of the units of the national navy, the agents of the Ministry of the Commerce entitled in accordance with the law on competition, the sworn agents of the Ivorian Frequency Management Agency and the sworn agents of the ARTCI can seek and observe by official report the offences provided by the regulations into force. The official reports thus drawn up, are forwarded to the Public prosecutor within a time which cannot exceed eight days as from the date of observation of the deemed offences.

**Article 115:** The sworn agents of the Ivorian Frequency Management Agency and the sworn agents of the ARTCI can have access to the premises, lands or means of transport for professional use used by the Telecommunications/ICT operators and service providers and by the people manufacturing, importing, distributing or installing Telecommunications/ICT equipment intended to be connected to networks open to the public or radio equipment, in order to seek and observe offences  
o  
, request the communication of any professional document take copy of it, collect, on convocation or on the spot, the information and justifications.

The sworn agents of the Ivorian Frequency Management Agency or those of the ARTCI can have access to the premises only during their opening hours when they opened to the public and, in the other cases, between six and twenty one.

The operations under consideration for the research of the offences by the sworn agents of the Ivorian Frequency Management Agency and the sworn agents of the ARTCI are subject of a preliminary written authorization from these entities. The official reports are given within the 48 hours following their establishment. A copy is also given to the interested.

**Article 116:** The sworn agents of the Ivorian Frequency Management Agency or those of the ARTCI can conduct the seizures of Telecommunications/ICT equipments or installations connected or intended to be connected to networks open to the public or radio equipment on preliminary written authorization from the Telecommunications/ICT Regulatory Agency, after deliberation. The seizures are carried out

under the authority and IE control of the Chairman of the ARTCI.

The materials seized are immediately listed and sealed in the premises of the ARTCI. The inventory is annexed to the official report drawn up on the spot. The originals of the official report and the inventory are forwarded, within the 48 hours following their establishment, to the Chairman of the ARTCI.

The first President of the Court of Appeal can be requested by a letter of losing arrestment. It can order the offering for sale of the equipments or installations seized if those can be made in conformity with the provisions of the hereby ordinance. Failing this, it orders their destruction.

The sale or the destruction is carried out at the expenses of the offender under the control of the first President of the Court of Appeal who ordered it. The revenue of the sale is transferred to the Treasury.

## **TITLE VIII: PENALTIES**

### **Chapter I : Administrative and financial penalties**

**Article 117:** The ARTCI can, after an unfruitful injunction and hearing of the offender, inflict to him one of the following penalties:

- confiscation of the equipment subject of the offence,
- demolition of the equipment or installation subject of the offence at the expenses of the offender;
- provisional or final restriction of license to exercise one of the activities subjected to the system of individual permit, general license or declaration;
- restriction of the range and/or the duration of the license;
- temporary suspension of the license for a period which cannot exceed one month;
- final withdrawal of the license with affixing of seal;
- prohibition to exercise for one year to five years any activity connected to the Telecommunications/ICT sector as an operator, service provider or manager.

**Article 118:** The ARTCI can compel financially the operators and service providers of the Telecommunications/ICT sector to carry out their obligations.

If the violation observed is non constitutive of a penal offence, it is inflicted to the offender a financial penalty which amount is proportional to seriousness of the violation and the advantages which are enjoyed, without being able to exceed 3% of the turnover net tax of the last fiscal year. This rate is moved up to 5% in the event of new violation of the same obligation.

**Article 119:** Whoever carries out activities without license, apart from of the penal penalty which is applied to him a, is compelled to pay the duties, taxes or royalties for any all the time where it has operated irregularly.

### **Chapter II : Penal penalties**

**Article 120:** Whoever is allowed to take part the execution of a service Telecommunications/ICT who intercepts, reveals, publishes or uses the content of the communications routed by the Telecommunications/ICT networks or services, is punished of an imprisonment of one to five years and a fine of two to ten million francs CFA or only one of these of penalties.

Whoever encourages, takes part in the disclosure of the contents of the communications and exchanges transmitted through the Telecommunications/ICT networks or services or makes himself accessory, is sentenced to an imprisonment of one year to five years and of a fine of two to ten million Francs CFA or one of these two penalties.

