

**In The Name of People
Presidency of the Republic**

Based on what was decided and ratified by the President of the Republic, and based on the provision of the (First) item of Article (61) and the (Third) item of Article (73), and the two Items (First and Second) of Article (103) of the Constitution

The following law was issued:

No () For the Year 2011

**The Draft Law of Commission of
Media and Communication (CMC)**

Chapter One

Definitions and Objectives

Article – 1- The meanings for the following terms and phrases mentioned in this law are as below:

The Commission: Commission of Media and Communication.

The Board: The board of trustees which consists of 9 members. It is the highest authority in the Commission.

Professional Ethical Conduct: The set of standards for professional ethical behavior, specifying the professional behavior of the board of trustees and all the employees at the Commission of Media and Communication.

Communication: The Transfer, broadcast or sending of signals, symbols, sounds, images or data of any nature by wire, radio, optical or any other means of electronic systems, without changing the content of information.

Wire Communication: Broadcasting writing, marks, signals, images and sound of all kinds via wires, copper cables or fiber optics or any other similar means, between the original point of broadcasting and its receiving points including all means, facilities and services (including among other things: receiving, resending and the delivery of information) in order to complete broadcasting.

Wireless Communication: Broadcasting via the frequency spectrum writing, marks, signals, images and sound of all kinds between the original point of broadcasting and its receiving points including all means, facilities and services (including among other things: receiving, resending and the delivery of information)

Communication Processes: Broadcasting content via wired or wireless communication – depends on the preference of the user – between two or more chosen points, without changing the type or content of information.

Internet: A global system of interconnected computers used by users in the World Wide Web, via wired and wireless communication networks.

Communication service: The communication service provided for beneficiaries or a certain category of them, for a fee in accordance with the provisions of this law, which consists wholly or partially of sending, receiving and passing information through the communication networks, using any of the communication processes which enable storing, transferring, and presenting data and information electronically, including searching, developing, designing and manufacturing related hardware and software.

Communication Network: A system that consists of a device or a means of communication or more, in order to transfer, broadcast, transmit or receive any of communication services via any electric, magnetic, electromagnetic power, or optical, wired, wireless or any other communication means.

Public Communication Network: a communication network operating to provide public communication for subscribers by licensees in accordance with the provisions of this law.

Private Communication Network: a communication network operating exclusively to provide one person or one group of people, brought together to use a common property to serve their specific needs.

End-User Network: Communication devices utilized by users for the purpose of making, receiving, forwarding or terminating a call.

User: The person or entity benefiting from public networks by using calling services.

License: The authorization given to the person/entity according to a signed contract between them and the CMC to create, operate and manage a public network, provide a public communications service, or use radio frequencies in accordance to this law.

Licensee: The person/ entity holding a license in accordance with this law.

Licensing Terms: The conditions upon which the license is awarded to licensees and any modifications the CMC chooses to add to them.

National Radio Frequencies Allocation Table: The table set by the CMC to specify the allocation of radio frequencies into bands to be used to provide various types of communications and media services throughout Iraq. This could include the frequencies dedicated to governmental agencies according to the radio frequencies allocation table set by the International Telecommunications Union (ITU).

National Radio Frequencies Allocation Plan: The plan formulated by the CMC to set the technical criteria upon which radio frequency bands are used in the National Radio Frequency Allocation Table taking into consideration the national security requirement of these bands.

National Radio Frequencies Register: A record kept by the CMC to register all the radio frequencies that can be allocated and utilized for the purpose of telecommunications along with every governmental or non governmental party licensed to work in Iraq in the ITC sector and the radio frequencies assigned to each one of them.

National Numbering Table: A record kept by the CMC as an archiving system documenting all the numbers needed to identify telecommunication networks and their key codes in accordance with the CMC policy.

Radio Broadcasting Service: Transmitting or transferring signals to be received by the end user directly or through terrestrial or satellite re-broadcasting stations, whether the signal is transmitted through wires, fiber optics, radio or electromagnetic means directed to a particular audience.

Frequency: the vibration magnitude of the waves or the spectrum made of electromagnetic waves naturally spreading within the range of 3 kHz to 3000 GHz used for transmitting and receiving telecommunications signals.

Frequency Spectrum: The range of electromagnetic frequencies available to be used for wire and wireless telecommunications and data transmission and receiving.

Universality of Services: providing the minimum level of communications service in populated areas and facilitating the service to be used according to the terms and conditions specified by the CMC and adjusted whenever the need arises.

Media: Entities that provide citizens and subscribers with news, information and entertaining programs, using audio or visual means or in the form of movies, video or audio recordings, telecommunication services and online.

Code of Conduct: One or more sets of behavior criteria outlining the appropriate behaviors and media responsibilities of journalists.

Code of Ethics: One or more sets of obligating rules and regulations that define the practices of licensees in providing ITC services.

Communication Devices: Any devices or instruments used for communications purposes or which are a part of the communication network or connected to one.

IQ.: The electronic key code for the Republic of Iraq online referred to as the country code top-level domain (ccTLD), it is a unique code that distinguishes Iraq online as defined by the Internet Corporation For Assigned Names And Numbers (ICANN) and other relevant entities.

Infrastructure: The entire set of real estates, facilities, devices, instruments, cables, towers, poles, phones lines, computers and software related to providing media, communications and information technology services.

Interconnection: The technical and on site connection of communications network between licensees and users.

International connection: the communications between Iraq and other countries through international access gates using marine and underground fiber optics cables, high frequencies, micro waves or satellites.

Radio Amateurs: Those who establish a private radio broadcasting channel after obtaining a license from the CMC for the purposes of entertainment, exchanging information and experiences, training and emergency calls. It can not be used for commercial benefits.

