



REPÚBLICA DE ANGOLA



## Ministry of Telecommunications and Information Technology

### Basic Telecommunication Law

Considering that telecommunications have assumed a fundamental role in economic and administrative activities, as demonstrated by the services they offer, derived from the phenomenal development of information technology and the convergence of services; an importance that extends to other areas such as defense, human security and social life, and have become an indispensable infrastructure and an important factor of development;

Considering that given this technological evolution most of the state telecommunication authorities in the world have felt the need to review some concepts related to the content and means for the supervision of telecommunications, for in reality it has become impossible for public enterprises to manage and provide the enormous amount of services that are currently in existence without them;

It has become necessary to adopt a legal framework that will not limit or restrict progress. It is important therefore that in keeping with universal trends, the concept of state monopoly over communications be redefined and that more adequate mechanisms be created for the supervision of this type of activity. Thus, under the provisions of article 88, paragraph b of the Constitution, the National Assembly approves the following:



## **CHAPTER I** **General Provisions**

### **Article 1º** **Scope and objectives**

1. This law regulates the definition of the bases for the establishment, management and exploitation of telecommunications service infrastructures given the vital role they play in the economic, social and cultural development of the Republic of Angola, as well as its importance for national integrity and the security of the population, the management of the territory and the well being of its citizens.
2. Within the context defined in the above paragraph, the main objective of this law is the creation of a legal framework to allow and guarantee the expansion and modernization of the national telecommunications system as well as the provision of quality telecommunication services, at affordable prices and offering access to a progressively larger number of Angolans in all areas of the national territory.
3. The following are also objectives of this law:
  - a) Promote public and private investment, encouraging the exercise of the activity in a regime of sound competition, based on transparent rules for the licensing of the activity and extending basic services to rural and remote areas with adequate quality standards and affordable prices.
  - b) Guarantee competition among service operators based on the principle of equal opportunity, without special or exclusive rights.
  - c) Privilege the expansion of the national telecommunications infrastructure, promoting the introduction of new operators;
  - d) Determine and guarantee compliance with the obligations of universal service
  - e) Promote the development and use of new services and networks, ensuring they are developed using the best technology available and in a cost efficient manner, aiming at promoting territorial, economic and social cohesion.
  - f) Ensure the efficient use of limited telecommunication resources such as numbering and the radio-electric spectrum.



- g) Defend user's interests, ensuring their right of access without discrimination, to telecommunication services, as well as respect for their constitutional rights, especially the right to honor, privacy and confidentiality in telecommunications.
- 4. The exploitation of public telecommunication services necessitates prior authorization.
- 5. User billing must be based on cost estimates and be submitted to the competitive pressure of the market.

## **Article 2º** **Definition**

- 1. For the effects of this law, the terms listed below have the following definitions:

  - a) Telecommunications is the technological process that entails the emission, transmission and reception of signals, representing symbols, text, images, sound or information of any nature, through wires, radio-electric media, optic wires or other electro-magnetic systems;
  - b) Public telecommunications – telecommunications for the public in general;
  - c) Telecommunications of public use – public telecommunication in which the information is sent to one or more pre-determined addressees, through routing, it may not be bi-directional;
  - d) Private telecommunications – telecommunications for one's own use or for a restricted number of users.
  - e) Broadcast telecommunications – public telecommunications in which the communication happens in a single sense, simultaneously to several reception points and with no specific routing.
  - f) National telecommunications infrastructure – the array of means available for fixed or wireless telecommunications, in narrow or broadband, global or regional, used as support for the provision of telecommunication services.
  - g) National telecommunications system – the structure that composes the National Telecommunications Infrastructure, the services it offers, the necessary human resources, harmonized in keeping with the legislation in effect.