Whoever intercepts, reveals, publishes or uses the content of messages or reveals their existence, is sentenced to the same penalties. These provisions are not applied in case of:

- express agreement of the author or recipient of the communication;
- interception of a private communication on requisition of the Judicial Authority within the framework of a judicial enquiry;
- Control by the Ivorian Frequency Management Agency for the purposes of identifying, isolating or preventing the non authorized use of a radio frequency.

**Article 121:** Is punished of an imprisonment of six months to three years and a fine of one to one hundred million francs CFA or one of these two penalties only whoever:

- installs or operates a public Telecommunications/ICT network without the licenses provided in the hereby ordinance or operates it in violation of a decision of suspension or withdrawal of this license;
- provides Telecommunications/ICT services to the public without the authorizations provided in the hereby ordinance or maintains the offer of these services after suspension or withdrawal of this license.

**Article 122:** Is punished of a fine of five to twenty million francs CFA, whoever:

- makes false statements concerning the content of the information in the declaration of intention of opening of the services provided by the hereby ordinance;
- omits the pricing of the call of a number mentioned in an advertising message.

**Article 123:** Whoever uses the information provided by an entity requesting an interconnection or an access to a network for purposes other than those set during their handing-over, is punished of an imprisonment of one year to five years and of a fine of two to twenty million francs CFA or only one of these two penalties.

**Article 124:** Whoever installs or operates an independent Telecommunications/ICT network of Without license or maintains its operation after suspension or withdrawal of the license, is punished of an imprisonment of three months to one year and of a fine of five to fifty million franc CFA or only one of these two penalties.

**Article 125:** Whoever holds or puts on the market terminal equipment or radio or the patching to a public Telecommunications/ICT network in violation of the approval rules, is punished of a fine of five hundred thousand to five million francs CFA.

Whoever advertises in favor of the sale of non approved equipments is punished of the same penalties.

The recipient of an approval which abstains from informing the ARTCI of the modifications brought to the major characteristics of approved equipment is punished of the same penalties.

Whoever exercises the activity of installer of Telecommunications/ICT equipment without the installer's license is punished of a fine of one hundred thousand to ten million francs CFA.

**Article 126:** Whoever uses a radio frequency which was not assigned to him or whose release was requested to him within a minimum time of three months is punished of an imprisonment of three months to one year and of a fine of ten to fifty million francs CFA or only one of these two penalties with daily penalty payments until the release of the frequency in question. The amount of the penalty payments is set by the recipient of the frequency in question.

**Article 127:** Any navigator of ship or pilot of aircraft using the airspace or territorial water of the Republic of Côte d'Ivoire, that contravenes the orders of silence, is punished of an imprisonment of three months to one year and of a fine of one to five million francs CFA or only one of these two penalties.

Any radio ham that uses his station for communications of third parties or violates the provisions of the hereby ordinance, is punished of an imprisonment of three months to one year and of a fine of one hundred thousand to two million francs CFA or only one of these two penalties.

**Article 128:** Whoever uses or activate a numbering resource not allocated by the ARTCI, is punished of an imprisonment of three months to one year and a fine of one to five million francs CFA or only one of these two penalties.

**Article 129:** Whoever carries out radio transmissions by knowingly using a call sign of the international series allocated to a station of the State or Administration or a licensed private station is punished of an imprisonment of three months to one year and a fine of one to five million francs CFA or only one of these two penalties.

**Article 130:** Whoever voluntarily disturbs, by using a radio frequency or any other means, a Telecommunications/ICT service is punished of an imprisonment of one month to two years and a fine of five to ten million francs CFA or only one of these two penalties.

**Article 131:** Whoever voluntarily deteriorates, damages or interrupts, in any manner, a radio network installation or compromises the operation of this network, is punished of an imprisonment of one to five years and of a fine of five to twenty million francs CFA or only one of these two penalties.

