

OFFICE OF THE PRESIDENT OF THE REPUBLIC

REPUBLIC OF COTE D'IVOIRE

Union labor discipline

Ordinance n ° 2012-293 of March 21 2012

relating to Telecommunications and

Information and Communication Technologies

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TITLE I: GENERAL PROVISIONS

Article 1: The hereby ordinance governs all the Telecommunications / ICT activities

to the territory of the Republic of Ivory Coast with the exception of:

- The establishment and operation of Telecommunications / ICT networks and services by the State for the purpose of the national defense, the public safety and the aviation and off-shore safety;
- The facilities of the State using, for the purpose of the administration agreement with the viewpoints and prescriptions of the International Telecommunications Union (ITU);
- The regulation as regards audiovisual policy and content.

Article 2 : For the purpose of the hereby ordinance, the hereafter terms are defined as follows:

2.1 Access: provision provided by a Public Telecommunications / ICT operator or permitting to a service provider to access to its resources and infrastructures.

2.2 Unpacked Access to the local loop:

the cable-controlled local loop. It does not involve any change in the ownership of the local loop is concerned.

2.3 Shared Access to the local loop: providing local access to the cable-controlled loop of a notification operator, in order to permit the beneficiary of this access to use voice-frequencies of the frequency spectra available on the metallic twisted pair. The local continue to be used by the operator public.

2.4 Fully unpacked Access to the local loop:

controlled local loops of a fault

Spectra available on the metallic twisted pair by the beneficiary of the access.

2.5 Assignment or allocation of a frequency or radio channel: license granted by the authority for the use of a radio station of a radio frequency terms.

2.6 Allocator of frequency bands

access to one or more specific services

the frequencies to third parties.

2.7 Allocation of frequency bands: a contribution to the allocation of frequency bands, a given frequency band, for the purpose of its use

that assigns frequency bands under the terms of the aforementioned bodies.

2.8 License: administrative act (Individual Permit or General License) that confers to a company set of specific rights and obligations, according to which is expected establish, operate networks or provide Telecommunications / ICT services.

2.9 General License: license that is granted by the National Regulatory Authority to any company meeting the requirements of the telecommunications / ICT services

and / or networks and that requires the company in question to get an explicit decision from the National Regulatory Authority

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press release to the National Regulatory Authority

or service proposed to ensure the compliance of the terms connected to the license with the legislation into force.

2.10 Local loop: set cable-controlled or radio links existing between the set of the telephone set of the user and the users to which it is connected. The local loop is therefore part of the network of an operator that allows him to directly access the user.

2.11 Cable-controlled local loop: physical circuit with metallic twisted pair termination point of the network

frame or any other equivalent of the public fixed telephone network.

2.12 Public Telephone Box: telephone set put at the disposal of the public in a public place open to the public.

2.13 Submarine Cable: physical support of Telecommunications / ICT signals that use the marine environment as installation field.

2.14 Interconnection catalog: Technical and tariff interconnection Telecommunications / ICT networks in accordance with the provisions of the hereby ordinance.

2.15 Telecommunications / ICT Multimedia Center: open to the public center providing magnetic media center:

Telecommunications / ICT services, telephone, internet, fax, word processing ... centers are also known as Community Access Centers or Community teleCenters Gold "Internet cafe".

2.16 Co-location: provision of a space and technical resources connection of the equipment of the beneficiary, under reasonable terms.

2.17 Physical Co-location: provision proposed by the public Telecommunications network operator, in the infrastructure of the infrastructure so they can settle in and operate their equipment to the purpose of interconnection.

2.18 The Board of Regulatory Bodies of the Board of Telecommunications / ICT Regulatory Bodies of the WAEMU State Members and the National Regulatory Bodies of the State Members.

2.19 Electronic Communication: Emissions, Transmissions or Receiving of Signs and Signals, Written signs, pictures or sounds by electromagnetic mean.

2.20 Concession: rights and obligations conferred by the State to an operator within the license agreement, including a book of specifications, to operate Telecommunications / ICT activities.

2.21 Consumer: An individual who uses or requests an electronic communication service accessible to the public for professional purposes.

2.22 Cryptology: Using Uncommon Codes

would like to be passed on by those who are incomprehensible by third parties.

2.23 Statement; Act prior to the start of the telecommunication / ICT

services operator or provider and that does not include the company in question to get an

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Explanation of the National Regulatory Authority

from this act.

2.24 Unpacking of the local loop:

co-location offered by a public

third party Telecommunications network operator

operator's local loop to serve directly the subscriber.

2.25 Exclusive rights: rights granted by the State, through a statutory or administrative authority

that reserve to him to the right to provide a Telecommunications / ICT or undertake a

Telecommunications / ICT activity over a given territory.

2.26 Special rights: rights granted by the State, through a statutory and administrative authority

that confers to one or many companies a privilege or the possibility to provide a

Telecommunications / ICT based on criteria that are not objective, proportional and

Discriminatory.

2.27 Terminal Equipment: Equipment being connected to a terminal point

Telecommunications / ICT network in order to provide or access Telecommunications

services.

2.28 Telecommunications / ICT Company: The company operating one of the Telecommunications / ICT

provided by the systems of individual license

benefiting from a license of the National Regulatory Body.

2.29 Essential health and safety requirements

individuals, electromagnetic compatibility between Telecommunications / ICT equipment and

facilities and, if appropriate a correct use of radio frequency spectra in order to avoid

damaging interferences for third parties.

The essential requirements also include in justified cases, the protection of networks

the exchanges of command and management information that are connected
Thereeto, the interoperability of the services of the terminal equipment, the
protection of the data, the protection of the environment and the
urban planning and land-use planning, the compatibility of terminal and radio
equipments with measures preventing fraud, providing access to emergency services
making their use easier for disabled people.

2.30 Telecommunications operator: a legal entity that operates a Telecommunications network
open to the public and / or
Telecommunications / ICT.

2.31 Service provider: the legal entity that ensures the provision of Telecommunications / ICT services.

2.32 Notified service provider: services that have been designated by the National
Regulatory Body as having a significant influence on a relevant market
Telecommunications / ICT services provision.

