

**Resolution No. 152/2008 Formation& Regulating the Work
Of Settlements Committees**

Pursuant to the Telecommunications Regulatory Act issued by the Royal Decree No. 30/2002 and;

The Executive Regulations issued by Resolution No. 10/2007; and

The approval of the Telecommunications Regulatory Authority obtained on 18th November 2008 and;

Based on the exigencies of the public interest;

It is decided:

<u>Article 1:</u>	<p>Telecommunications Regulatory Authority form a committee under name (Settlement Committee) consisting of the following:</p> <ol style="list-style-type: none">1. Senior Manager of Legal Affairs Unit as the President2. Senior Manager of Economics Affairs Unit as a member3. Senior Manager of the Concerned Unit according to the violation nature <ul style="list-style-type: none">• Alternatively: <ol style="list-style-type: none">1. Manger of Litigation Dispute Resolution or his Deputy2. Manger of Economics Affairs or his Deputy3. Manger of the Concerned Department according to the breach nature & his deputy. <p>In case of the absence of any of the main members; the in call member shall replace him where at least one of the members shall be a senior manager; Decisions are taken on unanimous basis.</p>
<u>Article 2</u>	<p>The violator shall apply for a settlement in front of the Settlement Committee within 15 working days from the receiving of the notice of breach & before the case sent to the court; the form shall consists of the following:</p> <ol style="list-style-type: none">1. Violator`s name2. Representative or deputy name & address3. Detailed description of the breach4. Proposals & suggestions the violator suggest to resolve the issue

	<p>5. Date of application the form</p> <p>6. Representative signature on behalf of violator.</p> <p>7. A list of witnesses, if any, any other information or ways of contact specifying the items they would like to testify on.</p> <p>The application shall be count after it is stamped and a number is given within litigation & Dispute resolution Department.</p>
<u>Article 3</u>	<p>All the necessary information & document shall be completed with 2 days of the application, the applicant shall provide these information & document with three working days of being informed, or the application to be considered cancelled.</p> <p>Litigation & Dispute Resolution Department shall forward the application beside its legal opinion to the committee with 15 working days.</p>
<u>Article 4</u>	<p>The violator shall be obliged to attend in front of the committee, or he has the right to nominate a representative or deputy to attend on his behalf, in case of a legal person the authorization shall be issued from the legal deputy.</p>
<u>Article 5</u>	<p>The violator has the right to defend his position verbally or in a written memo. The committee shall forward this (pleading) defending to the Litigation and Dispute Resolution Department within 15 days.</p>
<u>Article 6</u>	<p>The Committee has full necessary authority to settle the application particularly completion of all necessary the information & documents. The violator shall be obliged to carry out what the committee assigned within 3 working days from being noticed or the settlement application shall be rejected.</p> <p>All the procedures taken by the committee shall be documented in official, numbered, stamped minutes with TRA stamp. At the end of every session, the violator or his representative shall sign the minutes. All what being agreed on shall be documented in the minutes; the committee shall decide upon the application with the following 15 working days of obtaining the required documents & information.</p> <p>The committee has the right to ask the assistance of outside expert from TRA itself or from other party who has no right to vote, the committee can adopt the expert opinion which seems appropriate.</p>
<u>Article 7</u>	<p>Telecommunication Regulatory Authority shall forward the breaches to the professional courts in the following cases:</p>

	<ol style="list-style-type: none">1. If no agreement is reached with the violator.2. If agreement is reached, the violator didn't execute it within 30 working days.3. If the breach has a criminal nature not applicable to settlement
<u>Article 8</u>	<p>The violator has the right to ask for review settlement agreement within 30 working days from signing of the agreement on the following basis:</p> <ol style="list-style-type: none">1. New significant information or data to be taken into consideration so committee changes its decision.2. Material errors in the settlement minutes
<u>Article 9</u>	<p>Settlement Committee shall process the application within 7 working days of the receiving date; has the right to extend the period whenever appropriate on condition that violator has to be informed of such decision</p>
<u>Article 10</u>	<p>The original settlement agreement shall be preserved with the concerned unit, according to the breach nature, a copy shall be maintained in the Litigation & Dispute resolution</p>
<u>Article 11</u>	<p>The expenditure shall be collected by TRA in return of preserving & storing the confiscated storing, guarding & depositing adding to it 10% of the settlement value as administrative expense.</p>
<u>Article 12</u>	<p>If the violator executed the settlement agreement, TRA shall return the not legally confiscated items after setting his relation according to the telecom Act</p>
<u>Article 13</u>	<p>All the settlement committee works , minutes shall be treated as confidential, every member shall maintain this accordingly</p>
<u>Article 14</u>	<p>This Decision shall be published in the Gazette and shall become operative from the date following its publication.</p>

Mohammed Bin Nasser Al-Khusaibi
Chairman of Telecommunications Regulatory Authority