National Development Supporting Trust Fund: It is made of 1% of the CMC income in addition to contributions of some of the providers of information technology and communications (ITC) services, this trust fund is a separate account and is independent of operational expenses.

Interference: Using the same radio frequency by multiple parties due to unauthorized use of communication devices that work on frequencies equal or close to allocated frequencies.

— **Article -2-** This Law Aims to Achieve:

First: Attract and encourage investments in the area of providing ITC services on competitive bases within a transparent environment of organized equality in opportunities reflecting the highest international standards in this regard.

Second: Promote education and cultural diversity among citizens and provide them with maximum benefits of services in terms of quality and cost.

Third: Provide access to telecommunication and broadcasting services to all segments of Iraqi society with no discrimination due to religion, origin, gender or race.

Fourth: Protect the interests of beneficiaries of the ITC services and guarantee consumers' health, financial, social and legal rights.

Fifth: Protect individuals and entities from defamation through ITC mediums.

Sixth: Encourage the development of electronic media and communications to gain maximum benefits for all people of Iraq.

Seventh: Ensure that operating communications, broadcasting and signal transmitting services are done in compliance with public safety standards.

Eighth: Promote and protect media freedom and support media organizations in Iraq in developing and enhancing professional practices in their line of work and maintaining these practices that strengthen the monitoring role that media plays for the public interest.

Ninth: Promote the sense of legal security among consumers to advance economical growth and stability.

Tenth: Develop an effective mechanism to be used by media organizations for self censorship.

Eleventh: Commit to constitutional and international freedom of expression principals (Article 38 of Iraqi constitution) and press freedoms stated in the International Covenant on Civil and Political Rights.

Twelfth: Develop the infrastructure of telecommunications services for the economic and social well being and advancement of people in Iraq.

Thirteenth: Provide modern communications services to all Iraqis for affordable prices.

Fourteenth: Work on achieving the highest technical and economic efficiency in communications services to provide quick and easy communications among regions and governorates and also connect Iraq with the rest of the world.

Fifteenth: Ensure the optimum use of the radio frequencies spectrum and making the best use of it for the good of all Iraqis.

Sixteenth: Participate along with the National Communications Ministry in representing Iraq at meetings, negotiations and seminars and other international events related to regulating the ITC services.

Seventeenth: Encourage competitive development. In the case of the absence of competition in some areas the CMC must ensure preventing abuse of the monopolizing company in the ITC market.

Chapter Two **Establishing the CMC**

Article -3- According to this law a federal commission is established under the name "Communications and Media Commission (CMC)" enjoying financial and administrative autonomy, associated with the parliament and authorized to own movable and immovable properties to fulfill its designated goals and has the right to carry all legal operations including the right to sue.

Article -4- The Organization shall enjoy all exemptions and facilities enjoyed by ministers and departments not associated with a Ministry.

Article -5- The HQ of CMC is to be in Baghdad and it has the right to establish bureaus all over Iraq.

Chapter Three **Functions of CMC**

Article -6- The CMC and only the CMC is authorized to carry out licensing and regulating telecommunications services, broadcasting and receiving signals and internet within Iraq or between Iraq and the world among other tasks related to media and protecting Iraq's IQ by putting it in use for Iraqi ministries, government agencies and Iraqi companies, and keeping a register of the URLs of all different parties. CMC is also responsible for:

First: Setting and adopting technical terms and criteria for granting licenses to media telecommunication providers in accordance with this law.

Second: setting the framework for all services providers in a way that ensures full and just competition among them.

Third: Regulating access to communications and internet networks, setting the terms and conditions and providing approvals for the interconnections among licensees.

Fourth: Stating the rules to guarantee that telecommunications and broadcasting services are operating according to proper public safety standards.

Fifth: Setting the code of conduct for regulating the operations of licensees, including deciding the fees, terms and conditions of interconnections, the quality and variety of the practiced operations and provided services.

Sixth: Protecting the interests of beneficiaries and monitoring licensees to ensure their commitment to licensing terms and conditions including the properties and quality of the provided service and the corresponding fees, and undertaking the necessary measurements and penalties to punish any violations of these conditions in accordance with this law.

Seventh: Participating along with the National Communications Ministry in representing Iraq at meetings, negotiations and seminars and other international events related to regulating the ITC services.

Eighth: Coordinating with the ministries of communications, information, defense, interior affairs and transportation or any other governmental agency responsible for any tasks that could affect the use of telecommunications, ITC services or the radiation of the frequency spectrum to ensure preventing any interference among any of the businesses and the military, security and other requirements needed for national interests.

Ninth: Executing the goals and general principles of this law and particularly points related to the CMC is.

Tenth: While carrying out its tasks, the CMC should consult and adhere to the text of Article 19 of the International Human Rights Declaration and National Covenant on Civil and Political Rights and all the duties and responsibilities associated with them, and the relevant regulations and recommendations of the International Telecommunications Union and the General Agreement on Trade in Services (GATS).

Eleventh: Monitoring licensees work to obligate them to use the frequencies allocated to them, and taking the measurements to correct and prevent any violations.

Twelfth: Determining the minimum allowable level of service quality for the licensee to adhere to.

Thirteen: Operating or promoting forwarding calls from or to Iraq is forbidden without a prior written agreement from the CMC.

Fourteenth: The CMC has the exclusive right to set and enforce the license requirements and implement proper penalties against violations.

Fifteenth: Coordinating with the ITU and satellites to regulate the work of satellite services users.

Article -7-

First: The CMC is to determine the entire set of technical criteria for the ITC sector and end user devices to guarantee the prevention of any harm to the networks, communications, public health and the environment, while doing so the CMC should coordinate with the Central Agency for Standardization and Quality Control and other relevant agencies.