2.33 Radio frequencies or spectrum: electromagnetic waves which frequency is between 3 kHz
and 300 GHz, used for transmission and reception of Telecommunications / ICT signal.

2.34 Management of the Spectrum of Frequencies: All the administrative and technical actions
Aiming at a rationalization of the spectrum of radio frequencies by the beneficiary.

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2.35 Approval: expert and audit operations carried out by the National Regulatory Authority to
certify that the prototypes of Telecommunications
with the regulations and technical specifications into force.

2.36 IP (Internet Protocol): Telecommunications / ICT used on the networks that are used as an
internet medium and permitting to be transmitted in packet, to
address the different packet, to transport them independently from the other
redial the initial message at the receiving. This protocol uses this technique as known
switching packets.

IP Address: Addressing a material connected to an internet network.

2.37 Information and Communication Industries: an entity that carries a commercial activity

that is committed to a business activity related to Information and Communication Technologies.

2.38 Telecommunications / ICT installation: installation, device, wire, radio or optical system or any other similar technical process being able to serve as a Telecommunications / ICT or any other which is directly connected to it. Are not allowed from this definition, devices telecommunication / ICT signaling, namely for their transformation into speech, or any other intelligible form, as well as installations like cabling put in place to the user paragraph.

2.39 Radio installation: Telecommunications / ICT installation spread of waves in free space.

2.40 Information: signs, signals, written forms, pictures, sounds or any other form of message any nature that constitutes the content transmitted by communication processes Telecommunications / ICT.

2.41 Interconnection: Physical and logical link of public Telecommunications / ICT networks the same company or a different company, in order to permit the users of a company communicate with the users of the same company, or to access to the services provided by another company. The services can be provided by the parties concerned or by other parties that have access to the network. The interconnection is a special type of access to the Internet by the operators of public networks.

2.42 Interoperability of networks and terminal equipments: capacity of these equipments operate, on the one hand, with the network and, on the other hand, with the other terminal equipment permitting to access a single service.

2.43 Roaming: provision permitting the users of a mobile operator network and the services offered by a mobile operator in an area not covered by the nominal or original network of the aforementioned users.

2.44 Individual license: Prior license issued by the State to any legal entity that confers to that In the book of specifications for the purpose of the operation of Telecommunications / ICT activity.

2.45 Leased links or lines: Telecommunications / ICT systems that offer the benefit of a user, a capacity of transmission between the determination of a public network, with the exception of switching controlled by that user. Leased links can provide the interconnection with a public Telecommunications / ICT network.

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2.46 Relevant Market: Market of a specific Telecommunications / ICT service open to the public.

2.47 Radio waves: electromagnetic waves propagating in the space without artificial guide.

2.48 Operator: Legal entity operating a Telecommunications / ICT network open to the public.

2.49 Beneficiary Operator: Operator to whom a frequency or numbering resource is allocated.

2.50 Notified or powerful operator: operator that has been designated by the Regulatory Authority, as having a significant influence, we have a market. It must be able to behave competitors, customers and consumers.

2.51 Payphone: Telephone service provided to the public by the means of public telephone boxes.

2.52 Interconnection Point: where does Telecommunications / ICT network operator establish the interface equipments permitting the interconnection to his network. The interconnection points with the operators of other networks and with the service providers can be distinct.

2.53 Portability of Numbers: Possibility for a user of public Telecommunications / ICT services to keep it busy when it changes operator.

2.54 Public payphone set: telephone set for the disposal of the public and for the use of which payment means and / or credit and debit cards used with numbering codes.

2.55 Interconnection provision: provision provided by a public Telecommunications / ICT network to a third party public Telecommunications / ICT network operator or to a public Telecommunications / ICT service provider, that allows all users to freely communicate with each other whatever the network to which they are connected or services they use.

2.56 Radio Communication: Any Telecommunication using radio waves.

2.57 Radio Broadcasting: Radio communication which programs are intended to be received

directly by the public

2.58 Individual Reception: Reception of the programs of a broadcasting-satellite space station by the facilities and facilities.

2.59 Electronic communication networks: transport or broadcasting facility or any set of facility well as, if appropriate the other means insuring the routing of electronic communication, namely those for switching and routing.

Are considered as electronic communication networks: satellite, terrestrial networks, and using the electric network as far as they are used for the routing of electronic communications and networks insuring the broadcasting or used for the distribution of audiovisual communication services.

2.60 Telecommunications / ICT network: set of equipment, infrastructure and electromagnetic Telecommunications / ICT services. It enables the transmission, between the ends of the network, speech, but also other forms of communication such as telecopy and data transmission.

2.61 Telecommunications / ICT landline network: Telecommunications / ICT network with the exception of radio networks.

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2.62 Independent network: private network using the public domain and reserved for non-profit private or shared use.

2.63 Internal network: private network fully established public domain and a third party's property.

2.64 Private network: Telecommunications / ICT network for the use of the individual gold legal entity that it establishes for the use of a closed user group for special and non-profit purpose. It can not be connected to a network open to the public.

2.65 Public Telecommunications / ICT network: Telecommunications / ICT network used for provision of Telecommunications Services / ICT to the public.

2.66 Related Resources: Resources connected to the supply of local unpacked loop access or an access to the interconnection, namely the collocation

computer systems required to enable a beneficiary to provide services
basis.

2.67 Scarce Resources: Numbering resources, radio frequencies, orbital positions, IP addresses.

2.68 Service or traffic resale: act of reselling the services or traffic of a public
Telecommunications / ICT operator, including the final user of volume (minutes,
speed etc ...) bought in bulk to a Telecommunications / ICT services provider.

2.69 Selection of the carrier: mechanism that allows a user to choose from a group of
licensed public Telecommunications / ICT network operators
Telecommunications / ICT service providers to road a part or overall electronic
communications including calls.

2.70 Value-added services: Services that use as a medium, a basic telecommunications network
send and exchange information by adding other functions to meet
Telecommunications. These Telecommunications services provided to the public also
understood information processing. They can use the switched public network or leased links.

