

DISPUTE RESOLUTION PROCEDURES

ARTICLE 1

PURPOSE AND AUTHORITY

- 1.1** These Dispute Resolution Procedures (Procedures) establish a regulatory framework for the Communications Regulatory Authority (CRA) to fairly and efficiently investigate and resolve disputes between Access Providers and/or Access Seekers relating to an obligation pursuant to the ARF and which involve non-compliance with the ARF. The obligation must arise between Access Providers and/or Access Seekers in connection with rights and obligations imposed under the Applicable Regulatory Framework (ARF). This includes any agreement, negotiation and/or consultation with Access Providers and/or Access Seekers pursuant to the ARF.
- 1.2** These Procedures are issued by the CRA pursuant to the authority vested in it by Articles 4(1), (3), (4), (8), (14), and (15) of Emiri Decree No. (42) of 2014.
 - 1.2.1** Article 4(1) authorizes the CRA to set regulatory frameworks for the communications, information technology, and post sector, and access to digital media, to enable optimum performance.
 - 1.2.2** Article 4(3) authorizes the CRA to encourage competition and prohibit or minimize anti-competitive practices.
 - 1.2.3** Article 4(4) authorizes the CRA to protect the rights and interests of the public and service providers in the State of Qatar.
 - 1.2.4** Article 4(8) authorizes the CRA to set a dispute resolution system that is organized, transparent, fair, speedy, and effective.
 - 1.2.5** Article 4(14) authorizes the CRA to monitor compliance with regulatory frameworks and to take measures to ensure compliance.
 - 1.2.6** Article 4(15) authorizes the CRA to perform any other tasks or functions entrusted to it under the legislation in force.
- 1.3** The Telecommunications Law issued by Decree Law No. (34) of 2006 (Law) further empowers the CRA to identify and address anti-competitive practices in the telecommunications sector of Qatar. Relevant authorities include:

- 1.3.1 Chapter 9 of the Law, which grants the CRA authority to: (1) monitor and prohibit any abuse of market power or dominant position and anti-competitive practices; and (2) determine and apply appropriate procedures and arrangements to confront abuses of market power and anti-competitive practices in order to strengthen competition and safeguard the interests of customers and the public in Qatar.
- 1.3.2 Chapter 10 of the Law, which empowers the CRA to set rules for consumer protection and fair dealing.
- 1.3.3 Chapter 5 of the Law, which further grants the CRA authority to determine the rights, obligations, and terms of interconnection and access, to facilitate negotiations between parties to achieve interconnection and access agreements, and to establish a viable regulatory framework aimed at the facilitation of these regulatory procedures.
- 1.3.4 Chapter 7 of the Law, which authorizes the CRA to set and maintain the National Numbering Plan.
- 1.4 The By-Law also grants the CRA wide-ranging powers in Chapter 9 to prevent and remedy anti-competitive conduct in the Telecommunications sector and to protect the public in Qatar; in Chapter 4, to ensure fair interconnection and access terms; and, in Chapter 10, to protect and enforce duly authorized rights of access to property used for telecommunications network and infrastructure.
- 1.5 These Procedures do not cover complaints from Access Providers and/or Access Seekers not related to any obligation arising between them in relation to rights and obligations imposed under the ARF.

ARTICLE 2

DEFINITIONS

- 2.1 **Access Provider:** means public or private entities who own and/or directly control access to Passive Civil Infrastructure. Access Providers include but shall not be limited to:
 - Developers;
 - Service Providers;
 - Government entities; and
 - Other Non-Governmental Organizations (NGO) or private entities that have or will establish Passive Civil Infrastructure in the State of Qatar ('NGO and Other Private Entities')