**Article 132:** Whoever voluntarily deteriorates, damages or interrupts, in any manner, the aerial lines or any underground Telecommunications/ICT installation, or any work referring to it, is punished of an

imprisonment of one to five years and a fine of five to twenty million franc CFA or only one of these two penalties.

**Article 133:** Whoever voluntarily deteriorates, damages or interrupts, in any manner, switching or transmission equipments or any other equipment referring to them , is punished of an imprisonment of one to five years and a fine of five to ten million francs CFA or only one of these two penalties.

**Article 134:** Whoever voluntarily deteriorates, damages or interrupts, in any manner, Telecommunications/ICT equipments, installations or infrastructures, is punished of a fine of one hundred thousand to five million francs CFA.

**Article 35:** Whoever, in the territorial waters or on the continental shelf contiguous to the territory of Côte d'Ivoire, voluntarily breaks a submarine cable or causes to it or tries to cause to it deteriorations likely to stop the whole or part of the Telecommunications/ICT, is punished of an imprisonment of five years and a fine of fifty thousand to one hundred million francs CFA.

**Article 136:** Whoever, within the maritime areas referred to in the previous article having broken by awkwardness, imprudence, negligence or non-observance of the regulations, a submarine cable, or having caused to it deteriorations likely to break the whole or part of the Telecommunications/ICT, omits to make the declaration of the aforesaid acts within the twelve hours to the local authorities of the closest Ivorian port, is punished of imprisonment of one month to one year and a fine of five hundred thousand to one million francs CFA or only one of these two penalties.

**Article 137:** Deteriorations of the submarine cables committed in the territorial or on the continental shelf contiguous to the territory of Côte d'Ivoire by a member of the crew of an Ivorian or foreign ship are judged by the Magistrates of the Correctional Court of Abidjan. They can also be judged by the Court:

- of the home port of the ship on which the author embarked;
- of the first Ivorian port where this ship will board;
- which territorial authority is extended on the maritime extension of the place of the offence.

**Article 38:** Whoever, fraudulently, uses for personal purposes or not a public Telecommunications/ICT network or connects himself by any mean on a private line, is punished of an imprisonment of one year to five years and a fine of one to five million francs CFA or only one these two penalties.

**Article 39:** Whoever, knowingly, harms or disturbs their quietude through public Telecommunications/ICT networks, is punished of an imprisonment of three months to one year and a fine of one hundred thousand to five hundred thousand francs CFA.

**Article 140:** Whoever, knowingly, transmits, puts into circulation through public Telecommunications/ICT networks false or deceptive distress signals or calls, is punished of an imprisonment of one to five years and a fine of one to five million francs CFA or only one of these two penalties.

**Article 141:** The offences to the provisions relating to the easements provided by the hereby ordinance and its implementing decrees are punished of a fine of one to million francs CFA.

**Article 142:** Any operator or supplier that refuses to provide to the ARTCI the information required by the book of specifications or voluntarily provides to it erroneous information on the ground of obstacle to the course of a request ordered within the framework of its missions, is punished of a fine of twenty to fifty million francs million CFA.

**Article 143:** Any operator or service provider that diverts from the telecommunications traffic in a voluntary or involuntary way is punished of an imprisonment of one month to two years and of a fine of one hundred to five hundred million francs CFA.

**Article 144:** In the event of second offence, the penalties provided for each offence to the hereby ordinance are doubled.

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**Article 145:** Whoever carries out activities without license, apart from the penalty that is applied to him, is compelled to pay the duties, taxes or fees for all the time where he has operated irregularly.

## **TITLE IX: COMMON PROVISIONS**

### **Chapter I: Easements and rights of user**

**Article 146:** The installation of Telecommunications/ICT infrastructures and equipment must be carried out in compliance with the rules of town planning, defence and safety, environment, esthetic quality of the places and under the least detrimental conditions for private properties and the public domain.

In order to ensure the transmission and reception of radio signals as well as the construction and effective operation of the networks for the purpose of general interest, administrative easements or rights of user for the benefit of the operators can be instituted.

**Article 147:** When the easements result in the destruction or modification of a building, it is conducted, for lack of amicable arrangement, the expropriation of that building for public interest in accordance with the common right. In the event of resale of the building, the former owners profit from a right of pre-emption.