- h) Telecommunications Network – the set of physical devices, denominated infrastructure, or the electro-magnetic means that support the transmission, reception and emission of signals.
- i) Public telecommunications network – the system of networks used for the commercial exploitation of the telecommunication services for public use. The public network does not integrate the users' terminals, not the networks that are behind the connection point to the subscriber's terminal.
- j) Private telecommunications network – set of corporate or individual telecommunications networks for their own use. The sale of those services to third parties is not permitted, even for non-commercial ends.
- k) Telecommunications equipment – the equipment that allows the emission, transmission, reception and information control through electric, radio-electric, galvanic, magnetic, optical, acoustic, pneumatic or any other electromagnetic processes.
- l) Terminal equipment – any equipment to be directly or indirectly connected to the end point of a telecommunications network, aiming at the transmission, reception and processing of information.
- m) End points – physical connection points adapted to the necessary technical specifications to access the telecommunications networks of which they are an integral part.
- n) Telecommunication operators – organizations, public, private or mixed corporations and individuals that supply public telecommunication services by means of a contract or license.
- o) Incumbent operator – corporation that benefits from exclusive or special prerogatives for the supply of basic telecommunications and is responsible, through conditions to be defined by a contract, for the management and exploitation of the infrastructure of the basic telecommunications industry, under the terms and conditions established by the law.
- p) Department of Telecommunications – the state agency that supervises and controls telecommunications and applies government policies to the sector, oversees the application of this law and is responsible for the steps needed to ensure execution of the obligations derived from the Constitution and International Telecommunications Union Convention and its regulations.
- q. Telecommunications Authority – The minister that heads the Department of Telecommunications.



- q) Regulating Agency – the agency created by the state to regulate and monitor the telecommunications activities and the regime of competition as well as manage the allocation of the radio-electric spectrum.
  - r) Telecommunications service – form and mode of exploitation of the routing and distribution of information through communications networks.
  - s) Fixed telecommunication services – telecommunication service with a fixed end point.
  - t) Mobile telecommunication service – telecommunication service with a mobile end point.
  - u) Radio-electric spectrum – the space that allows the propagation of electromagnetic waves, with no artificial guide and which by agreement is situated below 300 GHz.
  - v) Radio-electric stations – one or more transmitters or receptors or a combination of both including the accessory installations to ensure radio communications or radio-astronomy services.
  - w) Frequency bands – a specific segment in the radio-electric spectrum that serves as carrier for a set of frequencies.
  - x) Orbit the trajectory of a satellite as it goes around the earth.
  - y) Orbital resources – the set of orbital positions assignable or not to the geostationary position of satellites in keeping with international standards and regulations.
2. The terms that have not been defined in this law or in other legal charters will have the meaning established by international conventions in force in Angola.

### **Article 3º**

#### **Classification of telecommunication services**

In keeping with the nature of the users, telecommunication services can be classified as:

- a) Public telecommunication services – telecommunication services directed at pre-determined addressees, which may or not be bi-directional, and serve the public in general;
- b) Private telecommunication services – telecommunication services for private use or for a restricted number of users.



#### **Article 4º** **Radio-electric public domain**

1. The space in which radio-electric waves propagate is the public radio-electric domain, its management and supervision is the purview of the state in accordance with the provisions of the legislation.
2. The radio-electric spectrum is a limited resource that must be efficiently managed in keeping with public interest.
3. The frequency bands are attributed according to a National Frequency Plan, established by the government, in keeping with international treaties and agreements of which Angola is party.
4. The determination of frequency bands for defense and security is decided in coordination with security and defense agencies.

#### **Article 5º** **Orbit and orbital resources**

1. The state has the obligation to guarantee property over the radio-electric spectrum and the orbital positions assigned to the country.
2. The Department of Telecommunications is in charge of establishing the requirement and criteria for the operation or use of satellite telecommunication services, whether or not it is a national satellite.
3. Foreign satellites can only be used when contracted by an Angolan corporation, with headquarters and management in Angola, legally representing the foreign operator.
4. A national satellite is the one that uses orbit resources and the radio-electric spectrum assigned to Angola, with a control and monitoring station based in Angolan territory.



**Article 6°**  
**Department of Telecommunications**

1. The Department of Telecommunications is charged with the supervision and monitoring of telecommunications and the activities of communications satellite operators, in keeping with the applicable laws and regulations. a. The Department of Telecommunications shall specifically:

- a) Propose the establishment of strategic guidelines for the development of the National Telecommunications System as well as general policies and plans the sector;
- b) Ensure compliance with government telecommunication policies;
- c) Represent the state in international and inter-governmental organizations in the area of telecommunications;
- d) Manage the radio-electric spectrum and orbital positions and supervise their occupation;
- e) Standardize and approve the telecommunications material and equipment and define the conditions for its connection to the public telecommunications network;
- f) License, award, authorize or cancel the establishment or exploitation of telecommunications networks and services;
- g) Examine the level of performance provided by telecommunication carriers and when necessary adopt the necessary corrective measures;
- h) Supervise carrier compliance with legal provisions and regulations related to the telecommunication activity and apply the respective administrative sanctions;
- i) Approve and supervise the application of fees and rates charged for telecommunication services in accordance with the provision of the applicable law;
- j) Propose to the government the approval or expropriations and the constitution of public easements as necessary for the establishment of telecommunications infrastructures and the supervision of the public radio-electric domain, if and only it is considered of public interest;
- k) Analyze, propose and prepare the conditions and mechanisms that permit, facilitate and can be used as an incentive to the creation of a national industry for telecommunications equipment, products and services, taking the necessary steps for its introduction, protection and development.





## Article 7° Regulating Agency

1. The regulating agency is the entity responsible for the regulation of telecommunications activities, including licensing for the establishment of infrastructure, the exploitation of telecommunication services and monitoring telecommunication carriers compliance.

2. Specifically the agency shall:

- a) Manage and supervise the radio-electric spectrum and orbital positions;
- b) Prepare the national numbering plan;
- c) Prepare and maintain updated the national frequency plan;
- d) License or cancel the establishment and exploration of telecommunications networks and services in keeping with the standards defined by the telecommunications authority;
- e) Apply sanctions and collect fees from carriers and suppliers in accordance with the applicable legislation;
- f) Determine the procedures and conditions for the interconnection of the different telecommunications networks in the country;
- g) Standardize and authorize the telecommunications equipment and material and define the conditions for their operation in the National Telecommunications System;
- h) Establish procedures for the approval of material and equipment;
- i) Establish the criteria for interconnection among carriers from different networks;
- j) Apply taxes, within the terms of the license, to make feasible universal access in rural, remote areas or other areas served by the National Telecommunication System;
- k) Determine restrictions to the use of telecommunications equipment for security reasons or interference with other services;
- l) Establish, within the terms of the legislation, the conditions for legal interception of communications and priorities for emergency communications.





## Article 8º Regulation Principles

1. The regulating agency shall exercise its authority over telecommunication carriers and radio and television broadcasters in what has to do with the approval of technological infrastructure projects and the monitoring of technical conditions for the operation of the respective stations. It has no jurisdiction over the regulation of the information content.
2. The regulation of telecommunication activities aims at:
  - a) Safeguarding the interests of public telecommunication service users, as well as of radio and television broadcasting and all the services made available by information technology, ensuring that said services be provided within the best technical conditions and using all the potential available to it.
  - b) Ensure respect for the right to privacy of telecommunications service users
  - c) Ensure honest and effective competition in all areas where the service is provided on the national territory
  - d) Ensure the extension of telecommunication services to all areas in the national territory with adequate levels of quality and affordable prices
  - e) Encourage public use of telecommunication services as a support infrastructure for all levels of economic and social development of the population
  - f) Ensure that availability of telecommunication services is not at the expense of the privacy of the users and the security of the institutional order
  - g) Safeguard the efficient use, free of interference, of the radio-electric spectrum for telecommunication services including radio and TV broadcasting and all other services made available by information technology.
  - h) Safeguard, under the terms of the law, the availability of services in a regime of free competition.



### **Article 9º**

#### **Plan for a National Telecommunications System**

1. The National Telecommunications System will be developed according to plans which should afford priority to the needs of state institutions, the administration of the country, territorial management, economic and social development, without prejudice to the needs of public service.
2. The development and modernization of the basic telecommunications network, of proprietary networks for public entities that operate broadcasting systems, must meet the conditions specified in a master plan for telecommunications infrastructure, articulated with those included in the territorial plan.
3. The infrastructure network of civilian telecommunication systems, including television, should follow the appropriate standards, considering the use of those systems to meet the needs of social and economic development, national defense, internal security and civil protection.
4. The government must take the necessary steps to ensure compliance with the provisions in the above articles, in coordination with policies for national defense, internal security, civil, industrial protection, scientific research and for the overall development of the country, correcting for regional asymmetry.
5. The Department of Telecommunications should propose to the government and appropriate entities, both national and international, the policies and procedures to ensure and protect training of qualified technical national personnel at the various levels of skill and specialty, facilitating their placement in the job market and ensuring the continuous professional development of national technical workers through adequate mechanisms.