- 2.2 Access Seeker:** a Service Provider who is in good faith negotiations to be in a contract with an Access Provider or in consultation with another Access Provider pursuant to the ARF.
- 2.3 Applicable Regulatory Framework (ARF):** the Telecommunications Law No. (34) of 2006 and its By-Law, the forthcoming replacement Telecommunication Law, when effective, and any other rules and regulations, decisions, orders, policies, guidelines, instructions, licenses, or notices issued by CRA, as well as the relevant laws and decrees of the State of Qatar and international treaties to which the State of Qatar has subscribed.
- 2.4 Appeal Rules:** the Minister of Communications and Information Technology, Decision No. 4 of 2013 on the Establishment of a Permanent Appeals Committee and its Applicable Rules and Procedures.
- 2.5 By-Law:** the Executive By-Law of the Telecommunications Law(issued by Decree 1 of 2009, including, if applicable, as amended or replaced.
- 2.6 Communications Regulatory Authority (CRA):** formerly the Supreme Council of Information and Communication Technology (ictQATAR), the CRA is the newly established independent authority with responsibility for providing regulatory oversight to enable the development of the communications sector in Qatar.
- 2.7 Complainant:** an Access Provider and/or Access Seeker who files a complaint pursuant to Article 4.1.1 of these Procedures.
- 2.8 Decisions:** conclusions of law, statements of policy, and interpretations made by the CRA that are binding as a matter of law and which may refer to findings of fact. Such Decisions may be of a final or interim nature and may include the imposition of a financial penalty or other obligations.
- 2.9 Law:** the Telecommunications Law (issued by Decree Law No. (34) of 2006), including, if applicable, as amended or replaced.
- 2.10 Ordering Clauses:** articulations of interpretation of law, or mandatory directives to an Access Provider, Access Seeker or other juridical or natural person subject to the jurisdiction of the CRA, the non-compliance which constitutes a violation of Law.
- 2.11 Respondent:** an Access Provider and/or Access Seeker whose behavior is alleged to be or suspected of being non-compliant with the ARF and who is the subject of a complaint or an investigation.
- 2.12 Service Provider:** means Service Provider as defined in the ARF.

ARTICLE 3

GENERAL RULES OF PROCEDURE

3.1 Filing and Service

- 3.1.1 Unless otherwise provided, pleadings and other documents are considered to be filed with CRA or its administrative units upon their receipt at the location designated by CRA.
- 3.1.2 Pending a decision by the CRA whether or not to initiate an investigation into a complaint, the CRA shall in its discretion determine where any party to these Procedures is required to serve on another party any document filed with CRA or its administrative units and, where so determined, such service shall be made by that party or by his representative within a date and time determined by the CRA from when the document is filed with the CRA. Documents may be served upon a party, his legal representative, or other duly constituted agent.

3.2 General Pleading Requirements

- 3.2.1 Investigations will be resolved on a written record consisting of such pleadings that CRA, in its discretion, may allow. The pleadings shall be accompanied by associated affidavits, exhibits and other attachments.
- 3.2.2 Pleadings must be clear, concise, and explicit. All matters concerning a claim, defense or requested remedy should be pleaded fully and with specificity.
- 3.2.3 Pleadings must contain facts which, if true, are sufficient to constitute a violation of the law, or a defense to such alleged violation.
- 3.2.4 Facts must be supported by relevant documentation or affidavit.
- 3.2.5 Legal arguments must be supported by appropriate legal authority.
- 3.2.6 Copies must be provided of all authorities relied upon which are not routinely available in national reporting systems, such as unpublished decisions of courts or administrative agencies.
- 3.2.7 Parties are responsible for the continuing accuracy and completeness of all information and supporting authority furnished in a pending complaint proceeding. Information submitted, as well as relevant legal authorities, must be current and updated as necessary and in a timely manner at any time before a decision is rendered on the merits of the complaint.
- 3.2.8 Pleadings shall identify the name, address, telephone number, and facsimile transmission number for either the filing party's attorney or, where a party is not represented by an attorney, the filing party. Such address and facsimile number shall constitute the filing party's address for service purposes and may only be amended on prior written notice to the CRA.

- 3.2.9 Subject to Article 3.1.2, all pleadings must be served on any other party named therein and must include a certification that they have been served and filed with the CRA.
- 3.2.10 Additional guidance on the format of complaints is contained in Annex 1 of these Procedures.