Second: It is prohibited for any service provider or equipment vendor to use, provide or sell telecommunications equipment that do not pass the criteria set by the CMC.

Article -8- Any party wishing to import equipment that is not pre-classified by the CMC, must apply for the CMC to grant an approval before importing the equipment, it is mandatory to submit the manufacturer's catalog along with the approval application to the relevant agencies.

Article -9- Any telecommunications equipment manufactured to be marketed in Iraq must meet the requirements and criteria set by the CMC.

Chapter Four **Organizational Structure**

Article -10- The CMC consists of:

- First: Board of Trustees.
- Second: General Manager.
- Third: General Inspector Bureau.
- Fourth: Human Resources.
- Fifth: Technical Department.
- Sixth: Financial Department.
- Seventh: Legal Department.
- Eighth: Media and PR Department.
- Ninth: Contracting Department.
- Tenth: Hearings and Complaints Department.
- Eleventh: Appeals Department.
- Twelfth: Radio Frequency Consultants Department.
- Thirteenth: Media Consultants Department.

Article -11-

The Board of Trustees is made of nine full time members that are appointed by the parliament basing on recommendations from the cabinet; at least four of the nine members must be specialized in telecommunications. Each member is to serve a term of four years, renewable for one time only.

First: The board elects the board president and vice president out of its members by secret vote, for a term of 4 years renewable once only.

Second: The vice president takes the president's place during his absence.

A. The president of the board of trustees has the rank of a minister and enjoys the same financial benefits.

B. The vice president and the rest of the board have a rank of deputy minister and they enjoy the same financial benefits.

Article -12-

First: It is required for board members to hold an Iraqi nationality and at least a bachelor's degree, in addition to having experience in legal, administrative and economic affairs, or in the areas of engineering, telecommunications and information in a way that guarantees the availability of experience in all the aforementioned areas among the board members, a board member should have no record of a crime involving moral turpitude.

Second: A board member is not allowed to hold any governmental, legislative or judicial post or to be a member of a political party.

Article -13- Any board member who violates the provisions of article 12 of this law will be subjected to penalty according to the Iraqi penalties law.

Article -14-

First: During their membership, Board members, their wives and up to third degree relatives are not entitled to have any direct or indirect financial interest in any investment in the ITC sector, media or any organization representing the interests of providers of the services covered in this law.

Second: Each board member must submit a written statement before taking this post committing to not gaining any direct or indirect financial benefits as mentioned in section First of this article, and must inform the board of any financial interests that arise during his membership period. Failing to do so may result in penalties.

Third: Any member of the board of trustees may submit a written statement to withdraw from any meetings, or attending without practicing his right to vote if the meeting is related to any business, company or license where he has a direct or indirect financial interest as explained in sections First and Second of this article.

Fourth: Any board member to violate the provisions of this article will be subject to penalty for the crime of exploiting an official position.

Article -15- A board membership is terminated for any of the following reasons:

First: Resignation.

Second: End of term.

Third: Missing three consecutive meetings, or six nonconsecutive meetings during one year for reasons that the board cannot accept as valid.

Fourth: When the provisions of Article 13 of this law apply.

Fifth: Losing one of the membership conditions.

Sixth: If the board member is sentenced for a crime involving moral turpitude, or is sentenced to one year in prison for any reason.

_Seventh: A substitute member is appointed to the board to replace the missing member for the remainder of his term within one month using the same procedure described in section First of article 11.

Eighth: Based on the votes of two thirds of the board, it is possible to recommend that a membership be terminated for any member or to change the president of the board, validation of this recommendation is identical to the procedure of appointing a new one.

Article -16- CMC Board of Trustees works on fulfilling the goals of this law, and for that purpose it has the authority to:

First: Set the policy of the CMC in all relevant scientific, technical, legal and administrative areas.

Second: _Set the yearly work plan of the CMC in addition to discussing the long term plans and making the suitable decisions in order to achieve them.

Third: The board consults the Radio Frequency Consultants Department for making plans and reviews to assigning radio frequencies using the guidance of the National Radio Frequencies Allocation Table, the National Radio Frequencies Allocations Plan and the National Frequencies Register.

Fourth: Grant licenses to construct and operate public telecommunications networks and provide services to the beneficiaries.

Fifth: Validating media licenses with the exception of print after consulting with the Media Consultants Department.

Sixth: Approve the media codes of conduct recommended by the Media Consultants Department.

Seventh: Set the Internal rules of procedure of the CMC including the organizational structure and the authority of each department.

Eighth: Appoint the Hearings and Complaints Department members and their allowances.

Ninth: Set the rules for personnel salaries and allowances, grants and rewards, promotions, penalties and disciplinary action in accordance to the civil service law.

Tenth: Approve the annual budget of the CMC and submit it to the parliament for approval.

Eleventh: Adopt the final accounts and annual report on the activities of CMC.

Twelfth:

First: Grant the General Manager the authority to appoint personnel in accordance with the internal rules of procedure and the annual budget.

Second: Set the maximum expenses threshold that requires the board approval before being surpassed.

Third: Establish the support fund (1% of the CMC income) to elevate the level of ITC and media services and support rural areas to provide their inhabitants with all services.

Article -17-

The board meets at least twice a month responding to an invitation from the president or the vice president in case of the president's absence. The quorum is reached with the participation of the majority of the members of the council, including the president or his deputy. The board makes its decisions by votes of the majority. In case of a tie, the president's side dominates, any disapproving members should document and sign their disapproval in the minutes of the meeting and:

First: The president must call for an exceptional meeting within seven days of receiving a written request signed by at least three members.

Second: The board may invite or contract with any experts to use their opinion in exchange for fees set by the board.