### **Article 10º**

#### **Coordination of Telecommunications Activities**

1. We hereby create the National Telecommunications Council (NTC), an inter agency, government consultation body, in charge of analyzing and proposing national telecommunications development policies, covering public sector regulation and the exploitation of telecommunication services.
2. NTC composition, attributions, jurisdiction and dependencies will be included in a charter to be issued by the government.
3. The Department of Telecommunications may create other consultation bodies, under its control, to advise in their areas of competence.



## CHAPTER II Telecommunications for Public Use

### Article 11º Telecommunication Infrastructures

Telecommunication infrastructures are the arrays of nodes, connections and equipments that allow an exchange between two or more points for communication, including:

- a) Concentration, switching and processing nodes;
- b) Aerial, underground, underwater (sea or river) communication cables or sets of wires and other transmission systems;
- c) Submarine cable stations;
- d) Radio-electric centers;
- e) Satellite telecommunication systems;
- f) Hertzian beams.

### Article 12º Pre-installation of telecommunications infrastructures

1. The construction of buildings, roads and railways as well as urban centers must include telecommunications infrastructures.
2. The installations referred to in the above paragraph shall be harmonized with the standards established by the Department of Telecommunications and approved jointly by the authorities supervising Public Works, Urbanization and Housing.



**Article 13°**  
**Basic telecommunications network**

1. The state shall guarantee the existence, availability and quality of a public use telecommunications network, denominated basic network, to cover the communication needs of the citizens and those of social and economic activities over the whole of the national territory, allowing for international connections in keeping with the needs of a harmonious and balanced social and economic development.
2. The basic telecommunications network shall be made up of a fixed system for subscribers, the transmission networks and concentration, switching and processing nodes, assigned to basic service.
3. For the effects of the above provisions the following terms will be defined as:
  - a) Subscriber fixed access system – the group of transmission devices placed between a fixed point, at the physical connection to the subscriber terminal and another point, situated in the physical connection with the first concentration, switching and processing node.
  - b) Transmission network – the set of physical and radio-electric devices that establish connections for the transmission of information between two concentration, switching and processing nodes.
  - c) Concentration, exchange and processing nodes – any device or system that routes or processes information, originating or addressed to the subscriber access system.
4. The infrastructure that integrates the basic telecommunications network constitutes a public asset, and will be assigned in keeping with the law to the incumbent carrier that operates it under contract.
5. The basic telecommunications networks must function as an open network, supporting the transmission of services in general. Thus, its use must be afforded to all public telecommunication carriers in equal conditions.
6. Within the segment of public telecommunication services in which the Incumbent Carrier competes with other legally established carriers, any practice that distorts competition conditions or constitutes an abuse of the dominant position shall be banned.



### **Article 14°**

#### **Basic service and universal service**

1. For the purpose of this Law, the Basic Telecommunications Service consists of a nationwide fixed switched telephony service. Its function is to ensure, as its main priority, the State contribution to the purpose of the universal service as stipulated in item 3 of this Article, with the Incumbent Carrier being responsible for the operation thereof, on an exclusive basis, under contract.
2. The State is responsible for ensuring the existence, availability and progressive access of communities to basic telecommunication services in all of the national territory, meeting the communication needs of citizens as well as that of economic and social activities. Such service shall offer international connections, to meet the requirement for a well-balanced economic and social development.
3. The obligations of the Universal Service are designed to ensure access by all individuals and public institutions to telecommunication services, under conditions of equality and continuity, regardless of geographical location or economic status, as well as to provide telecommunication services in the public interest and utility, available nationwide and adequate to meet the needs of a faster development.
4. The Telecommunications Department regulates the Universal Service obligations that are imposed on public utility carriers, through definitions contained in the General Plan for Universal Access, to which the Basic Services must contribute decisively.

### **Article 15°**

#### **Planning the universal service**

1. In order to guarantee universal access and the development of telecommunications, the Universal Service Fund is hereby established.
2. The Government shall issue a specific charter determining the composition, responsibilities, competence and jurisdiction of the Universal Service Fund.
3. The telecommunication public network carriers and the telecommunication service providers for public use will participate in financing the universal service, under the terms to be established in the aforementioned charter.
4. Contributions paid into the Universal Service Fund do not exempt carriers from complying with other obligations stipulated in concession contracts and licenses.