The purchasers of a building having undergone modifications because of easements are compelled to comply with the modifications carried out and the easements binding.

**Article 148:** In the general interest and if your situation requires it, Il can be requested to any owner or user of an electric installation, even if it is located out of the easements areas, producing or propagating disturbances obstructing the operation of a public or private reception radio center, to comply with the provisions which are prescribed to it, in order to put an end to the disturbance. In this case, it must namely submit itself to the investigations requested, carry out the modifications specified and maintain the installations in first line operation.

**Article 149:** When a Telecommunications/ICT or other disturbs the Telecommunications/ICT, the ARTCI can oblige the respondent operator to modify at its own expense or to suspend the operation.

To determine the origin of the disturbances of Telecommunications/ICT, the ARTCI has access to all the installations.

**Article 150:** the right of user referred to in the hereby title gives rights to compensation if results in a material damage from it. The compensation, for lack of amicable settlement, by the ARTCI without ham of the appeal to regular law courts.

All the actual costs incurred by the owner of the goods under the rights of user or easements are at the expense of the recipient operators or service providers.

The request for compensation must, in pain of foreclosure, arrive to the recipient of the easements within two years, as from the notification with to the interested entity of the subjections of which they are subjected.

**Article 151:** Subject to the authorization of the competent Public Administration, operators have access to any public road or any other public place for the construction, operation or maintenance of their Telecommunications/ICT infrastructures and can conduct work there, namely digging work and stay there for the duration required for these purposes.

They must however, in any case, do their best to avoid any abusive hindrance to the enjoyment of the places by the public.

They must also make good the public work during the carrying out of the work within maximum one month. Otherwise, they are liable of penalty provided by the regulations into force.

**Article 152:** The owner of a building open to the public can allow operators and service providers to install there and operate public lines and boxes to the extent that they do not hinder the general use. The installation and operation of these services should be agreed by parties.

Operators and service providers take into account the assignment of the building used and underwrite the fees of repairing.

Public lines and boxes are the properties of the operator and service provider that constructed them or acquired from a third party.

The owner of a building is responsible the damage caused to the public lines and boxes located on his own land due to himself or others or by negligence.

The operators and service providers are compelled to move their public lines and boxes when the owner of the building would like to make another use incompatible with the presence of lines and boxes.

The ARTCI sets, in the event of disagreement between the parties, the requirements and procedures applicable to the move of the public lines and boxes.

**Article 153:** The universal service is the overall requirements of general interest of Telecommunications/ICT aiming at ensuring everywhere in Côte d'Ivoire the access of all to the essential Telecommunications/ICT provisions of good quality and affordable price. It is ensured in accordance with the principle of

equality, continuity, adaptability and transparency.

It includes the supply of urgent Telecommunications/ICT services, the supply of special services for the disabled people or people having specific social needs, the missions of general interest of the State in the field of Telecommunications/ICT.

The responsibility of the universal service falls to the State. The ARTCI, within the framework of its mission of regulation of the Telecommunications/ICT sector, shall contribute to the identification and evaluation of the market needs in terms of universal service, and made proposals to the Government.

**Article 154:**

The universal service includes:

- the supply on the overall national territory of telephone services, data transmission and high speed internet access;
- the installation of public payphones and/or multimedia Telecommunications/ICT centers;
- A free and priority routing of telephone calls and other urgent electronic communications from any fixed line, mobile terminal or other multimedia terminal;
- an intelligence service;
- a universal directory gathering the coordinates of subscribers in printed or electronic form.

In order to guarantee the universal service, the ARTCI can, upon request of the Minister in charge Telecommunications/ICT, force the powerful operators to propose to the final user having low-income to or specific social needs, tariffs, options or tariff formulas which differ from the normal conditions of business operation

The universal service also includes the development of the access to the aforementioned services including the establishment of Telecommunications/ICT networks.

The Government periodically re-examines the range and content of the universal service.

**Article 155:** The ARTCI puts at the disposal, the public institutions in charge of safeguarding human lives, public safety, and social emergency, the emergency and assistance numbers.