Third: The president of the board chooses one of the board members to organize the board agenda, take the meetings minutes, keep all the records and carry out any other tasks as required by the board.

Fourth: The General Manager may call for a board meeting when necessary.

Article -18- The board has a General Manager that is recommended by the board and appointed after the approval of the parliament, for a term of 4 years renewable for one time.

First: Terminating the General Manager requires the votes of two thirds of the board and the approval of the cabinet.

Second: The board may name the General Manager's deputies, as long as they have solid experience in the specialized areas of the CMC.

Article -19- The General Manager carries out the following tasks:

First: carrying out the policies of the board and its decisions and applying and following up on the annual budget.

Second: Administrating the executive branch of the CMC and following all its financial and administrative affairs and coordinating between the board and any other relevant party.

Third: Suggesting the organizational structure of the CMC and working on providing the personnel and technical requirements for the CMC to carry out its mission and tasks.

Fourth: Signing the contracts approved by the board and submitting requests to the parliament to join international agreements.

Fifth: Developing the annual budget and personnel plan and submitting it to the board for approval and validation.

Sixth: Preparing the annual report for the CMC activities, budget, final accounting records and any other financial documents and submitting them to the board for approval and validation.

Seventh: Following up on the recommendations of seminars and conferences and executing the ones adopted by the board.

Eighth: Carrying out penalties in accordance to this law.

Ninth: Shifting some of his authorities to his deputies and the heads of departments.

Tenth: Preparing all requirements of granting licenses and submitting them to the board along with his recommendations.

Article -20-

First: Provisions of Article 12 applies to the general manager and his deputies as well.

Second: Penalties of article 13 and article 15 apply to the general manager and his deputies.

Third: A. The general manager cannot be a member of the board.

B. The general manager must attend the board meetings based on an invitation from the board, without having the right to vote.

Article -21- The CMC must have administrative and technical personnel appointed or contracted, their salaries, allowances, rewards, rights, duties and all other affairs are decided in accordance with civil service law.

Article -22-

First: Hearings and Complaints Department consists of 5 part time members appointed by the board who are experienced in legal, economic, media and ITC affairs.

Second: Members in the hearing and complaints department serve for a term of four years, renewable for one time.

Third: The Hearing and Complaints Department elect a department president through secret voting.

Fourth: The board decides the allowances and rewards for the president and members of the Hearings and Complaints Department, and also determines the work procedures, records keeping, meetings schedules and required quorum for meetings to be held.

Article -23-

First: Hearings and Complaints Department is specialized in receiving complaints in cases of serious breaches and violations in codes of conduct and regulations set by the CMC, and is authorized to make the decision on whether to condemn the act in question or not.

Second: The Hearings and Complaints Department receives complaints from beneficiaries and subscribers against licensees and the complaints of licensees against other licensees.

Third: The Hearings and Complaints Department receives complaints against media broadcasting agencies that are licensed by the CMC, according to the relevant rules and regulations of the CMC in addition to article 19 of the International Declaration of Human Rights and the International Covenant on Civil and Political Rights.

Article -24-

First: Complaints submitted to the Hearing and Complaints Department are kept in a special registry made particularly for this purpose and the department sets a date to hear the details of the complaint and inform all involved parties.

Second: All parties involved in a complaint have the right to submit all documents and evidence and proof they have to the department, and they have the right to ask for postponement in order to achieve this task or for any other reason the department agrees to.

Third: While looking at complaints, the department must take into consideration the provision of this law, and the Code of Civil Procedure, all sessions and hearings must be public unless decided otherwise based on specific reasons.

Article -25-

First: The department issues its final decision after studying all the evidence from all parties involved and opposing parties' responses to the evidence, the decision must include the details of the complaint and the evidence and their responses from the opponents and whether this evidence is enough to prove the violation in question, and publicly informs involved parties about the decision.

Second: It is possible to appeal the department's decision. Appeals must be submitted to the Appeals Department within 15 days of the day following publishing the decision.

Third: Hearings and Complaints Department is obligated to issue its decision within 15 days of receiving all evidence and required documents from all parties involved.

Article -26- If the general manager has sufficient reasons to believe that any of the media broadcasting telecommunications operations pose a threat to public health or regulations he has the right to immediately suspend it with the approval of the board of trustees, until the hearings and complaints department rapidly reviews this matter, the suspended party must display this decision on their screens or radio stations to inform their audience of the measurements taken against them and the legal reasons behind it, implementation of the general manager's resolution is binding.

Article -27- The board of trustees, after finishing all the legal procedures regarding a complaint that is found to in breach of regulations and in violation of the codes of conduct, has the right to enforce any of the following penalties:

First: Issuing a warning.

Second: Issuing a warning with a specified period of time.

Third: Requesting a published apology.

Fourth: Committing to ease or fix the damage caused to consumers.

Fifth: Imposing financial penalties and seizure of bank accounts.

Sixth: Suspending the license by shutting down all licensee operations for a maximum period of 3 months.

Seventh: Terminating the license and confiscating devices and equipments.

Article -28-

The Appeals Department is made of three judges named by the Supreme Judicial Council, among them is a First Class judge, their membership is for a nonrenewable term of 4 years and they receive their allowances from the Ministry of Justice.

Article -29-

First: Appeals Department is specialized in studying appeals made against the hearings and complaints department, the board of trustees and the general manager.

Second: The Appeals Department must make a decision within 30 days of the appeal submission date, this resolution is final and public, and the department is entitled to reverse decisions or validate them or redirects the case to the CMC to complete missing requirements.

Article -30- According to this article the General Inspector Bureau is established, the general inspector carries on the missions stated in this law and reports periodically to the head of the board of trustees directly regarding all matters of his tasks.

Article -31- General Inspector is appointed and terminated according to this law.