### **Article 16° Value added services**

1. Value added telecommunication services are defined as those having as sole support public use telecommunication services, not requiring telecommunication infrastructure of their own, and which are different from the services that function as their support.
2. Value added services may be rendered by any individual or corporate legal entity duly authorized for this effect as specified in the terms of the regulations controlling access to this activity, to be approved by the Government.

### **Article 17° Access conditions for the operation of public use services**

1. Access conditions for concessions or licenses covering the public use of telecommunications services are governed by specific regulations, with applications for licenses being conditional on the prior presentation by the applicants of documentary proof of the following requirements of good standing, as well as of technical, economical and financial capacity:
  - a) Be legally incorporated in the Republic of Angola, with a corporate purpose stipulating the exercise of telecommunications activities;
  - b) Be endowed with adequate technical capacity for meeting the specific obligations assigned under the concession contract, specially counting on qualified staff to undertake this activity;
  - c) Be endowed with an adequate economic structure as well as financial capacity corresponding to the possibility of covering at least 25% of the overall amount of the proposed investment by company capital;
  - d) Be clear of debt owed to the State for any taxes, levies, dues or other amounts.
2. The direct or indirect stake held by a telecommunications carrier is limited to 10% in the equity capital of another telecommunications carrier for rendering the same telecommunications service.



### **Article 18° Foreign capital**

Foreign individuals or corporate legal entities may not hold majority stakes in the equity capital of public or value-added telecommunications carriers.

### **Article 19° Concession and license**

1. Within the field of telecommunications, concession is the act undertaken by the Government which consists of delegating to a specific public or private entity the right to render public services, under contract, for a specific period, with the utility accepting the business risks involved therein, deriving compensation from payment made by users or from other alternative revenues, and being held directly liable for its obligations as well as for any losses and damages caused thereby.

2. Concessions are awarded for service areas in which the number of licenses open to awards through concessions is contingent on constraints of the radio electric spectrum or other technical constraints, or on services provided nationwide which are of vital importance to the development of the economy being, thus, under the jurisdiction of the State.

3. Examples applicable to the previous item are authorizations for implementing the following types of infrastructure and public services:

- a) Mobile landline services;
- b) Transmission infra-structure supporting public networks;
- c) Deployment of international access to the public service.

4. Concessions shall not be awarded on an exclusive basis and shall comply with a Licensing Plan.

5. The other authorizations for infrastructure facilities and operation of public services are subject to licenses issued by the Telecommunications Authority.

6. The Telecommunications Authority may issue an order delegating part or all of its jurisdiction on this matter to the Regulatory Agency.





7. The operating areas, number of carriers, duration of the concessions and licenses as well as deadlines for the acceptance of new carriers are defined on the basis of the competitive environment, in compliance with the principle of the highest benefit to the user and taking into account the social and economic interests of the Country, while also ensuring a fair remuneration for the public telecommunications carriers.

### **Article 20º** **Interconnection**

1. Interconnection is taken as meaning the connection between telecommunication networks that are functionally compatible whereby the subscribers to the service of one of these networks may communicate with the subscribers to the other, or access the services available therein.

2. Interconnection facilities among the various public telecommunication networks are mandatory under the regulation framework inherent thereto.

3. Conditions for interconnecting networks are subject to free negotiation among the carriers, with due respect to the provisions in this Law and the terms of regulations to be issued.

4. For the purpose of the provisions in the previous item, the Regulatory Agency shall manage the basic technical numbering plans, after approval by the Telecommunication Authority in a non-discriminatory and transparent manner, as well as the switching, signaling, transmission and synchronization plans, in addition to other plans inherent to the interconnection and inter-operability of the telecommunication networks, ensuring compliance with international commitments.

5. The Basic Technical Plans should reflect the interests of users and carriers, ensuring that the following objectives are met:

- a) Allow the entry of new carriers and the development of new services;
- b) Allow free and fair competition among carriers.

6. The interconnection among terminals and databases, computers or computer networks established in the country with similar devices installed outside the national territory are subject to prior authorization from the Telecommunication Authority.