ARTICLE 4

DISPUTE INVESTIGATION PROCEDURES

4.1 Complaints

- 4.1.1 An Access Provider and/or Access Seeker aggrieved by alleged non-compliance with the ARF may request the CRA to initiate an investigation by submitting a complaint in writing to the CRA.
- 4.1.2 An Access Provider and/or Access Seeker is aggrieved if it is in, or negotiating in good faith to be in a contract or in consultation with another Access Provider and/or Access Seeker pursuant to the ARF and is injured by alleged non-compliance with the ARF that also is prejudicial to consumers in Qatar and to the public in Qatar.
- 4.1.3 At a minimum, a complaint filed with the CRA shall comply with the General Pleading Requirements set forth in Article 3.2 and contain:
 - 4.1.3.1 The name, address, telephone number, and email address of the Service Provider against whom the complaint is made;
 - 4.1.3.2 A complete statement of facts which, if true, is sufficient to establish non-compliance under the ARF and standing under Article 4.1.2;
 - 4.1.3.3 A legal argument setting forth the reasons why the identified conduct violates the law, including specific citations to the provisions of the ARF which are alleged to have been violated;
 - 4.1.3.4 All available evidence upon which the Complainant relies or intends to rely to support the facts alleged and legal arguments made in the complaint; and
 - 4.1.3.5 A statement of the remedy requested.
- 4.1.4 A complaint must include sufficient evidence to support it, including:
 - 4.1.4.1 Sufficient evidence of a contract or good faith contract negotiations or consultation pursuant to the ARF between the Complainant and the Respondent;

- 4.1.4.2 Sufficient evidence of a genuine dispute between the Complainant and the Respondent;
 - 4.1.4.3 Sufficient evidence of injury to the Complainant, unless already covered by or provided for within the ARF, caused by ARF non-compliant relating to the contract, or the negotiations or the consultation;
 - 4.1.4.4 Sufficient evidence of harm to competition in Qatar unless already covered by or provided for within the ARF; and
 - 4.1.4.5 Sufficient evidence of harm to the public in Qatar unless already covered by or provided for within the ARF.
- 4.1.5 A complaint will not be accepted without all of the evidence required for the CRA to properly assess it. For example, allegations of anti-competitive pricing will require the submission of price and cost data. Where a Complainant is unlikely to know a competitor's costs, a reasonable attempt to estimate them should be made. A general reference to a potential breach of the ARF without reference to specific article(s) will not be considered adequate.

4.2 Initiating an Investigation

- 4.2.1 The CRA, at its sole discretion, may determine whether or not to initiate an investigation into a complaint.
- 4.2.1.1 No investigation will be initiated if:
 - 4.2.1.1.1 The Complainant fails to present valid grounds for an investigation;
 - 4.2.1.1.2 The complaint is scandalous, frivolous, or vexatious; or
 - 4.2.1.1.3 The complaint is otherwise an abuse of process.
 - 4.2.1.2 Should the CRA determine a complaint is improperly submitted or insufficiently substantiated, it may: (i) reject the complaint; (ii) require appropriate amendments and/or additional documents and/or information; or (iii) take any other action which it deems appropriate; and shall (iv) provide a reason for the relevant determination.
- 4.2.2 The CRA may request additional information, documentation, or oral testimony from the Complainant, consistent with Article 4.4, in order to decide whether or not to commence an investigation into the alleged anti-competitive behavior.
- 4.2.3 The CRA shall notify the Respondent and may admit any third party (and/or other party deemed by the CRA to be aggrieved, affected

and/or interested) to the proceedings of its intended course of action with respect to a complaint, along with its reasons for the same.

- 4.2.4 The CRA also may commence an investigation into suspected ARF non-compliance on its own motion and shall be entitled to request any information, documentation or oral testimony from Access Providers and/or Access Seekers and affected or interested third parties without the submission of a complaint.

