



الهيئة العامة للاتصالات وتقنية المعلومات  
COMMUNICATION & INFORMATION TECHNOLOGY REGULATORY AUTHORITY



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**Law No. 98 of the Year 2015**  
**Amending some Provisions of the Law 37 of 2014**  
**On the Establishment of Communication and Information Technology**  
**Regulatory Authority (CITRA)**

- Having perused the Constitution,
- The Amiri Decree No. 8 of 1959 regulating the Use of Wireless Communications Equipment
- The Law No. 16 of 1960 promulgating the Penal Code, and the amending laws thereof,
- The Penal Procedures and Trials Law promulgated by Law No. 17 of 1960, and the amending laws thereof.
- Law no. 1 of 1993 on the Protection of Public Funds, and the amending laws thereof,
- The Law No. 24 of 2012 on the establishment of the Public Authority for Combating Corruption and provisions for financial disclosure
- The Law No. 37 of 2014 on the establishment of Communication and Information Technology Regulatory Authority
- The National Assembly has approved the following Law, which we hereby ratify and promulgate as follows: -

**Article No. (1)**

The provisions of Articles - (3/ Item M) –(5/ Item A) - (5/ Item B) –(10) - (11 2<sup>nd</sup> Paragraph) (17) - (34/ Item A/1) - (42) – (51) (53/ Item B) - (59/ Item B) - (60/ Item A) - (63) (70/ Item E) - (87) – of the Law No. 37 of the year 2014, shall be replaced by the following texts: -

**Article (3/ Item M)** (M) to track the source of any radio waves to check that such source is licensed without compromising the confidentiality of messages, taking into account the provisions of the laws in force, especially the Law No. 9/ 2001 referred to, in implementation of the constitutional right that ensures personal freedom.

**Article (5/ Item A)** (A) During their term of membership or employment, the Members of Board or employees of the Authority may not enjoy any direct or indirect benefit relevant to the investment in the communications sector for themselves or any of their relatives of the first kin, as well as any other interest that conflicts with their positions or jobs.

All employees of the Authority shall be subject to the Decree No. (24) of the year 2012 referred to.

**Article (5/ Item B)** (B) During their term of membership or employment, the Members of the Board and the employees of the Authority are prohibited to perform any job or

advisory service or the like for their own account or the account of a third party in relation to the communications' sector in the State, and outside the scope of the tasks and duties which they perform to the Authority. Likewise, none of them may perform such job or service during six months with effect from leaving the work except upon the approval of the Council of Ministers with regard to the Members of the Board and the approval of the Authority's Chairman with regard to the employees of the Authority. Any Employer is prohibited to employ or assign any job or service to any of the Members of the Board or employees of the Authority in violation to this Article.

**Article (10)**

The Board of Directors may enter into contracts with organizations or bodies or institutions or specialized companies – scientific as well as technical or legal – or cooperate with them to perform some of the works or tasks of the Authority, provided that would be in conformity with the procedures of presenting the bids as determined by the internal regulations of the Authority.

**Article (11- 2<sup>nd</sup> Para)** The Chairman of the Board shall call for the Meeting in

pursuance to a written Application from at least three of its members within a period that does not exceed seven days with effect from the date of receiving the Application. The Board may decide to invite any person with experience and competence to be guided by his opinion. The Board may form one or more technical or advisory committee to give advice to the Board as well as the Authority after it becomes certain that such persons or members do not have direct or indirect interests with the Authority. The Board may also decide to pay remunerations to those who give their opinions and expertise and to the members of such committees other than the employees of the Authority, and the Chairman would choose a Secretary of the Board among the employees of the Authority in order to develop its Agenda and record the minutes of its sessions and keep the references and transactions, and to do any tasks entrusted to him by the Board of Directors. The Board may publish the decisions pertaining to the Service Providers as well as the Licenses and the major decisions in the Official Gazette.

**Article (17)**

The Board may issue instructions to define the types of special networks and the technical guidelines and conditions for their establishment and operation, and the

Authority may make a condition that its approval is essential regarding the establishment of some kinds of such networks, as deemed necessary after getting the approvals from the Ministry of Health and other bodies responsible for the safety of the residential areas in case of the existence of towers in such networks.