2.71 Internet services: set of multimedia service accessible across the internet network.

2.72 Medium service: information is transmitted and / or route
between the termination points of a Telecommunication / ICT network, without submitting
these signals to processing other than those required for their transmission, routing
control of the function.

2.73 Telephone service: commercial operation of voice transfer between users connected to
Terminating points of a Telecommunications / ICT network.

2.74 Telecommunications / ICT service: service provided
or combination of these functions
on Telecommunications / ICT networks
radio broadcasting, but that services excludes services in providing contents through
Telecommunications / ICT networks and services
happy.

2.75 Telex service: commercial operation of the direct transfer by exchange of telegraphic signals,
typed messages between users and the termination points of a Telecommunications / ICT

network.

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2.76 Telecommunications / ICT universal service:

the framework of the sector-based policy is provided by providing, everywhere in Ivory Coast, the telecommunications / ICT access to everybody

provisions. It is provided in compliance with the principle of equality, continuity, adaptability and transparency.

2.77 Servitudes: Obligation that bind private properties to the benefit of the public or private domain for the purpose of public interest.

2.78 Radio station: set of transmitter and receiver, including accessory devices, essential to provide radio communication services at a given place.

2.79 Telecommunications: transmission or reception of information of any kind (texts, sounds, pictures, signals or signals) through electromagnetic means on metal, optical, radio gold any other supports.

2.80 Information and Communication Technologies or ICT: technologies used for the collection, storage, use, processing and sending of information. These technologies include those involving the use of computers or any other communication system
Telecommunications.

2.81 User: an open source
private and professional purpose, without necessary being subscribed to that service.

2.82 Final user: user who does not provide Telecommunications
the public.

Article 3:

In the absence of definition provided by Ordinance, the
definition of the International Telecommunications Union, abbreviated ITU, or that
provided by ECOWAS and WAEMU override.

Article 4:

No any restriction of service offered on a network

suppliers, except in the case of the protection of the public order or good mores.
Any requirement for the operation of networks or for the provision of electronic communication services must be non discriminatory, fair, proportioned and justified vis-à-vis the networks or services concerned.

Article 5 :

Practices that have the effect of preventing, restricting, distorting the competition, are prohibited.

Are considered as cases of fair competition, practices tending to:

- Limit the access to the market or liberty in practice the competition by other companies;
- Hinder the setting of prices by marketing game artificially favoring the increase or decrease of prices through dumping or crossed subsidy;
- Create discriminations between clients put under objectively equivalent conditions of services provisions.
- Limit or control the production, investments, or technical progress;
- Share markets and sources of supply;

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- Refusal to get to the disposal of the other operators, timely, the technical information on the essential facilities the practicing of their activities;

- Use the information gotten to competitors for anti-competitive purpose;
- favor abuse of dominant position of an operator or service provider practicing of anti-competitive activities;

Public Telecommunication / ICT network operators and service providers are compelled to provide their provisions under the same conditions subsidiaries or partners

When, within the provisions of the hereby ordinance, the Minister in charge of Telecommunications / ICT and / or Telecommunications / ICT Regulatory Authority consider

adopt measures having a significant impact on the market considered in a reasonable time before their adoption made as they are concerned. The results of this consultation are made public, subject to secrets protected by law.

The Minister in Charge of Telecommunications / ICT and / or Telecommunications / ICT Regulatory Authority, within the framework of their authority, implement transparent decision making procedures,.

Article 6 : The access of users to public networks and services must be insured under objective, transparent and non discriminatory conditions.

Article 7 : Information and Data Issued Through Telecommunications inviolable, except, in the boxes provided by the ordinance.

Operators and services providers are compelled to comply with:

- Inviolability and confidentiality of communications
- Neutrality and non-discrimination in the eyes of the messages transmitted
- Protection of personal data.

TITLE II: NETWORKS AND SERVICES SYSTEM

Chapter I: System of Individual Permits

Article 8 : Are subjected to the system of individual permit:

- The establishment and operation of an electronic communications network open to the public, including those requiring the use of scarce resources;
- Provision of telephone services to the public
- The establishment and / or operation of a national network and international routing capacities;
- The provision of services under special conditions, security and public health nature.

Article 9 : The individual is granted by the State to an Ivorian legal entity established for public opinion of the Telecommunications / ICT Regulatory

Authority. It is granted based on a book of specifications which is annexed to it. This book of rules set by the Regulatory Authority and the operation of the network or the provision of service.

The book of specifications is approved by the decree made during the Cabinet Meeting.

The acquiring of individual permits is subject to the following requirements:

- To be an Ivorian legal entity;
- To have the technical and financial capacities
- To submit an operation plan

set by the book of specifications;

To be able to comply with the law

ordinance and its enforcement provisions, and the book of specifications annexed to the permit for which it is applying.

The permit is granted by the Minister in charge of Telecommunications / ICT in with the provisions of the hereby ordinance. The permit and the book of Specifications are published in the Gazette of the Republic of Ivory Coast.

Article 10 :

Telecommunication / ICT Regulatory applications
Authority.

The Regulatory Authority being able to benefit from the individual permit according to open, non discriminatory transparent procedures. However, it may be for objective reasons, applied to them different processing.

The call for tender is submitted to the Minister of Finance
Telecommunications / ICT.

Tenders are called based on a procedure obeying the principles of objectivity, equity and transparency in accordance with the Code of Government Contracts.

The processing of the application for individual
reasonable time. The applicant must be informed of the decision at the latest six

weeks after reception of the application. This deadline must be extended four months in objectively justified cases.

Article 11 :

To the State, the State:

- Takes into account the need to maximize the benefits for users encourages the development of competition.
- Gives the interested parties the possibility to express their point of view potential limitation;
- Publishes its decision to limit the individual and gives the motivations of that decision;

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- Reassesses at a reasonable frequency call for tender for the allocation of new permits.

Article 12 :

The permit is issued for a maximum duration of 20 years renewable.

Article 13 :

The content of the book of specifications of the individual is set by decree.