4.3 Fast Track Procedures

- 4.3.1. Notwithstanding any other requirement in these Procedures, any party may request that CRA implement fast track procedures to resolve a dispute.
- 4.3.2. CRA may consider a case qualifying for fast track procedures where there is an immediate risk: (a) serious threat to the safety of the public, public health or national security; (b) serious economic or operational problems for Service Providers or providers of associated facilities; (c) serious economic or operational problems for users of electronic communications networks, electronic communications services or associated facilities or (d) the public interest so requires.
- 4.3.3 If CRA so determines that a fast track procedure should be applied, it shall stipulate an accelerated timetable for the filing of pleadings and other documents. CRA may waive any other requirement in these Procedures to facilitate the speedy resolution of disputes.

4.4 Communications with the CRA and the Public

- 4.4.1 No communications will be permitted by any party and/or their representatives with any employee of the CRA regarding the subject matter of a dispute while a complaint remains pending and/or an investigation is ongoing, unless time/date/duration/substance of such communications is noticed to all parties in writing 7 calendar days in advance.
- 4.4.2 Once a complaint is filed with the CRA, or an investigation is initiated on the CRA's own motion, no party to the dispute or any of its representatives may comment publicly about the investigation until after the final decision is published by the CRA.

4.5 Procedures for Conducting Investigations

- 4.5.1 Should the CRA decide to initiate an investigation pursuant to these Procedures, it will notify the Respondent of the Complainant's complaint or of the CRA's suspicion of ARF non-compliance.
 - 4.5.1.1 The CRA shall provide the Respondent a copy of the complaint.

- 4.5.1.2 Where the CRA commences an investigation on its own motion, the notification under Article 4.2.4 will advise the Respondent of the relevant provisions of the ARF which are alleged or suspected to have been violated.
- 4.5.2 In accordance with the specific information gathering powers under Articles 62 of the Law and 127 to 132 of the ByLaw, at any time during its investigation, the CRA may request the Complainant, Respondent, or any third parties to provide additional information, documentation, or oral testimony within a prescribed timeframe in order to investigate a complaint.
- 4.5.3 The CRA may, in its discretion, authorize parties by way of notice in writing to the said parties to serve requests for information directly on other parties, and file a copy of the request with the CRA.
- 4.5.4 A request for information shall be made in writing and shall include:
 - 4.5.4.1 The general subject matter of the investigation;
 - 4.5.4.2 The scope of the information requested; and
 - 4.5.4.3 The date for oral testimony or by which the submission of the requested information is required.
- 4.5.5 The CRA may, at its discretion, consider a request made in writing to extend the deadline for a response to a request for information.
- 4.5.6 The CRA may take any other action it considers necessary to investigate a complaint or suspicion of non-compliance of the ARF.
- 4.5.7 A failure to initiate an investigation into a complaint constitutes final action of the CRA for purposes of the Appeal Rules.

4.6 Answer

- 4.6.1 A Respondent shall respond to the notification provided pursuant to Article 4.4.1 within 7 calendar days by filing an Answer in writing with the CRA.
- 4.6.2 The Answer shall advise the CRA fully and completely of the nature of any defense, and shall respond specifically to all material allegations in the complaint or notification.
- 4.6.3 Answers shall be served on the Complainant by the Respondent unless the CRA directs otherwise.

4.7 Reply

- 4.7.1 The CRA may direct the Complainant to file a Reply in writing to the Answer filed by the Respondent. The CRA shall provide a date by which the Complainant shall make such Reply to the CRA.

- 4.7.2 The Reply shall be responsive to matters contained in the Answer and shall not contain new matters.
- 4.7.3 The Reply shall be served on the Respondent by the Complainant unless the CRA directs otherwise.

4.8 Confidentiality

- 4.8.1 Subject to any confidentiality obligations imposed by law, any materials filed in the course of an investigation may be designated as confidential by that party if the party believes in good faith that the materials contain proprietary information. Any party asserting confidentiality for such materials must mark clearly each page, or portion thereof, for which a proprietary designation is claimed. If a proprietary designation is challenged, the party claiming confidentiality has the burden of demonstrating, by a preponderance of the evidence, that the material designated as proprietary should retain that designation.
- 4.8.2 A party providing a document containing marked confidential information must provide to the CRA both a full version of the document with the relevant information clearly marked as “confidential” and a separate redacted version of the full document.
- 4.8.3 The CRA may issue an order allowing a party to review proprietary information subject to appropriate procedures to limit the use of such confidential information to the instant proceeding and otherwise protect proprietary information.