**Article (34/ Item  
A/1)**

The Board of Directors shall notify the Licensee by means of a written notice of the amendment and its reasons and the duration prescribed for its implementation, and the Licensee would have the right to submit his objection to such amendment within (15) fifteen days, and in case it is rejected, he shall resort directly to the Disputes Settlement Committee.

**Article (42)**

The License shall be considered as personal and non-transferable, and the Board may agree to transfer the License or lease it to another person in conformity with the prescribed conditions and rules.

**Article (51)**

Telephone calls and the private communications shall be considered as one of the confidential matters which sanctity may not be violated, and may not be subject to control in any manner whatsoever except upon getting a

permission from the competent judicial authority.

If the interest of investigations in a certain crime so require, the Public Prosecution may issue an order to track the source of the waves, and it may seek the assistance of specialized persons from the Authority to carry out such job, provided that it would be under its supervision. The Investigator may entrust police men to listen to that source and record it to deliver its formula to him.

The Order must include a clear description of the wave to be tracked, and such order may not continue for a period beyond the period required by investigation.

**Article (53/ Item B)**

Item (B): Communications service shall not in any case be disconnected from the beneficiaries as a result of financial, administrative or technical differences between the licensees, except in accordance with the procedures provided for under interconnection agreements concluded in conformity with the provisions of Article No. 25 of this Law. As an exception, the service may be disconnected in pursuance to an authorization issued by the competent judicial Authority, provided that the cutting would be for a temporary period and justified and in accordance with the law.



# CITRA

الهيئة العامة للاتصالات وتقنية المعلومات  
COMMUNICATION & INFORMATION TECHNOLOGY REGULATORY AUTHORITY

The Public Prosecutor or the President of the competent Criminal Court may issue an order to prevent or stop or withhold any material or links or sites related to the communications or information technology as required by the investigation on temporary basis for a period of two weeks which may be renewed for further terms.

**Article (59/ Item B)**

Item (B): Without prejudice to the Law No. (17) of the year 1960, referred to, and other laws in force in the State, the Authority' employees referred to in Item (A) of this Article shall have the power to monitor the implementation of the provisions of this law and the regulations, decisions and orders issued in pursuance to its provisions, and they have the right to enter the places where there are - or are suspected to have - the devices or networks, or communications facilities, or all or part of the Infrastructure used in the communications services in order to inspect and control any unlicensed communications devices or equipment or any hardware or equipment which are not licensed or authorized or used in an unlicensed activity, or would be used for disruption or causing damage to the existing communications systems. In doing so, the employees would have the right to take the following actions: -

- 1 To request and examine the Licenses, books, records and documents, and all papers related to the communications' activity
- 2 To preview and examine any communications equipment or facility or any other facilities related to the provision of communications service or establish or run or own a communications network.
- 3 To view any other information or documents in any form whatsoever in relation to the provision of communications services

**Article (60/ Item A)** (A): The employees of the Authority would have the right to control any unlicensed communications devices and equipment which are illegal or used in an unlicensed activity, in exchange for a written receipt that shows the type and specifications of the hardware, given that such devices would be delivered to the Authority and he would be referred to the competent authority

**Article (63)** Subject to the provisions of other laws, with the exception of crimes stipulated in Articles (67-80) of this law, the Board may accept the conciliation in any violation to the provisions of this law before they are referred to the competent court, in exchange for a monetary fine of not

more than are the amount of the fine prescribed in the law, to be paid directly to the Authority.

**Article (70/ Item E)** (E): If the acts referred to in Items (C & D) of this Article were coupled with threats or blackmail or included the exploitation of images in any way that results in breach of modesty or prejudice to honor or incitement to immorality, the penalty shall be imprisonment for a period not exceeding five years and a fine not exceeding ten thousand Kuwaiti Dinars, or either of them.

**Article No. (87)** The Capital of the Authority consists of two portions, cash and in kind:

First The Cash Share: the amount of fifty million Kuwaiti Dinars to be paid from the General Reserve money of the State at one go.

Second In Kind Share: consists of the movable and real estate assets, which accrue or which are allocated to it and an independent specialist Body to be chosen by the Council of Ministers shall evaluate all assets allocated to the Authority or devolved to it. The Executive Regulations of this Law shall regulate the procedures which such Body is committed to

follow in its work, provided that it would finish its task on the date fixed in the contracts concluded with it, and the Evaluation shall be approved by the Council of Ministers after being presented to the State Audit Bureau (SAB).