### **Article 21°**

#### **Public use of telecommunication services**

1. All individuals or corporate legal entities, and the public in general, have the right to use public telecommunication services that meet conditions of efficiency, modernity and diversity in the rendering thereof, within the limits established in the respective regulations and through payment of rates and fees.
2. The Telecommunications Authority monitors the overall performance of the Incumbent Carrier through appropriate entities and mechanisms, particularly the quality and the manner in which public telecommunication services are rendered in general, in order to safeguard the interests of the State, national security and the public.

### **Article 22°**

#### **State intervention**

1. The State shall intervene whenever compliance with the social function of a public telecommunications network is at risk, or when situations that severely affect the rights of its subscribers occur.
2. In order to guarantee the continuity of the services and by request of the Regulatory Agency, the Telecommunications Authority may decree intervention in the public telecommunications carrier, whenever the following are noted:
  - a) Unjustified service stoppage;
  - b) Inadequate or insufficient services rendered and not restored within a reasonable period of time;
  - c) Economic and financial imbalance arising from poor management threatening the continuity of the services;
  - d) Severe violations;
  - e) Failure to meet the universal access targets;
  - f) Unjustified refusal of requested interconnection;
  - g) Economic offence as defined by the specific law.
3. The executive intervention decree lists the purposes, manner, period and limits of the intervention that shall be established according to the reasons that prompted this intervention, and appoints the intervener.



4. The intervention should not affect the normal functioning of the services rendered by the utility to subscribers, for which purpose the executive decree mentioned in the previous item shall define the appropriate measures to be adopted, including the possible appointment of a Management Committee to undertake the intervention.

### **Article 23°** **Establishment of rates**

1. Without adversely affecting the rules of the market forces in establishing rates through free competition among the carriers, the competent Regulatory Agency is responsible for determining the rate structure for each type of service.

2. The basic service prices are subject to a special control system stipulated by the competent State Entities, with due respect to the legislation applicable thereto.

3. For segments endowed with ample and effective competition, the rate may be established by the carriers. The rates should be notified to the Regulatory Agency for ratification 15 days prior to their entry into effect.

4. In service segments lacking ample and effective competition, the rates are established by the Regulatory Agency, taking into account the service costs structure and the fair profit margin of the carrier.

5. Telecommunication carriers are responsible for providing the studies required to establish or ratify the rates.

6. The Telecommunications Authority is responsible for defining which service segments are regulated by the provisions in item 2 of this Article.

7. Cross-subsidies among different telecommunication services are banned.

### **Article 24°** **Control of telecommunication materials**

1. The import, manufacture, sale, resale and assignment or transfer of telecommunication materials is dependent on prior authorization from the Telecommunications Administration, under the conditions established in the regulations.

2. Provisions in the previous item are not applicable to materials for entities involved in national defense, security and domestic order.

3. For the purpose of item 1 of this Article, telecommunication materials are understood as that intended to perform any type of telecommunication service.



4. It is mandatory for customs authorities, manufacturers and sellers of telecommunication materials to cooperate with the Telecommunications Administration in this contract, as stipulated by the regulations.

#### **Article 25°** **Terminal equipment**

1. The market for subscriber terminal equipment is open to competition, with acquisition, installation and conservation free from controls or constraints.
2. Connecting terminal equipment to the public telecommunications network shall be subject to the conditions set forth in the regulations and to prior approval, by type, issued by the competent entity under the Department of Telecommunications, in order to ensure its compatibility with the public telecommunications network.
3. The approval stipulated in the previous item is mandatory for all radio electric terminal equipment, whether or not intended for connection to the public telecommunications network.
4. The Department of Telecommunications shall establish the procedures and the specific conditions for obtaining approval by type and publicly announce the technical characteristics of the terminal equipment, including those required for connection to the public telecommunications network.
5. Rendering the services required for the installation and conservation of the subscriber terminal equipment shall only be undertaken by duly-authorized individuals or companies.
6. Telecommunication carriers shall ensure adequate connections to their networks, regardless of whether or not the terminal equipment is owned by the users thereof.

#### **Article 26°** **Confidentiality of messages**

1. Taking into consideration the constraints imposed by their nature and the purpose for which they are intended, the inviolable confidentiality and privacy of public telecommunication services is guaranteed as stipulated by law.
2. The telecommunication carriers shall adopt all measures required to ensure the confidentiality of messages forwarded through the services under their responsibility.