Article 14 :

The book of specifications sets the requirements and terms of its modification. Tea change of the book of specifications Amendment that must be approved by the Council Meeting published in the Gazette of the Republic of Ivory Coast.

Article 15 :

The individual permit is issued in an individual capacity and does not confer any right of exclusivity to its holder.

The transfer of the whole body is allowed only agreement of the Government, after consultation of the Telecommunications / ICT Regulatory Authority. The transfer is subject to change

by the Gazette of the Gazette
the Republic of Ivory Coast.

Article 16 :

The holder of an individual permits the use of
infrastructure belonging to other Telecommunications / ICT network operators or
the State under reasonable technical and financial terms. In case of disputes, the
Telecommunications / ICT Regulatory Authority is requested for arbitration.
The holder of an individual and must comply with the rules and procedures
essential for the installation of the items of his network
crossing of the network of public roads,
constructions and the modification of their value.

Chapter II: System of general licenses

Article 17 :

A general license is required for:

- the establishment and operation of independent networks
domain;
- The provision of Telecommunications / ICT services the public, with the exception
of those subject to individual permit or to statement.

Article 18 :

The Telecommunications / ICT Regulatory Authority makes a decision setting
terms under which an independent network can, as a special case, and without
allowing the exchange of communications between people
which the use of the network is reserved, to be connected to a public
Telecommunications / ICT network. This decision comes into force only after its
publication in the Gazette of the Republic of Ivory Coast.
The Telecommunications / ICT Regulatory Authority
which an independent network can, have a special case, have a direct access to the
international. This decision comes into force after its publication in the Official
Gazette of the Republic of Ivory Coast.

The capabilities of an independent network can not be sold.

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Article 19 :

Any legal entity may apply for a general license

Telecommunications / ICT activity.

This application is sent to the Telecommunications / ICT Regulatory Authority and including the following items:

- the identity and legal status of the applicant;
 - the nature, characteristics and coverage area of Telecommunications / ICT activity for which he is applying;
 - the commitment of the applicant to comply with the ordinance and its enforcement, the book of specifications
- general license for which the application formulated.

Any application for general license must be submitted by Telecommunications / ICT Regulatory Authority within a maximum time of two months starting from the date of acknowledgment of the application.

Article 20 :

The general license is materialized by a certificate notified by the Telecommunications / ICT Regulatory Authority within two months maximum must be published in the Gazette of the Republic of Ivory Coast.

Article 21 :

the general license can only be rejected when:

- the protection of the public order requires it;
 - the application is incompatible with the needs of national defense or public security, aviation and off-shore safety;
 - the technical constraints inherent to the putting
- does not permit to accept the application;
- the applicant does not enjoy legal capacity;

- the applicant is subject to a penalty

Ordinance;

- the terms provided for the practice of the activities for which the licenses has been applied, do not comply with the law.

The refusal of the general license is justified and months.

Article 22 :

the general license is issued in an individual capacity for a period Telecommunications / ICT Regulatory Authority. It does not confer any right of exclusivity to its holder.

Article 23 :

The transfer of the general license to a third party

Article 21 of the hereby is allowed. However, the Telecommunications / ICT Regulatory Authority must be informed at least forty-five days before the effective date of the transfer.

The transfer of the general license must be published in the Gazette of the Republic of Ivory Coast.

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Article 24 : The book of specifications designed by the Telecommunications / ICT Regulatory Authority is annexed to the general license. The content of this book of specifications and the of its modification are set by decree.

Chapter III: System of Statements and Freedom of Activity

Article 25 : Are subjected to statement:

- the provision of internet services;
- the provision of value-added services;
- reselling of Telecommunications / ICT services, with the exception of those submitted to the individual license or general license.

Article 26 :

the activities being submitted to their operation does not prejudice the security of the state or the public order. HOWEVER, the service provider must beforehand to the Telecommunications / ICT Regulatory Authority, a statement of intent to open a service.

The statement of intent to open a service must contain the following information:

- the identity and legal status of the applicant;
- the services that the applicant intends to operate;
- the characteristics of the equipments;
- the terms of the opening of the service;
- the geographic coverage targeted;
- the terms of access to the proposed service;
- the applicable fares.

The retailers of prepaid phone traffic must carry out:

- a description of the services and distribution channel;
- a description of the geographical area of the reselling of services.

For retailers of prepaid telephone cards, Telecommunications / ICT Regulatory Authority may require the deposit of a specific amount of security.

Any change brought to the initial statement, with the exception of tariff changes, shall be notified to the Telecommunications / ICT Regulatory Authority before the date considered for its implementation.

In case of out-of-business, the transferor is compelled to inform the Regulatory Authority of that change at least 30 days starting from the date of termination. Tea license holder files, within the same time, to the Telecommunications / ICT Regulatory Authority, a statement of service opening.

Article 27 : The Telecommunications / ICT Regulatory Authority the statement file.

to make its refusal decision. Beyond that period, the receipt of statement overrides on the installation and operation of the service.

The Regulatory Authority can go against the operation of the service it seems that the service of the state of the State or Public Order, gold requires a specific license for the necessity of defense, aviation and off-shore security.

Article 28 : The transfer of an activity to a third party

Requirements of the article 26 of the hereby is allowed. I must be notified to Telecommunications / ICT Regulatory Authority by the two service providers within a period of fifteen days starting from the date of transfer. In the absence of notification, the transfer is non-opposable to the Regulatory Authority to the third parties.

Article 29 :

The exercise is listed below:

- The establishment of internal networks;
- The establishment of independent networks other than radio networks, which

Terminating points are located on threshold set by the Regulatory Authority;

The establishment of independent radio networks, composed of low power

National Regulatory Defined Weaknesses Authority;

- supply and distribution of the final equipment public telecommunications / TIC network;
- The operation of pay phones opened to the public;
- The operation of multimedia centers;
- The supply and distribution of the terminal equipment intended to be connected to a public Telecommunications / ICT network;
- The operation of pay phones open to the public;
- The operation of multimedia centers;
- The installation and operation of individual receiving station;

The supply of services not expressly
general license or statement.