Article -32-

First: The Radio Frequency Consultants Departments is established according to this law, headed by a representative of the CMC chosen by the board, in addition to a deputy from the National Telecommunications Ministry, other members are:

- A- A representative of the armed forces appointed by the Chairman of the Joint Chiefs of Staff and another representative from the security services of the Ministry of the Interior selected by the Minister of Interior.
- B- Four experienced individuals chosen by the department upon the recommendation of the head of the department.

Second: The Radio Frequency Consultants Department provides consultancy to the CMC in allocating radio frequencies putting in consideration commercial, governmental and security future and current needs and the possibility of modern and advanced techniques that could be adopted in the future.

Third: The department meets regularly once every 15 days based on an invitation from the head of department or his deputy, the meeting is considered valid and legal if the majority of members attend as long as the department head or his deputy is among them, the department makes its decision by a vote of the majority, in case of a tie, the side of the department head dominates.

Fourth: The department head appoints one of the department members to carry out the tasks of the department and prepare the agenda of its meetings, take the minutes, keep the records and carry on any other tasks the department head assigns to him.

Fifth: The Radio Frequency Consultants Department proposes in its first meeting the internal rules of procedure before the department for voting.

Article -33-

First: Media Consultants Department is established according to this law, headed by a representative of the CMC chosen by the president of the board of trustees and a deputy from the ministry of culture.

Second: Media Consultants Department is made of 9 members with expertise in the fields of media and its sociological, behavioral and psychological effects, they are to be tested and appointed by the board of trustees.

Third: The department head appoints a member to schedule the meetings, prepare the agendas, take the minutes and keep all relevant records in addition to carrying out any other assignments requested by the department head.

Fourth: The department meets periodically every 15 days at the CMC HQ by an invitation of the department head or his deputy. The meeting is valid when majority of the members attend as long as the department head or his deputy is among them. The department makes its decisions by the votes of majority, in case of a tie the side of the president dominates.

Fifth: The head of department or his deputy may call for an emergency meeting whenever necessary

Article -34-

Media Consultants Department carries on the following tasks:

First: Setting the media policy, which promotes self censorship, and presenting it before the board of trustees.

Second: Developing and updating the codes of conduct for media and broadcasting with coordination with providers of these services such that it includes a set of criteria that plans the programs of media and broadcasting services to be adherent to the principles of quality, accuracy, public morals, justice, neutrality, diversity, granting the right to reply and refraining from Incitement to hatred and violence, and presenting this code of conduct before the board of trustees.

Third: Setting clear distinctions among news, directed news commentary, advertisements, sponsoring events and copy rights protection, and presenting that before the board.

Fourth: Setting the code of conduct for media operations, and presenting it before the board.

Fifth: Developing recommendations about legal measurements against any media organization crossing the lines of codes of conduct for media operations, jeopardizes national interests, provides media supports for terrorism, calls for hate or violence, violates regulations or public morals, and presenting these recommendations before the board of trustees.

Sixth: Demanding the board of trustees to take legal measurements against any media entity that violates regulations of public morals.

Seventh: Developing rules and regulations of relation to media, seeking guidance from article 19 of the International Declaration Human Rights and the International Covenant on Civil and Political Rights.

Eighth: The department is responsible for preparing all required details regarding media programs content and presenting it before the board of trustees.

Chapter Five **Financial Resources**

Article -35- Financial resources of the CMC consist of:

First: Fees for granting and renewing licenses in accordance to the amounts or percentage decided by the board of trustees.

Second: Fees the CMC charges in return of the services it provides to the beneficiaries.

Third: Grants and gifts presented to the CMC in accordance with the law.

Fourth: Penalties enforced in accordance to this law.

Article -36-

First: Annual budget for the CMC must be approved and validated by the parliament.

Second: All accounts of the CMC are subjected to auditing by the Board of Supreme Audit.

Article -37- The CMC commits to present a financial report every 6 months before the parliament demonstrating the accumulating incomes.

Article -38- The CMC shifts the surplus revenues from its annual budget to the state treasury after its ratification by the parliament.

Chapter Six **General Duties**

Article – 39 – Obligating the licensee to provide services to the beneficiaries by linking all licensed networks for telecommunication, internet, wired and wireless media operating in the space of Iraq.

Article – 40– First: Any licensee providing public telecommunication and internet must establish a department to receive complaints from beneficiaries and subscribers, and to prevent causes of complaints about the level, quality and manners of the service

Second: Every licensee must set the system that defines the procedures to be followed in dealing with complaints from subscribers related to operating telecommunication networks, and providing telecommunication and internet services

Third: The licensee must announce the procedures that include the system referred to in the previous item and the means decided by the CMC, and must freely provide clarifications for these procedures.

Fourth: The CMC has the right to mandate the licensee to review the terms of the procedures referred to in Item (2) of this Article, to change the way it's applied or modify it.

Article – 41 – The licensee must provide an annual report to the CMC, showing the technical, administrative and financial aspects, which ensures providing the licensed service to the beneficiaries at the required level.

Article – 42 – Private phone calls and telecommunications are considered confidential matters which may not be monitored, spied upon or revealed except as necessitated for legal and security reasons and by judicial decision.

Article – 43 –First: It is prohibited to withhold telecommunication or internet services from beneficiaries, or cancel the services unless the beneficiary causes material damage to the network while using the service, or using telecommunication and internet services contrary to the valid applicable laws or public morals, or the failure to pay the fees and due payments in spite of being warned in a written notification.

Second: It is prohibited in any way to withhold telecommunication and internet services from beneficiaries as a result of financial, administrative, or technical disputes among the licensees, except in accordance with the procedures set forth in interconnection agreements concluded and ratified by the CMC.