3. The confidentiality of public messages forwarded through telecommunication facilities consists of a ban on disclosing the content thereof, as well as on providing information on where this may be found or information that may result in the disclosure thereof.

#### **Article 27° Banned messages**

1. The use of telecommunication services is not authorized for purposes running counter to the public order and good conduct.
2. Telecommunications carriers may not accept or transmit a message when noted that it does not comply with the legal regulations and precepts for whatever reasons, or messages aimed at causing damage to the State, telecommunication carriers, recipients or third parties.

#### **Article 28° Priorities and mandatory transmission**

1. All agents engaged in the provision of telecommunication services, carried out by carriers, are obliged to transmit top priority messages prompted by exceptional circumstances, particularly in order to report losses or damages or requests of urgent assistance.
2. Communications designed to safeguard human life at sea, on land, in the air and in outer space, epidemiological notifications of exceptional urgency and messages intended to issue warnings of calamities or alterations of public order, take absolute priority.
3. All owners of private telecommunications systems or anyone operating them are required to use the system to transmit all top priority messages under the conditions listed on the previous item.
4. State telecommunications are endowed with the right of priority over other telecommunications whenever possible and provided that this is specifically requested for this purpose, safeguarding the provisions in the item 2 of this Article.
5. Regulations stipulate for each service a scale of priority, considering the different types of messages and application conditions.



### **CHAPTER III** **Private telecommunications**

#### **Article 29°** **Infrastructure of Private Networks**

1. Deployment and use of private network infrastructure is subject to prior licensing granted by the Department of Telecommunications, except in cases of systems established for defense and security as well as for public order.
2. The interconnection of private networks is subject to prior authorization from the Department of Telecommunications.
3. Private networks facilities or services shall not be assigned or sold to third parties without prior authorization from the Telecommunications Administration.
4. A private network is said to be a shared network whenever it is reserved for use by several individuals or organizations, members of a closed group of users, for the purpose of exchanging internal messages within the same group.
5. Department of Telecommunications shall issue a document determining the conditions under which, for exceptional reasons, private networks may be connected to the public telecommunications network. Interconnection of private networks operating under licenses issued under different names shall not be allowed.

#### **Article 30°** **Authorizations**

1. Licenses granted under this Chapter are personal and shall not be transferred to third parties.
2. Should a license be denied, a written document justifying the refusal shall be given to the applicant upon notification of the decision.
3. Authorizations for the establishment of independent networks imply the payment of supervision and licensing taxes, stipulated in a document issued by the Department of Telecommunications.



### **Article 31°** **Canceling of authorization**

1. Any authorization granted in compliance with Article 30 may be canceled, at any time, upon decision of the Department of Telecommunications, and no claims for compensation shall be considered.
2. The Telecommunications Authority shall decide what to do with material deriving from telecommunication systems that had their authorizations cancelled or which are no longer valid.

### **Article 32°** **Telecommunication experts**

In order to ensure compliance with the technical and regulatory provisions governing private telecommunication networks, the regulations set forth the cases and conditions requiring technical expertise from telecommunications experts, who shall be registered at the Department of Telecommunications.

## **CHAPTER IV** **Radio Communications**

### **Article 33°** **Frequency Spectrum Management**

1. It is incumbent on the Government, represented by the Regulatory Agency, to manage the radio electric frequency spectrum in a centralized manner, exercising full control over its use, in compliance with internationally agreed principles and norms.
2. The Government may determine the interruption, for a specific period of time, of the operations in radio electric stations, if this is deemed necessary to protect the high interests of the State.





### **Article 34°** **Radio electric Licensing**

1. Under no circumstances shall a Radio electric station function without having been granted the proper license by the Regulatory Agency.
2. Ownership of radio electric equipment for emission, including tele-commands, must be duly registered at the Regulatory Agency. Exception is granted to low power equipment for short range, belonging to categories still to be defined by the legislation.
3. Regulations shall define specific conditions under which special qualification shall be required from radio electric station operators.
4. For the purpose of applying national and international regulations, radio electric stations installed in duly accredited embassies and consulates are considered as entities established in the national territory and are subject to the licensing norms issued by the Regulatory Agency.