The operators and service providers are compelled to route for free and as a priority all the telephone calls and other electronic communications to emergency numbers.

**Article 156:** The ARTCI must insure the putting at disposal of the public:

- a directory containing the overall coordinates of subscribers, including fixed telephone and mobile numbers, in a form approved by it;
- at least an intelligence telephone service covering the overall subscribers listed accessible to all the users, including the users of public telephones;

The Telecommunications/ICT operators or services providers are compelled to provide to the ARTCI the information essential for the design of the directory.

The implementation of these provisions must be carried out in accordance with the statutory and regulatory provisions to be applied as regards the protection of personal data and data relating to private life. Especially the coordinates of the subscribers who will have clearly refused their publication will not be published in the directories.

**Article 157:** It is established, in a form of Public Corporation, the National Agency of the Universal Telecommunications/ICT Service, in abbreviated form ANSUT. It is in charge of ensuring:

- the implementation of the universal service programs for the State;
- the management of investment operations financed by the State in the field of Telecommunications/ICT.

The resources of the Agency are constituted by the obligatory contributions of the operators and services providers holders of an individual permit or a general license, as well as by the contributions of the State and any other resource.

A decree made in the Cabinet Meeting specifies the organization and operation of the Agency. This decree also sets the levels of the contributions and determines the terms of collection.

**Article 158:** The programs as regards the universal service are worked out and decided by the Minister in charge of Telecommunications/ICT. The operators and service providers contributing to the financing of the universal service are consulted to collect their opinions on the development of the universal service.

Each program of the universal service is subject of a detailed book of specifications including at least:

- the targeted services ;
- the coverage area of these services; the minimal quality of service;
- multi sector-based aspects and the required coordination with the other sectors and structures potentially concerned;
- the detailed budget of the program according to the available resources.

**Article 159:** The books of Specifications of the universal service are approved by the Ministry in charge of Information and Communication Technologies. They determine the general requirements of the supply of the services provided in the annual programs or programs running over several years.

They are established for the operators and service providers likely to implement the targeted services in the universal service programs. They are annexed to the files of the calls for tenders or calls for bidders. They plan in particular the conditions in which the tariffs and the quality of the universal service are controlled.

**Article 160:** The choice of the operator or service provider in charge of carrying out provisions and services under the obligations of universal service is made on the basis of an open call for tender.

The allocation of licenses for rural service providers can be set to meet the needs for the non served sectors and/or poorly served.

The incapacity of an operator, service provider or a company to achieve the performance objectives and levels of quality of service provided for the carrying out of the universal service can result in the implementation of the penalties provided in the books of specifications.

**Article 161:** The Minister in charge of Telecommunications/ICT presents each year to the Government, a report on the implementation of the universal service.

### **Chapter III: Rights and Obligations of operators and users**

**Article 162:** The operator or service provider is compelled to guarantee the secret of the communications. To that end, the operator or supplier ensures his services without discrimination whatever the nature of the transmitted message and makes the useful provisions to ensure the integrity of the messages. He is allowed to violate the secrecy of the communications only by the Legal Authority in the cases and conditions provided by the ordinance.

**Article 163:** The telephone operators and internet access suppliers are compelled to proceed to the identification of their subscribers. For this purpose, they collect and keep the relative data of identification of their subscribers.

Any individual or legal entity that subscribes to a service to a telephone operator or an internet access provider is compelled to have himself/itself identified according to the terms set by decree made in the Cabinet Meeting.

The telephone operator or internet access provider that does not comply with the obligation to identify his subscribers is liable to the administrative and financial penalties provided by the hereby ordinance.

**Article 164:** The operator or service provider is compelled to take appropriate measures to ensure the protection, integrity and confidentiality of personal data which it holds and which he holds subject to the compliance with the legal requirements.