Chapter IV: General provisions of the general license

Article 30 : The attribution of the individual license
payment of a financial compensation.

Article 31 :

The exploitation of the individual license and general license
royalties:

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ulatory royalties

- Contribution to research, training and standardization
- Contribution to the financing of the universal service.

Article 32 :

The amount, requirements and terms of payment
financial compensation and decree made during the Cabinet Meeting.

TITLE III: ACCESS TO THE INFRASTRUCTURES

Chapter I: Interconnection of networks

Article 33 :

The interconnection is subject to a convention of private law between the two parts concerned. this
agreements, in compliance with the legislative and regulatory provisions applicable, the
technical, commercial and financial requirements of the interconnection.

The agreement of interconnection concluded by the operators and service providers is forwarded,
it is signed, to the Telecommunications / ICT Regulatory Agency which has a period of thirty
days to require, if appropriate, modifications of the aforementioned agreement.

The operators of Telecommunications / ICT networks open to the public
transparent and non discriminatory conditions, with the requests of interconnection of the other duly
the operators of the public network.

The services of interconnection include the services of access to the network. The request for

Interconnection can not be denied if it is reasonable

hand, and on the other, the capabilities of the operator to meet it. The refusal of interconnection shall

The Telecommunications / ICT Regulatory Agency.

Article 34 :

The requirements and the minimal offer of interconnection are fixed by

Decree.

Chapter II: Access to the networks

Article 35 :

The division of infrastructure between the owners of the public Telecommunications / ICT networks must be

completed under equity non discrimination and equal access conditions.

The Telecommunications / ICT Regulatory Agency must encourage the division of passive and active infrastructures between operators of public Telecommunications / ICT networks.

The Regulatory Agency must ensure that this access is completed

under conditions of transparency and non-discrimination.

When an operator or a service provider has obtained the right to place facilities on the surface,

above or below a public or private land, or benefited from condemnation proceedings or

property, it can

be constrained by the National Regulation Authority to divide these facilities and / or to use the

with service providers.

Article 36 : The mobile operators must offer national roaming service

the mobile operators that request it, with reasonable tariffs, insofar as this is technically possible.

Tea

national

roaming

shoulds

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puts

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ined the book of specifications annexed to the licenses of mobile services.

The national roaming service will be ensured under objective, transparent and non discriminatory conditions. This service is subject to a private law convention between mobile operators. This one and the requirements of the national roaming service. It is

to the Telecommunications / ICT Regulatory Agency.

To guarantee the equality of the conditions of competition or interoperability of the services, the Regulatory Agency may require modification of the national roaming agreements of entered into.

Inconveniences relating to the entry into or

National Roaming Agreement is submitted to the National Regulatory Authority.

The Regulatory Agency must publish guidelines specific to the national roaming which allow the operators to set the tariff, the technical and commercial conditions of the national roaming, in collaboration with the actors of the market.

Article 37 :

The mobile operators are must offer international roaming service to their subscribers.

The allocation of the licenses must take into account the compatibility of mobile systems with the roaming.

The Telecommunications / ICT Regulatory Agency

roaming. For this purpose, it:

- inquires into the prices of roaming practices within Community spaces; holds consultations with the actors concerned in order to reach reasonable rates allowing maximum of roaming service user in the area to be able to use the networks at the best prices and quality;
- identify the operators practicing abusive tariffs and requests competition;
- allows the subscribers of prepaid services to benefit from roaming services at reasonable tariffs;
- informs clearly and transparently

services;

- draws lessons from the international tariff practice.

Article 38 : Mobile operators. For this purpose, the

Telecommunications / ICT Regulatory Agency shall consider:

- costs of termination of the mobile networks and fixed networks;
- fees and tariff structures, the retail and interconnection prices and the sharing out of incomes between the original and terminating operators within the framework of a call from a fixed network towards a mobile network and a mobile network towards a fixed network;
- possible refitting in the tariff structures of the retail and interconnection prices;
- relevance of the interconnection market;
- the relevance of the mobile termination market;
- identification of the powerful operators in these markets and implementation of measures are essential and able to support the development.

Chapter III: System Specific to the Operators

market

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wer on a relevant market, Telecommunications / ICT Regulatory Agency shall:

- collect information on each identified market to measure the predominance;
-
- consult the actors of the Telecommunications / ICT market concerned, on the relevance of the markets;
- define the measuring criteria of predominance;
- hold consultations of the actors of the Telecommunications / ICT market concerned, on the to the operators having a significant power for each market.

The Regulatory Agency conducts the analysis of markets in order

to determine whether they have an actual competitive character or not.

In the case where the analysis confirms that the market is actually competitive, it cancels the possible obligations which have been applying hitherto;

If not, the Regulatory Agency identifies the powerful operator (s) that is (are) in a situation of equivalent to a dominant position within the meaning of competition law these companies specific regulatory obligations.

Article 40 :

Rules of determination of the powerful operators or service providers are defined by the Telecommunications / ICT Regulatory Agency and published in the Gazette of Republic of Ivory Coast.

Is assumed to exert a significant influence on a relevant market of the electronic communications sector, any operator or holds a share of at least less 25% of such a market.

The Regulatory Agency may nevertheless decide that share lower than 25% of the market.

The Regulatory Agency may also decide that a service provider than 25% of the market concerned do not exert a significant influence on this market.

The decision of the Regulatory Agency takes into account the capacity of the operator or service provider market, because of turnover, the control that it exerts on the means of access to the final user, the accessibilities to the financial resources, and their experience in the supply of services Regulatory Agency Regulatory Agency.

An operator or a service provider as powerful on a market can have an influence on another market closely related to the first, if these two markets are such that the significant position of a provider of services on the other.

The Telecommunications / ICT Regulatory Agency shall notify each year to the operators and service they are declared powerful on a relevant market. The decision is published in the Official Gazette of the Republic of Côte d'Ivoire and Regulatory Agency.

Article 41 :

Powerful operators or service providers interconnection which includes their catalog of price and the technical services offered.