A Decree shall be issued to finally determine the Capital of the Authority, and it may be amended in the future by means of a Decree.

The losses of the Authority – if any – amended within the first three budgets from the State General Reserve

### **Article No. (2)**

Items Nos. C – D – G – I – shall be added to Articles (3/ Item D) and (8) and a last paragraph to Article No. (9), and a new Article shall be added under number (13 bis), and a last Item shall be added to Article No. (26) of the Law No. 37 of the year 2014 referred to, and their texts are as follows: -

### **Article No. (3) –New Item under No. (D): -**

(D) To qualify and provide training to the employees of the Authority to the degree that enables them to perform their tasks (Article No.8/ new Items)

(C) To adopt the Regulations of the Board of Directors so as to organize the work of the Board and to show the rights and duties of its members.

(D) To adopt the Regulations of the Employment Affairs at the Authority which includes the rules of appointment and promotion and disciplinary actions and salaries and bonuses and the financial benefits and the benefits in kind and all other affairs pertaining to the Civil Service.

(G) To develop the rules and provisions of conducting the tenders and auctions related to the Authority.

(I) To adopt the Bylaws (Rules of Procedures) of the Authority and the financial, administrative and accounting Regulations which are necessary for the Authority's business

**Article No. (9) – Last Paragraph: -**

Any party whose Application was excluded may resort to the Disputes Settlement Committee to challenge the rejection decision within (60) sixty days, and in case he did not resort to the Committee, his case would be considered as unacceptable before the Administrative Judiciary.

**Article No. (13 bis): -**

The Chairman of the Authority would have the powers vested in the Minister of Finance with regard to the implementation of the Authority's Budget.

The Board of Directors shall practice the competences prescribed to the Civil Service Council and the Civil Service Diwan with regard to the Authority' employees.

**Article No. (26): - Last Paragraph: -**

In case of proven infringement on those frequencies without getting License, the Authority would have the right to refer the users to the Public Prosecution for interrogation, in accordance with the Law No. (1) of the year 1993 referred to.

**Article No. (3)**

Any provision that conflicts with the provisions of this Law shall be cancelled.

**Article No. (4)**

The Prime Minister and the Ministers – each according to their areas of jurisdiction – shall put this Law into force, and it shall take effect from the date of publication in the Official Gazette.

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Crown Prince of Kuwait

Nawaf Al-Ahmad Al-Jaber Al-Sabah

Issued at Al Seif Palace on 26 Shawwal 1436 AD

Corresponding to 11 August 2015 AD

**The Explanatory Memorandum**  
**Of the Law No. (98) of the year 2015**  
**Amending some Provisions of the Law No. (37) of 2014**  
**Regarding the Establishment of**  
**Communication and Information Technology Regulatory Authority**

As the practical application of the Law of establishment of the Communications and Information Technology Regulatory Authority aims at regulating these two sectors has proven the existence of gaps that prevented the provision of the best services to the beneficiaries, and out of the desire to develop the performance and make more effectiveness to such Law that suits the development of the modern era, it was considered necessary to amend some of its provisions and articles and to add some paragraphs to some of its articles and clauses, so the Law has introduced several amendments in terms of the wording and has replaced some texts, provided that it would not be inconsistent with the provisions of the Constitution and the Law, as follows:

- Amendment of Article (3/Item M) by adding the words (in implementation of the constitutional right that ensures the personal freedom), and adding Item (D) regarding the qualification and training to the employees of the Authority to the degree that enables them to perform their tasks
- Amendment of Article (5/ Item A) by replacing the letter "From" by the letter "until" next to the phrase of "any of their relatives", and to add the

phrase "All employees of the Authority shall be subject to the Decree No. (24) of the year 2012 referred to) at the end of the Item.