The operator or service provider must guarantee right for any person:

- not to be mentioned on the list of subscribers or users published. The operator ensures the free of this faculty or failing this, subordinates its exercise to the payment of a reasonable and non dissuasive amount;
- to be opposed for free to the registration on these lists of the complete addresses complete of its residence, to the extent that the data available permit to distinguish this subscriber from his namesakes as well as, if possible, a reference to his gender;
- to be opposed for free to the use of data relating to it for business purposes;
- to prohibit for free that the personal data relating to it resulting from the lists of subscribers be used in business transactions by Telecommunications/ICT mean, with the exception of the operations relating to the authorized activities and concerning the contractual relation between the operator and the subscriber;
- to get for free the communication of the personal data concerning it and require that they be rectified, completed, specified, updated or erased.

**Article 165:** The consumer should not be charged for a service which he did not profit from or which he did not request.

**Article 66:** When an operator or a service provider calls in services marketing companies, it must in the contractual relation with those companies, insure the compliance with the obligations relating to the identification of its subscribers, conditions of confidentiality and neutrality concerning the messages transmitted and information connected to the communications.

The responsibility of the operator or service provider can be committed for the offences made by the marketing companies with which it has entered into contract and which does not comply with the aforementioned obligations.

**Article 167:** The operators are compelled to take all the necessary measures to ensure the safety of the

communications using their networks. For this purpose, they inform their customers of the existing services making it possible to reinforce the safety of the communications.

The ARTCI can finance an audit on the safety of the networks of an operator or service provider.

**Article 168:** The operators and the service providers are compelled to observe minimum time of three months to reallocate a cancelled phone number.

**Article 169:** A user can choose a phone number among the numbers available of an operator or service provider when that is possible.

**Article 170:** The operators of mobile telephone networks and service providers using these networks are compelled to organize themselves to jointly provide the service of the mobile telephony terminals blocking declared stolen or lost, at the latest one year after the promulgation of the hereby ordinance.

#### **Chapter IV : Pricing of networks and services**

**Article 171:** tariffs are freely fixed by the operators and service providers in compliance with the principles of transparency, objectivity and non discrimination and are applicable across the national territory, except for case of surcharge duly justified.

The operators and service providers are compelled to put at the disposal of the users their tariffs. They shall communicate them as of their establishment at the ARTCI, which carries out periodically the monitoring of their effective application and the observance of the regulation.

Telephone operators and services providers are compelled to put at the disposal of consumers for free, after each communication, the cost of the communication completed and the remaining credit.

**Article 172:** The ARTCI can decide to frame the tariffs of an operator or service provider in order to make up for the absence or insufficiency of competitive offers or existence of a significant gap between the tariff or services and their reference cost. The purpose of the framing of the tariffs is:

- to direct the tariffs towards the cost;
- to eliminate the crossed subsidies between distinct services.

The ARTCI can give up to frame a tariff when the service's market concerned is non significant taking into account the needs of the public or when its opportunities for development are not clearly identified, in particular during the launching phases of a new service.

The framing is subjected to a reasoned decision of the ARTCI, made after an investigation on the competitive position of the service(s) in question and the evaluation of the relevant costs.

This decision is notified to the operator or service provider concerned. It is enforceable within maximum two months as from its notification.

- Article 173:** The ARTCI evaluates the reference cost of the services or sets of service likely to be framed on the basis:
- the information provided by the operators and service providers concerned on the constitution of the cost of these services;
  - of the comparison with the tariffs applied locally or in neighboring countries or comparative countries.

The ARTCI makes calculation of the cost, taking into account:

- the costs directly chargeable to the services concerned;
- the common cost in proportion to their contribution to these services;
- costs integrating the compensation cost of the capital invested.

**Article 174:** The operators and services providers are compelled to inform the public of the tariffs and the general terms of their services offer. They communicate this information to the ARTCI one month before informing the public.

The tariffs applied by the powerful operators and service providers must be directed towards the costs.

The service provided by the operators and service providers is open to all those who request it in compliance with the general requirements of the offer and as long as the quality defined in its book of specifications is not spoiled.

The operators and service providers set up systems of measurement guaranteeing the effective application of the tariffs published. The ARTCI periodically checks the effective application of this principle and orders penalties for the offences observed.