The catalogs of interconnection of the powerful operators
the approval of the National Regulatory Authority. The Authority can require the powerful
operator to:

- add additional offers of service, in particular service for third party or unpacking;

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These changes are justified in comparison with the implementation of the
the principles of non-discrimination and the orientation of the tariffs of interconnection towards the
costs.

The Telecommunications / ICT Regulatory Agency must publish clear and transparent procedure
the service of interconnection of the operators and service
providers.

The powerful operators or service providers on the market (s) of infrastructure
also compelled to universal publish a technical and tariff offer in their catalog of interconnection
according to the markets for which they have been declared powerful.

The operators and service providers are compelled to communicate their catalogs of
interconnection to any operator or service provider

The approved catalogs of interconnection are available on the web site
and suppliers and Regulatory Agency.

Article 42:

A decree shall be the minimum of the catalogs of interconnection of the
or service providers.

Article 43 :

If the powerful operator can not provide the interconnection to the network point
Requested, the Regulatory Agency can, when the request of the applicant is reasonable:

- Request the applicant to build the infrastructure and have the powerful operator
refund his investment. On this assumption, the costs of the infrastructure to be built are
negotiated between the parties under the control of the Regulatory Agency;
- Request the powerful operator to provide an interconnection to another point

of the network but by applying the tariff which corresponds to the point of interconnection requires.

Article 44 :

The powerful operators and service providers

interconnection and comply with the principle of orientation towards

Reporting costs are the costs of the components of the network or management structures of the operator intervening effectively in the service of interconnection. The relevant costs include:

- the general costs which are relating to the elements of the networks used at the same time by the operator for the services of his own customers and for the services of interconnection;
- costs specific to the services of interconnection which are directly induced by only these services.

The non-relevant costs include the costs other than interconnection.

The accounting systems of the costs must be complete, clear and detailed, in order to ensure the transparency of the calculation of the tariffs of interconnection.

The Telecommunications / ICT Regulatory Agency may require a powerful operator or service provider to necessary justify its tariffs of interconnection and, if necessary, require its adaptation.

The models of determination of interconnection are set by the National Regulatory Authority.

The powerful operators are compelled to link to the project of interconnected to the Regulatory Agency, a detailed presentation justifying the major tariffs suggested. The Regulatory Agency of information and information on the required information, and updates periodically the aforementioned list.

The Regulatory Authority must make sure of the validity of the costing methods used validity of the data used.

Article 45 :

The powerful operators and suppliers must hold, for the purpose of regulation, a separated cost accounting per activity. They must isolate on the accounting level certain activities

Operators or service providers

others sectors, a separate accountancy for the Telecommunications / ICT activities.

The powerful operators or service providers must have a detailed cost accounting for services activities as regards interconnection, on the other hand, and for their other activities, on the other hand, so to identify all the elements of receipts and expenses related to all their activities.

The accountancy can be audited annually by an independent organization selected by the Regulatory Agency at the expenses of the operator having a significant power.

The Telecommunications / ICT Regulatory Agency is under obligation to respect confidentiality of non-public information to which it has access within the framework of the control of the interconnection costs.

Article 46 : Powerful operators are obliged to provide local loop under objective, transparent and non discriminatory conditions.

The technical and tariff regulations are approved by the Regulatory Authority. The Authority is empowered to:

- Impose modifications of the reference offer for the local loop

When such modifications are justified,

- Require unaccompanied operators to provide information

Access.

Article 47 : The conditions and the minimum content of technical and tariff offer of unpacking are fixed by decree.

Article 48 : The powerful operators provide, within the framework of their interconnection catalog, an offer of

local loop

and have access to the services of an alternative operator.

The Telecommunications / ICT Regulatory Agency is empowered to assign the prefixes to the operators known as carrier.

As regards the selection of the carrier, the Regulatory Agency is competent to make decisions on:

- Standard of selection of the router;

- eligible operators to offer the router;

the operator of the carrier; the types of calls

routed;

- problems inherent to the selection of the router, in particular the problem of invoicing and offers subscribers identification.

Article 49 : The provision of co-location is an obligation for the majors. A technical and tariff of co-location,

not including any hindrance to the entry of competitors, appears in the interconnection one of unpacking.

The Telecommunications / ICT Regulatory Agency makes a decision on the minimum conditions must be co-location or sharing of infrastructure, after consultation of public networks operators Telecommunications / ICT .

Article 50 : The radio frequencies are scarce resources which belong to the public domain of the State.

Article 51 : The functions of planning, allocation and control of the frequencies by the Ivorian Radio Frequency Management Agency, abbreviated AIGF, established as a Public Corporation. A decree made during the Cabinet Meeting sets the composition, organization and operation of this Agency

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nd administrations of the State.

The receivers of the spectrum can be allocated to
for the benefit of third parties.

Article 52 : The Ivorian Radio Frequency Management Agency allocates radio frequency spectrum to the different

services or administrations of the State. Its mission is to:

- ensure the planning, allocation and control of radio frequencies while ensuring the needs for the administrations and authorities to whom radio frequencies have been allocated;

- establish the National Frequency Table;

- the use of the frequencies and the license granted, with the
recordings of the frequency register;

carry out, on its initiative or on the request of the recipients, the operations of investigations,

observation of the offenses and seizure;

- authorize and coordinate the establishment on the national territory of radio stations of any nature, in order to ensure the best use of the sites and to ensure their conformity;
 - prepare the position of Côte d'Ivoire in the international negotiations as this regards;
 - ensure the enforcement of international conventions and treaties in the field of radio communications;
 - ensure the registration of the radio frequencies to the qualified international authorities;
 - ensure the protection of the national interests in the field of radio frequencies
- protection of the orbital positions reserved to Ivory Coast;
- contributing to research, training, standardization and studies, relating to radio communications;
 - contribute to the fulfillment of the missions of the State
- the field of radio communications;
- contribute to the fulfillment of any other mission
- by the Government in the field of radio communications.

The Ivorian Radio Frequency Management Agency
containers.