Article – 44 – The licensee must commit to operate a public telecommunication network by preparing a directory of all information related to this network and its subscribers, and provide the directory service to those who wish to benefit from it, in accordance to the instructions issued by the CMC.

Article – 45 – It is permissible to trace the source of any radio waves in order to verify the license of that source in a way that does not breach the confidentiality of messages or is contrary to the provisions of this law. It is prohibited to publish or disclose the content of these messages. The employee who publishes or discloses the content of these messages shall be punished by the penalties prescribed by the law.

Article – 46 – It is permissible to erect poles, build towers or extend cables through private properties for the purpose of building public telecommunications networks if the owners grant permission. In case the owners' permission was not granted, the licensee may inform the CMC and present the relevant documents to the court.

Article -47- A licensee must arrange with the Ministry of Municipalities and Public Works with coordination with the CMC and all other relevant agencies regarding the preparations, measurements and compensations related to extending cables through streets, lands and public properties that are under their authority and control.

Article -48- If establishing a public telecommunications network requires the licensee to possess a property and the owner of that property refuses to sell it or the required part of it for a fair price, then the licensee has the right to apply for the concerned government agencies to take the legal actions to

possess that property, enhancing that application with all technical reasons and justifications, basing it on establishing a network for public interest.

Article -49- If a tree or groups of trees hinder extending cables for a public telecommunications network, and it was not possible to reach an agreement with the owner, the licensee has the right to submit an application for relevant government agencies to force the owner to eliminate these trees or allowing the licensee to remove it in return of a fair compensation paid by the licensee.

Article -50- It is permissible to create and operate telecommunications networks after obtaining approval of the CMC.

Chapter Seven **License of Telecommunication Networks**

Article – 51 – The CMC is exclusively authorized to issue and organize media broadcasting, telecommunication and internet services. This includes wired networks, optical fibers networks, and international gateways that use submarine and terrestrial cables, wireless telecommunication networks, satellite, and points of transformers, internet exchange and any equipment of internet services providers, as well as set the standards of installation, technical standards and safety standards which must be followed in all procedures.

Article – 52 – It is prohibited to create or operate public telecommunication and internet networks, or provide public telecommunication service until a permit is obtained in accordance with the provisions of this law.

Article – 53 – With consideration of Article (52) of this law, it is permitted to create and operate private telecommunication networks without obtaining a permit with exception of the necessary license for the use of radio frequencies.

Article – 54 – The board is permitted to issue instructions determining the types of private networks, and technical guidance and conditions for establishing and operating these networks.

Article – 55 – It is permitted to connect private telecommunication networks among each other in accordance to a written agreement between the owners and the operators of these networks, as appropriate to the necessary need, in accordance to the instruction issued by the CMC.

Article – 56 – It is prohibited for any person owning, operating, or managing a private telecommunication network to provide public telecommunication services using that network.

Article – 57 – In addition to the technical conditions, the following shall be considered in the procedures of issuing licenses:

First: Providing the opportunity for all those who wish to obtain license to present their offers or requests which fulfill the legal requirements.

Second: Supply or demand must be based on the commitment to provide the service for all those who wish to have it for a reasonable period and fair fees.

Third: The elements of supply must be based on legal and fair competition with the holders of previous licenses.

Article – 58– The applicant for a license should include the following documents along with the application form:

First: Acceptable data to define the technical and managerial capabilities of the applicant for the service.

Second: Acceptable guaranteed data to define the financial capability and resources to finance the project of the applicant.

Third: The bases for the prices set for suggested services and the method for how the prices were calculated.

Fourth: Types of the suggested services, geographical areas to be covered, and the technology used for the service.

Fifth: Data proving that the applicant is a registered company in Iraq or a branch of a foreign company licensed to engage in activities in the Republic of Iraq in accordance to the provisions of the valid law of companies.

Sixth: Any other data or documents determined by the CMC or the contract's instructions.

Article – 59 – The license is issued by organizing a contract including the following conditions in addition to any other conditions stipulated in this law:

First: The due returns of these licenses, their expiry, returns of their renewals or any single or periodical financial rights must be paid by the licensee.

Second: The licensee's commitment to periodically provide required data and information related to the subject of licenses to the relevant authority in order to verify the accuracy of the information.

Third: The licensee's commitment to abide by any instruction issued by the relevant authority to implement this law, including the conditions of the subscription contract between the beneficiaries and the licensee.

Fourth: The licensee's commitment to provide the necessary financial guarantees to reimburse the amounts due to subscribers' fees and deposits in case of cancellation.

Fifth: The licensee's commitment to the completion of interconnection agreements between them and other licensees, in accordance to the systematic access to telecommunication networks and the conditions of interconnection among them.

Sixth: The licensee's commitment to provide free emergency telecommunication services for beneficiaries according to the arrangements and boundaries set by the CMC in cooperation with the relevant authorities.

Seventh: The licensee's commitment to provide the necessary facilities for specialized authorities to implement court orders related in tracking telecommunications specific to these orders.

Eighth: The licensee's commitment to provide the service to their beneficiaries equally while taking into account the requirements of national security.

Ninth: The licensee's commitment to announce in advance the rates or services and methods of their collection.

Tenth: The licensee's commitment to cooperate with the directory service according to the instruction issued by the CMC.

Eleventh: Cooperation with all other license holders in order to facilitate providing services to the beneficiaries.

Twelfth: The licensee's commitment to provide service to applicants within a reasonable period with full coverage of the geographical area included in the license.

Thirteenth: The licensee's commitment to sell at least 25% of their shares of mobile contracts to Iraqi citizens, in an initial public offering after two years of deployment of the service with the nominal price.