**Article 175:** The contracts entered into between the operators and service providers and the users must specify the conditions of the supply of service, its technical characteristics, as well as the appeal of the users in the event of undergone damages. The contracts must entirely be written in French, in the same police and be clearly legible. It must specify:

- the various types of service proposed with regard to national and international telephony or the mere reception are considered as distinct services;
- general requirements of the offer, in particular the delivery dates and the characteristics of the service and types of maintenance service offered;
- the decomposition of the tariffs of the services provided specifying in particular the fixed-prices and variable prices;
- conditions of interruption of the service in the event of unpaid invoice;
- compensation and appeal procedures available to the user in the event of undergone damage;
- compensations provided in the event of violation of the requirements for quality provided in the schedules of books of specifications;
- at the end of the contract, the contractual guarantees or deposits required by the operators

are restored, updated to their values at the date of refunding.

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The ARTCI has the authority to require the modification of the inequitable clauses of the contracts of services.

**Article 116:** In the event of disputes with an operator or a service provider, in particular on the interruption of the service, a problem of invoicing, non-observance of the times of breakdown service, the user must first refer to the customer's service of the operator or service provider. He can be assisted in his steps by a consumers' association or by a lawyer.

The user can refer to, through a request, to the ARTCI in the event of unfruitful step.

**Article 177:** The referral to the ARTCI does not prevent the interruption of the supply of the service subject of a dispute. The consumer continues to profit from the other non litigious services to which he subscribed in his contract.

**Article 178:** Consumers' associations are entitled to be party to legal proceedings either to assist a consumer, or require, on their own behalf, the suppression of abusive clauses of a contract or compensation in the event of damage.

The information obtained by means of the equipment approved by the ARTCI which is used by the consumer for the monitoring and checking of his communications can be used as evidence.

**Article 179:** When the consumers are invited to call a phone number mentioned in the advertising messages, the author of the message is compelled to indicate after the number pricing applied to this call.

**Article 180:** The operators and services providers should not sign contracts, enter into agreements or undertake joint actions with other entities for the objective of limiting or modifying the competition on the markets. The abuse from dominant position is prohibited.

Any change in the structure of the market resulting from merger, of acquisition of shares or all operations resulting in limiting competition on the Telecommunications/ICT market of is prohibited.

Any arrangement that result from anti competitive practices is void.

## TITLE X : PROVISIONAL AND FINAL PROVISIONS

**Article 182:** The Telecommunications Council of Côte d'Ivoire and the Telecommunications Agency of Côte

**Article 181:** The concessions, licenses and authorizations of establishment of networks and provision of Telecommunications/ICT services of delivered before the publication of the hereby ordinance in the Official Gazette of the Republic of Côte d'Ivoire, preserve their validity until their expiry date.

However, the operators beneficiary of these conventions of concessions, licenses and authorizations are subjected to the provisions of hereby ordinance.

The ARTCI puts the books of specifications in conformity the concession agreements, licenses and authorizations to the provisions of the hereby ordinance.

d'Ivoire are dissolved as from the establishment of the Telecommunications/ICT Regulatory Authority of Côte d'Ivoire. The National Telecommunications Funds is dissolved as from the establishment of the National Agency of Telecommunications/ICT Universal Service.

The staffs of the Telecommunications Agency of Côte d'Ivoire, the Telecommunications Council of Côte d'Ivoire and those of the National Telecommunications Funds are transferred to the ARTCI, the Ivorian Radio Frequency Management Agency or to the ANSUT. For this purpose, the work contracts of these staffs fall to those structures.

The assets of the Telecommunications Agency of Côte d'Ivoire and those of, the Telecommunications Council of Côte d'Ivoire are transferred to the ARTCI and the Ivorian Radio Frequency Management Agency. The assets of the National Telecommunications Funds are transferred to the ANSUT. A decree sets the terms of the transfer of the assets of these structures.

**Article 183:** The hereby ordinance repeals the Act n° 095-526 of July 7th, 1995 on the Telecommunications Code and all the other previous provisions going against it.

**Article 184:** The hereby ordinance shall be published in the Official Gazette of the Republic of Côte d'Ivoire and enforced as State Law.

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