4.9 Interim Decisions

- 4.9.1 The CRA has discretion to impose interim measures, before it completes its full investigation, where it has reasonable suspicion that the provisions of the law are being infringed. The CRA may impose interim measures in order to prevent serious, irreparable damage to Access Providers and/or Access Seekers, third parties, consumers, or competition in Qatar. In these circumstances, the CRA may require such immediate relief it considers appropriate for that purpose.
- 4.9.2 A Complainant may request that the CRA issue an Interim Decision in the complaint. The following considerations will apply:
 - 4.9.2.1 The Complainant has made a strong showing that it is likely to prevail on the merits of the complaint;
 - 4.9.2.2 The Complainant has shown that, without such relief, Access Providers and/or Access Seekers, third parties, competition in Qatar and/or the public in Qatar will be materially injured;

4.9.2.3 The issuance of an Interim Decision would not substantially harm other parties or materially prejudice the investigation.

4.9.3 In deciding whether to issue an Interim Decision, the CRA may choose to consider any other relevant matters.

4.10 Decisions

4.10.1 The CRA shall issue a Decision within 60 calendar days after receiving a complaint or initiating an investigation on its own motion, subject to Article 4.10.1.3 of these Procedures.

4.10.1.1 The CRA shall deliver the Decision to the Complainant, the Respondent, and any relevant third parties. Decisions will not be made public unless the relevant parties decide otherwise.

4.10.1.2 Should the Decision contain confidential or sensitive information, the CRA may, at its discretion, deliver a redacted version of the Decision to any relevant parties in which the confidential or sensitive information has been deleted or blacked out.

4.10.1.3 Upon notice to the parties and with the provision of reasons, CRA may, at its discretion, extend the period for resolving a complaint or investigation on its own motion for additional 60 calendar day periods.

4.10.2 A Decision should include:

4.10.2.1 The CRA's determination of whether the Respondent engaged in any violation of the ARF that resulted in harm to Complainant, harm to competition in Qatar and harm to the public in Qatar;

4.10.2.2 The facts upon which the CRA relied in reaching its determination;

4.10.2.3 The legal reasoning used by the CRA in reaching its determination, with specific citations to the ARF; and

4.10.2.4 Ordering Clauses, including, if applicable, remedies consistent with Article 4.11.

4.10.3 Unless otherwise stated, a Decision shall take effect on the day it is issued. A Decision constitutes final action of the CRA for purposes of the Appeal Rules.

4.11 Remedies

4.11.1 Upon completion of an investigation, the CRA may require any remedy not inconsistent with the ARF, including:

4.11.1.1 An order requiring the Respondent to cease the identified offending/non-compliant behavior or take whatever action necessary to avoid or remedy any harm caused or likely to be caused by such behavior;

4.11.1.2 A financial penalty; and/or

4.11.1.3 Any other penalty provided for pursuant to the ARF.

4.11.2 The CRA also may determine that the Respondent has been non-compliant under the ARF, but no remedial action or punitive sanction is required. Reasons for such determination shall be provided by the CRA.

4.12 Continuing Violations

4.12.1 Each occasion on which a Respondent fails to comply with written instructions issued by CRA or the CRA requiring it to comply with an Interim Decision or a Decision shall be considered a separate violation for which the CRA may impose additional sanctions and penalties.

4.13 Referral to the Courts

4.13.1 The Parties remain free to refer any dispute to the Courts of the State of Qatar. The CRA will not deem it appropriate to handle any dispute where such dispute has already been referred to the Courts. However, where a dispute has already been lodged with the CRA prior to being referred to the Courts, the CRA will progress with the dispute proceedings in accordance with these Procedures.