Fourteenth: Any person or legal entity who obtains, directly or indirectly, a share in the entity of the licensee equaling 5% must obtain an approval from the CMC within 30 days from the date of obtaining these shares.

Chapter Eight **Frequency Management**

Article – 60 – The frequency spectrum is considered a national treasure. It is one of the exclusive specializations of the Central Government. The commission shall exclusively manage its usage in accordance to this law; prepare the needed schedule, sketches and records for this purpose, which is stipulated in this law. The part dedicated for public civil use shall be published.

Article – 61 – National Radio Frequency Allocation Plan must be established with the coordination with the Radio Frequency Consultants Department (Chapter Four, Article 32 of this law) and other relevant ministries, regional governments and private operating companies. The national plan shall be developed within two years of issuing this law.

Article – 62 –

First: The Commission shall maintain a register called The National Frequencies Register. The following shall be recorded in this register:

- A. Categories of licenses and issued allocations.
- B. All issued licenses.
- C. All canceled licenses.
- D. All regulations and instructions set by the commission in accordance to the provisions of this law. This register shall be kept in the headquarters of the commission in an appropriate manner.

Second: The commission shall record in this register in particular the details of the data relating to the following:

- A. Every issued license and allocation, data of the licensee, and any new updates to the license, or cancellation, and every order, approval, notification, or decision made or canceled regarding the license.
- B. All issued certificates and regulations set by the commission, or any decision made to amend or repeal them. The commission has the authority not to record any of the data stipulated in items (First and Second) of this Article - based on the request of the licensee or shareholder, if the commission believes that recording these information conflicts with the requirements of National Security or discloses trade secrets or any confidential information.

Third: Any party that has a considerable legal interest in acquiring an official copy of the register must apply for the CMC to consider the validity of that interest in coordination with the court, if the application is approved the applicant must pay the relevant fees determined by a decision to be made by the CMC

Fourth: The Court may examine this register if required.

Article – 63 – The commission must grant identification numbers to communication networks, and maintain a record called the National Numbering Table, to record the identification number of each network.

Article – 64 – The Iraqi Armed Forces and Security agencies have the authority, in coordination with the CMC, to use the CMC's international distributed and allocated radio frequencies, and in accordance to the ITU standards, without a license in a manner that does not cause interference to other frequencies.

Article – 65 – In relation to the provisions of any other law that stipulates the importance of obtaining a license to operate radio services, the operators of these services, including radio, amateur radio, television, satellites broadcast and receivers must obtain a permit to use radio frequency allocated by the CMC.

Article – 66 – It is not permitted to acquire or use a radio station on the territory of the Republic of Iraq, or on any ship or airplane registered in Iraq without obtaining a license in accordance with the provisions of this law. It is also not permitted to enter a radio station to Iraq unless the CMC gave an authorization to do so.

First: The CMC has the authority to make exceptions for foreign embassies only if the foreign country shall do reciprocal treatment and obtains a renewable permission.

Article – 67 – First: The license shall be canceled if the licensee fails to pay the decided fees in order to renew the license on the decided date.

Second: The license shall be canceled in case of bankruptcy of the licensee or loss of eligibility.

Third: In case of not using the frequency within 180 days of the date of signing the contract.

Article – 68 – It is prohibited for the licensees who canceled their licenses in accordance to the law, to claim any compensation or recover any amounts of money paid in order to obtain or renew the license or any other reason.

Article – 69 – The licensee must refrain from accepting new subscriptions from the date of notification of canceling the license. It is prohibited to continue working from the date of cancellation of the license except to a necessary extent in order to move subscribers to another licensee with a written approval from the CMC.

Article – 70 – It is prohibited for the licensees who canceled their licenses to apply for obtaining another license within two years of the date of cancellation.

Article – 71 – The decision of license cancellation does not preclude the right of subscribers or the affected parties from breaches of the licensee, they can claim for compensation or their deserved fees.

Article – 72 – Licensing is considered personal and cannot be transferred to another person except in accordance with better conditions of beneficiaries and obtaining the approval of the CMC.

Chapter Nine **Punitive Provisions**

Article – 73 – Any person who publishes or spreads the content of any message via a public or a private communication network or discloses the content of a phone call or records a phone call because of a given organizational status without a legal order shall be punished by imprisonment for a period not less than three months and not more than a year, and a financial fine of not less than one million Iraqi Dinars. And the wronged party has the right to claim financial or moral compensation that the court decides.

Article – 74 – First: Any person who intentionally destroys or works on the destruction of communication facilities shall be imprisoned for a period not less than six months and not more than two years and a fine not less than the value of the caused damage, and taking into account the value of the invisible damage.

Second: Any person whose negligence helped in causing or caused the destruction of communication facilities shall be punished by imprisonment for a period not more than three months and a financial fine not less than the value of the caused damage or both penalties.

Article – 75 – Any person who uses or helps to use illegitimate communication means without paying fees shall be punished by imprisonment for a period of one to three months and a financial fine not less than three hundred thousand Iraqi Dinars and not more than one and a half million Iraqi Dinars or both penalties

Article – 76 – Any person who uses or helps in using illegal media in for communications purposes without paying fees shall be punished by imprisonment for a period (one month up to three months) or a financial fine not less than three hundred thousand Iraqi Dinars and not exceeding one and a half million Iraqi Dinars or both penalties.

Article – 77 – First: Any person who uses any communication media to send threatening, insulting or immoral messages, or disseminates fabricated news intending to stir up public panic shall be

punished by imprisonment for a period not less than three months and not more than one year or a financial fine not less than five hundred thousand Iraqi Dinars and not exceeding three million Iraqi Dinars or both penalties.

Second: Any person who provides or help to provide communication services contrary to the general order or public moral shall be punished as stated in Item (First) of this Article and the commission is authorized to cancel the license from the licensee.