The operation of radio equipments must comply with the specifications set by the Ivorian Radio Frequency Management Agency. When this use does not comply with the conditions set by operating license or causes or interference with the operation of other radio equipment, the Ivorian Radio Frequency Management Agency takes the necessary measures to put an end to the anomaly observed with the assistance of the recipient of the frequency concerned.

When the use of radio equipment is likely to prejudice the requirements of national defense, Ivorian Radio Frequency Management Agency
can, on the request of the Minister in charge of the national defense, the Minister in charge of public safety of the Minister of Transport
until the release of the cause of the seizure.

The transmitting radio stations must comply with the specifications and regulations of radio with tolerated for out-of-band emissions. In the

absence of such specifications,

the out-of-band issues specified in the most recent recommendations of the ITU.

Any establishment of Radio equipment and any installation or setting up

with a regulation relating to the protection of the public against the effects of electromagnetic

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disasters, infrastructure and radio equipment can be required

with the laws into force.

Article 53 : The sector-based management of radio frequencies is ensured by the recipients.

The Telecommunications / ICT Regulatory Authority is the recipient of the spectrum of the frequencies that are intended for the actors of the Telecommunications / ICT sector.

The Telecommunications / ICT Regulatory Agency ensures the distribution of the administrative management of the spectrum of which it is the recipient.

The Telecommunications / ICT Regulatory Agency assigns to the actors of the sector, the frequency bands corresponding to their needs. It communicates to the Ivorian Radio Frequency Management Agency,

for the update of the national plan of frequencies.

The assignments of the radio frequencies must be carried out under objective, transparent and non discriminatory conditions

The Telecommunications / ICT Regulatory Agency must make sure that all users, whatever category considered, optimize the use of the frequency bands which they are assigned.

In the event of re-assignment of frequencies by the Telecommunications / ICT Regulatory Agency reallocation by the Ivorian Radio Frequency Management Agency, the Regulatory Agency informs the previously assigned.

The use of a radio frequency band is a subordinate to the prior assignment of this frequency band by the Telecommunications / ICT Regulatory Agency.

The termination of the operation of radio equipments or one of their elements must immediately, notified to the Telecommunications / ICT Regulatory Agency.

Article 54 : Aircrafts and ships are allowed to use their radio communications equipment only for the exclusive

needs of navigation or of their operation. They are compelled to comply strictly with the silence orders that could be transmitted to the Ivorian civil or military authorities.

It is forbidden to use the radio ham stations for communications from or to third people.

Any breach of the provisions of the hereby article,
ordinance, results in:

- for the contravening ship or aircraft, the seizure of the equipment and sealing, and this until moment its leaves territorial water or airspace of the Republic of Ivory Coast
- for radio ham, the sequestration of its material until the expiry of the penalty imposed.

Article 55 : The use of a radio frequency results in the payment of a charge
and payment terms are determined by decree made during the Cabinet Meeting.

Article 56 : The diplomatic representations and consular accredited in Ivory Coast can, upon their request, be

exempted from the payment of the charge for the use of the rates, subject to reciprocity.

Article 57 : The assignment of radio frequencies is completed by a call for bidders or by bidding.

When the demand is higher than the supply, the National Regulatory Authority supports a system of transfer to the biddings for the assignment of the frequency bands

guarantee the transparency, objectivity and impartiality in the procedure of assignment.

When one has recourse to the biddings nor to the trade of the frequencies, the determination of the costing method of the cost of living
spectrum.

Chapter II: Numbering Resources

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which belong to the public domain of the State. The Telecommunications / ICT Regulatory Agency is in the burden of the allocation of the numbering resources in compliance with the principles of equitable competition and equal treatment.

Article 59 : The Telecommunications / ICT Regulatory Agency is in charge of the establishment and management of the

National Numbering Plan into force. This plan must be sustainable and balanced. It must be dynamic and must consider a sufficient reserve to face any unforeseen need.

The Telecommunications Regulatory Agency may, if necessary, modify the national numbering plan into force. It plans these modifications in connection with the operators or service providers concerned.

The numbers and numbers of numbers in the numbering plan for all the Telecommunications / ICT services accessible to the public are published. For the purposes of national security, the numbering resources intended for the police and defense services are not published.

Article 60 : The numbering plan

for services, services, services of operators and service providers, including those of added value services, the services of assistance to the users, and ensure that prefix numbers and numbers or blocks of numbers are allocated under objective, transparent and non discriminatory conditions.

Article 61 : The numbering resources can be transferred to a third party

Telecommunications / ICT Regulatory Agency. In the event of bankruptcy, liquidation or out-of-business of the operator or service provider, the numbering resources are automatically reassigned to Regulatory Agency.

Where the applicant transfers the operation of its Telecommunications / ICT service for which Numbering capacity is allocated, this numbering capacity is allocated to the assigned in so far as this one is allowed to operate in this direction the Telecommunications / ICT Regulatory Agency.

The numbers and the blocks of numbers can not become the property of the applicants or the end-users.

They can not be protected by Copyrights, Patent and Trademark Law. They are allocated after telecommunication / ICT Regulatory Agency, for a limited time duration of the operation of the service or application.

Article 62 :

Any decision of the Telecommunications / ICT Regulatory Agency concerning the reservation, allocation and canceling of the numbering resource shall be justified and published.

The refusal of reservation does not give right to the refunding of the application fees. Tea must be technologically neutral, non-discriminatory and compatible with portability of the numbers.

Article 63 :

The requirements and procedures of reservation, allocation and cancellation of the numbering to the operators and the service providers are set by decree.

Article 64 : The holder of a numbering resource can entrust to another operator of this resource (X) to the final customer (S). We distinguish the "recipient" operator to which the resource is allocated by the "trustee" operator who allocates the resource to the final customers.

The putting on the third party is possible under the following conditions:

- The "trustee" operator has declared to the National Regulatory Authority the operation of the resource concerned;
- The "trustee" operator notified to the National Regulatory Authority by registered mail acknowledgment of receipt of the resources which are at the disposal of the trustee

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I be provided through this or these resource (s).