- Amendment of Article (5/ Item B) by replacing the word "One year" by the words "Six months" that follows the word "during".
- To add the following Items to Article No. (8): -
  - I) To adopt the Regulations of the Board of Directors to organize the work of the Board and to show the rights and duties of its members.
  - D) To adopt the Regulations of the Employment Affairs at the Authority which includes the rules of appointment and promotion and disciplinary actions and salaries and bonuses and the financial benefits and the benefits in kind and all other affairs pertaining to the Civil Service.
  - G) To develop the rules and provisions of conducting the tenders and auctions related to the Authority.
  - (I) To adopt the Bylaws (Rules of Procedures) of the Authority and the financial, administrative and accounting Regulations which are necessary for the Authority's business
- To add a last paragraph to Article No. (9) that reads as follows: -

"Any party whose Application was excluded may resort to the Disputes Settlement Committee to challenge the rejection decision within (60) sixty days, and in case he did not resort to the Committee, his case would be considered as unacceptable before the Administrative Judiciary."
- The text of Article No.(10) shall be replaced by the following Text: -

|The Board of Directors may enter into contracts with organizations or

bodies or institutions or specialized companies – scientific as well as technical or legal – or cooperate with them to perform some of the works or tasks of the Authority, provided that would be in conformity with the procedures of presenting the bids as determined by the internal regulations of the Authority."

- The text of Article No. (11 – 2<sup>nd</sup> Paragraph) shall be replaced by the following Text: -

"The Chairman of the Board shall call for the Meeting in pursuance to a written Application from at least three of its members within a period that does not exceed seven days with effect from the date of receiving the Application. The Board may decide inviting any person with experience and competence to be guided by his opinion. The Board may form a technical or advisory committee – or more – to give the advice to the Board as well as the Authority after it becomes certain that such persons or members do not have direct or indirect interests with the Authority. The Board may also decide to pay remunerations to those who give their opinions and experience and to the members of such committees other than the employees of the Authority, and the Chairman would choose a Secretary of the Board among the employees of the Authority in order to develop it Agenda and record the minutes of its sessions and keeping the references and transactions, and to do any tasks entrusted to him by the Board of Directors. The Board may publish the decisions pertaining to the Service Providers as well as the Licenses and the main resolutions in the Official Gazette."

- To add a new Article under number (13 bis) which reads as follows: -  
(The Chairman of the Authority would have the powers vested in the Minister of Finance with regard to the implementation of the Authority's Budget.  
The Board of Directors shall practice the competences prescribed to the Civil Service Council and the Civil Service Diwan with regard to the Authority' employees.)
- The text of Article No. (17) shall be replaced by the following Text: -  
"The Board may issue instructions to define the types of special networks and the technical guidelines and conditions for their establishment and operation, and the Authority may make a condition that its approval is essential regarding the establishment of some kinds of such networks, as deemed necessary after getting the approvals from the Ministry of Health and other bodies responsible for the safety of the residential areas in case of the existence of towers in such networks."
- To add a last paragraph to Article No. (26), that reads as follows: -  
"In case of proven infringement on those frequencies without getting License, the Authority would have the right to refer the users to the Public Prosecution for interrogation, in accordance with the Law No. (21) of the year 1993 referred to."
- The text of Article No. (34) – Item (A-1) shall be replaced by the following Text: -  
1: "The Board of Directors shall notify the Licensee by means of a written Notice of the amendment and its reasons and the duration prescribed for



# CITRA

الهيئة العامة للاتصالات وتقنية المعلومات  
COMMUNICATION & INFORMATION TECHNOLOGY REGULATORY AUTHORITY

its implementation, and the Licensee would have the right to submit his objection to such amendment within (15) fifteen days, and in case it is rejected, he shall resort directly to the Disputes Settlement Committee."

- The text of Article No. (42) shall be replaced by the following Text: -  
"The License shall be considered as personal and non-transferable, and the Board may agree to transfer the License or lease it to another person in conformity with the prescribed conditions and rules"

- The text of Article No. (51) shall be replaced by the following Text: -  
"Telephone calls and the private communications shall be considered as one of the confidential matters which sanctity may not be violated, and may not be subjected to control in any manner whatsoever except upon getting a permission from the competent judicial Authority.

If the interest of investigations in a certain crime required so, the Public Prosecution may issue an order to track the source of the waves, and it may seek the assistance of specialized persons from the Authority to do that job, provided that it would be under its supervision. The Investigator may charge the Policemen to listen to that source and record it to bring its formula to him.