Article – 78 – Any person who objects, blocks, alters or deletes the content of a message by communication networks or encourages others to do these actions shall be punished by imprisonment for a period not less than one month and not more than six months and a financial fine not exceeding six hundred thousand Iraqi Dinars or both penalties.

Article – 79 – Any person who conceals a message must be transferred by communication networks to another person, or refused transferring a message which was asked to be transferred either by the licensed or the commission, or copies or disclosed a message, or changes data related to any subscriber including their concealed phone numbers, or their sent or received messages shall be punished by imprisonment for a period not less than six months and a financial fine not exceeding two and a half million Iraqi Dinars or both penalties.

Article – 80 –First: Any person who establishes, operates, or manages a public communication network in order to provide general communication services in contrary to the provision of this law shall be punished by imprisonment for a period not less than three months or a financial fine not less than ten million Iraqi Dinars and not more than fifty million Iraqi Dinars or both penalties, and all equipment shall be confiscated and shall be recorded as an income to the general treasury.

Second: Any person who establishes, operates or manages a private communication network contrary to the provisions of this law shall be punished by imprisonment for a period not less than a month and not more than three months and a financial fine not less than four million Iraqi Dinars and not more than ten million Iraqi Dinars, and all equipment shall be confiscated and recorded as an income to the general treasury.

Article – 81 – Any person who illegally uses a public or a private communication network, or connects his network with another communication network without justification, or hinders the service provided from other communication networks, or endangers the national interest shall be punished by imprisonment for a period not less than six months and not more than a year or a financial fine of not less than four million Iraqi Dinars and not more than ten million Iraqi Dinars or both penalties, and all equipment shall be confiscated and recorded as an income to the general treasury.

Article – 82 – First: Any person who intentionally commits any action to intercept, interfere or cut radio waves allocated for others shall be punished by imprisonment for a period not less than six months or a financial fine not less than ten million Iraqi Dinars and not more than fifty million Iraqi Dinars, or both penalties, and all equipment shall be confiscated and recorded as income to the general treasury.

Second: Any person who intentionally uses radio waves without obtaining a permit shall be punished by imprisonment for a period not less than six months or a financial fine not less than ten million Iraqi Dinars and not more than fifty million Iraqi Dinars, or both penalties, and all equipments shall be confiscated and recorded as income to the general treasury.

Article – 83 – Any person who imports communication equipments contrary to the provision of Article (65) of this law shall be punished by imprisonment for a period not less than a month or a financial fine not less than five million Iraqi Dinars and not more than twenty-five million Iraqi Dinars, and all equipments shall be confiscated and recorded as income to the general treasury.

Article – 84 – Any person who imports, trades, or keeps communication equipment inside Iraq which is differing to the technical regulation, carrying incorrect data or information contrary to the provisions of Articles (56, 57 and 58) of this law shall be punished by imprisonment for a period not less than a month and not exceeding one year or a financial fine not less than ten million Iraqi Dinars and not exceeding thirty million Iraqi Dollars or both penalties, and all equipments shall be confiscated and recorded as income to the general treasury.

Article – 85 – Any person who keeps or operates a radio station contrary to the provisions of this law shall be punished by imprisonment for a period not less than a month and not longer than six months or a financial fine of not less than fifteen million Iraqi Dinars and not more than twenty Million Iraqi dinars, or both penalties, and all equipments shall be confiscated and recorded as income to the general treasury.

Chapter Ten **General Provisions**

Article – 86 – First: Those who are considered a licensed, starting from the date of validity of the provisions of this law, whoever lawfully provides any service of the services ruled under this law or operates a communication network, or uses the radio frequencies spectrum in Iraq, including the companies operating in regions and governorates, within a transitional period up to one year from the date of the starting validity of this law.

Second: The person referred to in Item (First) of this Article, when willing to continue practicing the activity, must apply for a request to the Commission of Media and Communication in order to obtain the suitable license with a period not longer than (3) months from the starting date of validating this law. After this transitional period no service of any communication, broadcasting or sending services is allowed to continue.

Third: It is prohibited to use radio frequency spectrum in Iraq by any person referred to in Item (First) of this Article without obtaining a permit in accordance with the provisions of this law.

Fourth: The commission is authorized to amend the valid licenses from the date of validation of the provision law in as long as committing to its provision.

Chapter Eleven **Final Provisions**

Article – 87 – The Board of Trustees has the authority to prepare and issue regulations and instructions in order to facilitate the application of the provisions of this law.

Article – 88 – The members of the Board of Trustees shall be included in all the exceptions in Article 31 of the Law of Service and Retirement No (27) for the year 2006.

Article – 89 – The law of Wireless Communication No. (159) for the year 1980, the law of the first amendment of the law of Wireless Communication No (190) for the year 1980, the law of the Ministry of Transport and Communication No (7) for the year 1994, shall all be canceled. The rules and regulations issued in light of the previous laws shall be valid unless they contradict the provision of this law until replaced or negated.

Article – 90 –The Coalition Provisional Authority Order No. 65 of 2004 is canceled.

Article – 91 – Any text that contradicts the provisions of this law shall be considered invalid.

Article – 92 – This law shall be valid from the date of its publication in the official newspapers.

Reasons to Issue This Law

Given absence of a national law governing all telecommunication services, for the preparations and issuing of main regulations in granting licenses, broadcasting and transmitting services, in addition to wired and wireless communication on national level, and also obtaining network services and interconnection among networks, organizing radio frequency spectrum and wireless devices and end-user wireless communication equipments and in order to protect users and information, and to give the Commission of Media and Communication the responsibility of supervising all activities related to communication. And In order to set the standards of media work that suits the valid regulation and morality.

This law has been issued.