ARTICLE 5

AMENDMENT AND EFFECTIVE DATE OF THESE PROCEDURES

5.1 These Procedures may be amended by the CRA from time to time after first being made available to all interested parties for review and comment.

5.2 These Procedures shall take effect on the date of issue.

ANNEX 1 - Format for Pleadings

[Note: The following requirements shall apply to Complaints, Answers, Replies, and any other filing permitted, at the discretion of the CRA, in an investigation.]

I. DELIVERY REQUIREMENTS FOR A PLEADING

A complaint submitted pursuant to these Procedures shall be submitted to:

Communications Regulatory Authority "CRA"
P.O. Box 23264
Doha Qatar

The complaint shall be submitted to the CRA both electronically and in four paper copies, including annexes or attachments of the full text. Where applicable, a Complainant should submit both a "confidential" and redacted version of the complaint.

II. REQUIRED CONTENTS OF A COMPLAINT

A complaint submitted pursuant to these Procedures shall contain:

A. Identifying information regarding the parties to the complaint:

1. Name of Person or Business submitting the complaint (if a business, the name of the person to whom CRA correspondence may be directed);
2. Address, telephone/fax numbers, mailing address;
3. Explanation of the character of the Complainant (if a business, specify the type(s) and volume of products or services rendered as well as the local, national and international range of operations);
4. Explanation of the character of the Respondent (if a business, specify the type(s) and volume of products or services rendered as well as the local, national and international range of operations); and
5. Explanation of the relationship between the Complainant and the Respondent (i.e. if the Respondent is a customer, supplier or competitor of the Complainant).

B. Factual basis of the complaint:

1. Specific factual basis of the complaint, including but not limited to, the relevant products/services which are involved, a clear description of the contract or good faith negotiation, and an explanation of the dispute between Service Providers;
2. Dates and locations of relevant incidents;
3. Detailed chronological explanation of relevant course of events, including

all relevant contacts between the parties to the complaint;

4. Identification of the relevant economic market(s), in which a violation has been alleged or suspected of having occurred;
5. Description (type and extent) of the harm to competition in Qatar and the public in Qatar and/or non-compliance with the ARF;
6. Explanation and factual justification for any relevant urgency which should be considered by the CRA;
7. Description of any remedy sought by the Complainant;
8. All relevant evidence supporting the suspicion/allegation of anti-competitive activity, harm to competition in Qatar and the public in Qatar, non-compliance with the ARF and all relevant evidence supporting any claim of urgency; and
9. Identifying information of any third parties which can corroborate the Complainant's claims as well as an explanation of the evidence and information which may be supplied by such third party (if applicable).

C. Legal basis for the complaint:

1. Reference to the specific section(s) of the Law which are alleged or suspected of having been violated;
2. Reference to any other relevant portion(s) of the ARF which are alleged or suspected of having been violated; and
3. In either case, a clear summary of the reasons why a violation has been alleged or suspected of having occurred.

D. Justification for requests for confidentiality, where applicable:

1. Detailed explanation of the potential harm which might be caused by the exposure of any information for which confidential treatment is requested;
2. The CRA notes that confidentiality requests may prevent the CRA from fully investigating a complaint and, as such, the CRA may determine the appropriateness of a request and require that certain information be revealed to specific parties;
3. Blanket statements covering entire complaints and supporting documentation will not be accepted.

E. Declaration by Complainant or Officer of the Company

1. The following affirmation must accompany any complaint or responsive submission and shall be presumed to extend to any evidence or supporting documentation provided by the relevant entity during the course of the CRA's investigation:

To the best of my knowledge and belief, and subject to Article (71) of the Law, the information contained herein and any accompanying documentation is truthful, complete and accurate.

Signed:

Title/Position in Company:

Date:

- F. Unless otherwise specified by the CRA, submissions by the Respondent or any other party to the complaint shall, as closely as possible follow the form and format described above and shall, within the scope of the complaint, specifically address the substantive claims and factual/evidentiary basis contained therein.**
- G. The CRA may, at its discretion, modify the required form, format and substance of the complaint, supplemental or responsive submissions or any other documentation submitted in the course of an investigation.**