### **Article 35°** **Radio electric service fees**

1. The ownership and use of any radio electric system is subject to payment of radio electric fees, as stipulated by the rate tables in effect, approved through a joint communiqué issued by the Minister of Telecommunications and the Minister of Finance.
2. The entities responsible for national defense, security and domestic order are exempt from payment of radio electric service fees provided that the respective networks function in the frequency and wave band assigned for the respective purpose under the National Frequencies Plan.

### **Article 36°** **Radio electric oversight activities**

1. The regulatory agency imposes permanent control over the technical and operating conditions of radio electric stations in order to ensure that they are functioning in accordance with the regulations applicable thereto and the respective authorizations, as well as to detect clandestine broadcasts.
2. The supervisors and inspection agents of the Regulatory Agency have free access to the stations and may request assistance from the police, customs or tax authorities whenever deemed convenient or necessary.



### **Article 37° Radio Electric Easements**

1. In order to protect the broadcasting and reception of radio electric waves of public interest or acknowledge as such, two types of radio electric rights of way are established hereby:

- a) Easements providing protection against obstacles
- b) Easements providing protection against electromagnetic disturbances

2. The general and special conditions to be inspected in the rights of way are established in the specific regulations.

3. When shown to be vital, the expropriation of properties and real estate is permitted under law and the establishment of administrative easements that may prove necessary for the radio electric protection and construction of facilities intended to supervise and oversee the use of the radio electric spectrum.

4. Whenever the establishment of the easements mentioned by this article cause material damage to third parties, compensation is due thereto, to be established by the competent law court, should no agreement be reached.

## **CHAPTER V Criminal Protection**

### **Article 38° Crimes against telecommunications facilities**

1. Anyone violently opposing or threatening the installment or repair of telecommunications facilities is punished with imprisonment and a fine of K\$1,000.00 to K\$ 10,000.00.

2. Imprisonment and a fine of K\$ 5,000.00 to K\$ 50,000.00 is the penalty imposed on anyone who:

- a) Causes an interruption in telecommunications services through any reason whatsoever;
- b) Establishes or uses a telecommunication facility without authorization;
- c) Violently opposes or threatens the agents of the Department of Telecommunications or the public telecommunications service carriers, in order to prevent the exercise of their functions;



- d) Intercepts radio telecommunications when not authorized to receive them and discloses or uses the content thereof or even reveals the existence of messages intercepted accidentally;
  - e) Sends unfounded calls for help on radio electric signals and uses false call signs or those assigned to other stations.
3. The fines referred to in the previous items may be updated by decree-law, as a result of variations in the national currency.

### **Article 39°** **Qualified crimes of disobedience**

The following are qualified as crimes of disobedience:

- a) Proprietors owning or holding land or buildings who, after notification, prevent or hamper the placement, repair or dismantling of telecommunication lines, or other public utility equipment, or who attempt to prevent work of any nature by duly-accredited telecommunications agents;
- b) Proprietors owning or holding land with telecommunications lines running across it and established by the Department of Telecommunications or by public telecommunication carriers, as well as the owners, possessors or holders of land cut through by rights of way along which with these lines are laid, and who establish or maintain plantations thereon or erect buildings that could adversely affect the functioning thereof;
- c) Proprietors, possessors or holders of land or buildings and electrical facilities that fail to meet the obligations deriving from the radio electric easements established under this law;
- d) Any one blocking inspection activities of the telecommunication facilities by duly authorized agents of the Department of Telecommunications, or failing to provide the information requested in the exercise of such supervisory or inspection activities, or providing information that is not true.

### **Article 40°** **Offenses**

In terms of the respective regulations approved by the Government, violations of this law not deemed as crime thereby are punished as administrative offenses.



**CHAPTER VI**  
**Final and Transitory Provisions**

**Article 41°**  
**Regulation**

The Government shall regulate this law within a period of 120 days as from the date of the publication thereof.

**Article 42°**  
**Revoking legislation**

All legislation running counter the provisions of this law is hereby revoked, specifically Law nr. 4/85 dated June 29th and Decree nr. 18/97 dated March 27th.

**Article 43°**  
**Entry into effect**

This law enters into effect 15 days after the publication date thereof.

**Article 44°**  
**Doubts and omissions**

All doubts and omissions arising from the interpretation and application of this Law shall be settled by the National Assembly.

Seen and approved by the National Assembly,

Luanda, on January 23rd, 2001