The Order must include a clear description of the wave to be tracked, and such Order may not continue for a period beyond the period required by the Investigation."

- The text of Article No. (53) – Item (B) shall be replaced by the following Text: -  
"Item (B): The communications service shall not in any case be

disconnected from the Beneficiaries as a result of financial, administrative or technical differences between the licensees, except in accordance with the procedures provided for in the interconnection Agreements concluded in conformity with the provisions of Article No. 25 of this Law. As an exception, the service may be disconnected in pursuance to an authorization issued by the competent judicial Authority, provided that the cutting would be for a temporary period and justified and in accordance with the law.

The Public Prosecutor or the President of the competent Criminal Court may issue an order to prevent or stop or withhold any material or links or sites related to the communications or information technology as required by the investigation on temporary basis for a period of two weeks which may be renewed for further terms

- The text of Article No. (59) – Item (B) shall be replaced by the following Text: -

"Item (B): Without prejudice to the Law (17) of the year 1960, referred to, and other laws in force in the State, the Authority' employees referred to in Item (A) of this Article shall have the power to monitor the implementation of the provisions of this law and the regulations, decisions and orders issued in pursuance to its provisions, and they have the right to enter the places where there are - or are suspected to have - the devices or networks, or communications facilities, or all or part of the Infrastructure used in the communications services in order to inspect and control any unlicensed communications devices or equipment or any hardware or

equipment which are not licensed or authorized or used in an unlicensed activity, or would be used for disruption or causing damage to the existing communications systems. In doing so, the employees would have the right to take the following actions: -

- 1 To request and examine the Licenses, books, records and documents, and all papers related to the communications' activity
  - 2 To preview and examine any communications equipment or facility or any other facilities related to the provision of communications service or establish or run or own a communications network.
  - 3 To view any other information or documents in any form whatsoever in relation to the provision of communications services
- The text of Article No. (60) – Item (A) shall be replaced by the following Text: -

"(A): The employees of the Authority would have the right to control any unlicensed communications devices and equipment which are illegal or used in an unlicensed activity, in exchange for a written receipt that shows the type and specifications of the hardware, given that such devices would be delivered to the Authority and he would be referred to the competent authority"
  - The text of Article No. (63) shall be replaced by the following Text: -

"Subject to the provisions of other laws, with the exception of crimes stipulated in Articles (67-80) of this law, the Board may accept the conciliation in any violation to the provisions of this law before they are referred to the competent court, in exchange for a monetary fine of not

more than are the amount of the fine prescribed in the law, to be paid directly to the Authority."

- The text of Article No. (70 – Item E) shall be replaced by the following Text:-

(E): If the acts referred to in Items (C & D) of this Article were coupled with threats or blackmail or included the exploitation of images in any way that results in breach of modesty or prejudice to honor or incitement to immorality, the penalty shall be imprisonment for a period not exceeding five years and a fine not exceeding ten thousand Kuwaiti Dinars, or either of them.

- The text of Article No. (87) shall be replaced by the following Text: -

The Capital of the Authority consists of two portions, cash and in kind:

First The cash share: the amount of fifty million Kuwaiti Dinars to be paid from the General Reserve money of the State at one go.

Second In Kind Share: consists of the movable and real estate assets, which accrue or which are allocated to it and an independent specialist Body to be chosen by the Council of Ministers shall evaluate all assets allocated to the Authority or devolved to it. The Executive Regulations of this Law shall regulate the procedures which such Body is committed to follow in its work, provided that it would finish its task on the date fixed in the contracts concluded with it, and the Evaluation shall be approved by the Council of Ministers after being presented to the State Audit Bureau (SAB)



# CITRA

الهيئة العامة للاتصالات وتقنية المعلومات  
COMMUNICATION & INFORMATION TECHNOLOGY REGULATORY AUTHORITY

A Decree shall be issued to finally determine the Capital of the Authority, and it may be amended in the future by means of a Decree.

The losses of the Authority – if any – amended within the first three budgets from the State General Reserve

Articles No. (3) and (4) have – of course – provided for executive issues which are found in every law (Every provision in conflict with the provisions of this law shall be cancelled – and the Prime Minister and the Ministers – each according to their areas of jurisdiction – shall put this Law into force, and it shall take effect from the date of publication in the Official Gazette.