This notification must be made prior to the convention

"Recipient" operator and the trustee operator.

In case of a resource allotted for block part of the resource.

The compliance with all the obligations associated with the allocation of a resource is responsibility of the recipient operator.

The operators concerned with the disposal of the product end-users.

Article 65 :

Operators and services providers are compelled to register in the routing of their networks the numbers or numbers of the ICT / Telecommunications Regulatory Agency, under non discriminatory conditions

Operators and service providers are enabled to deactivate in the routing of their networks all the numbers or blocks of numbers removed by Telecommunications / ICT Regulatory Agency, under non discriminatory conditions

Article 66 : The use or activation of a numbering resource by the Regulatory Agency is prohibited.

Article 67 : The allocation of a fee for a fee numbering resource which amount and payment terms Meeting.

Article 68 : The Telecommunications / ICT Regulatory Authority needs of consumers as regards the portability in order to identify the categories of consumers request this service.

In case of the need to identify exchange operator, the Regulatory Authority makes a decision specifying the provisions which are applied to the actors concerned by the setting of the portability.

TITLE V: INSTITUTIONAL FRAMEWORK

Chapter I: THE STATE

Article 69 : The regulation of the Telecommunications / ICT sector is the responsibility of the State. That responsibility is exercised by the Government.

Article 70 : The State has the missions in the Telecommunications / ICT sector:

- to define Policies, to work out and propose the legislation that it is the best adapted Meet the needs as regards Telecommunications / ICT.
- to work out the orientations, the guiding principles and objectives in order to ensure development of the Telecommunications / IC sector.

- to guarantee an optimal use of the scarce resources;
- to define the policy for the universal service.
- to ensure the separation of the functions of regulation, control of the activities of the Telecommunications / ICT sector and of operation of networks or supply Telecommunications / ICT services;
- to guarantee the independence of the National Regulatory Authority with respect to the political power and any other organizations guaranteeing the supply of networks, equipment or Telecommunications / ICT services and any other organization intervening in the sector;
- to define the responsibilities and authority of each actor of the institutional framework avoid any ambiguity in F distribution of the tasks;
- to support the growth of the existing services and conditions fair competition;
- to guarantee the compliance with the principle of equal treatment of users, content of the message transmitted;
- to guarantee the access to the public networks under objective, transparent and non discriminatory conditions;
- to support the construction of a national and regional effective, stable and competitive Telecommunications / ICT sector;
- to ensure the harmonization of the policies and the progressive realization of an open and competitive market with the other countries of WAEMU and ECOWAS;
- - to create a favorable environment for the diffusion and sustainable development Telecommunications / ICT;
- to guarantee the supply of accessible, widely spread and good quality services;
- to guarantee the supply of access to Telecommunications neutrality over the entire territory and to all the population;
- to support investment in the Telecommunications / ICT sector;
- to encourage innovation, development and the use of information and communication technology;
- to guarantee a minimum level of information and communication

Technologies for educational institutions and public services;

- to develop national and regional expertise in Telecommunications / ICT sector;
- to promote and increase the use of Telecommunications / ICT

organizations a minimum level of knowledge as well as a good training in the field;

Article 71 : It is established an independent Administrative Authority called Telecommunications / ICT Regulatory

Authority of Ivory Coast, abbreviated ARTCI with a judicial personality and financial autonomy.

Article 72 : The ARTCI is in charge of providing the function of regulation of the State. For this reason, it has as missions:

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- to encourage the development of Telecommunications / ICT at the national and regional level;
- to control competition in collaboration with the Authorities in charge of the regulation of competition;
- to control the compliance with the obligations by the operators and suppliers services;
- to define and implement the rules in the field of interconnection and the sharing of infrastructure;
- to deal with the applications for licensing, prepare and implement the procedures for the allocation of licenses by call for tender;
- to prepare and update, in connection with the government departments concerned, the regulations of the book of specifications relating to licenses;
- to deliver general licenses; to receive and process the declarations;
- to carry out the allocation of scarce resources, in particular the radio frequencies of which it is and the numbering resources and the control of their conditions of use;
- to establish the indicators and the quality of services and performance for supply of telecommunications / ICT services and control their conformity;
- to deliver, control the approvals, to define the obligatory specifications and approve the terminal equipment;
- to work out accountancy requirements and tariffs as regards interconnection tariff policy;

- to contribute to the definition of programs of universal service implemented by the Government within the framework of its policy of universal service;
- to contribute, on the request of the Government, to the fulfillment of the missions of the State as regards national defense, public safety, aviation and off-shore security;
- to know and settle with possibility of appeal, disputes of the sector;
- to manage domain names and Internet addresses of Ivory Coast in relation to the specialized structures. A decree made in the ARTCI, of domain names and Internet addresses in Ivory Coast;
- to protect the interests of consumers, the operators and service providers effective, honest and sustainable competition;
- to take part in the request for the Minister for Telecommunications / ICT, in the working out of the Ivorian position in the international Telecommunications / ICT organizations;
- to contribute, to the request of the Government, to the fulfillment of any other mission State in the Telecommunications / ICT sector;
- to give an opinion on the subject in charge of Telecommunications / ICT;
- to work out, on the request of the Government or on its initiative, proposals aiming at:
 - o adapting the legal, economic and security framework of the sector Telecommunications / ICT;
 - o developing an effective competition neutrality;
 - o ensuring the good performance, in the fields

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Technologies, in accordance with the normal practices and the Converged protocols, by taking into account the convergence of technologies in the field of Telecommunications / ICT;

- o Ensuring the treatment of issues relating to the protection of the interests of consumers, including the establishment of an appropriate mechanism for the reception of

the consumers' complaints, and the relative investigations, relating to Telecommunications / ICT services and where appropriate, submit the aforementioned complaints to the appropriate institutions.

The missions of regulation by the Telecommunications / ICT Regulatory Agency, independently, impartially and transparently.

Article 73 : The ARTCI has a Regulatory Board, a collegial body, and a General Management authority of the Regulatory Board.

The Regulatory Board is responsible for carrying out the missions of the ARTCI, and General Management is under the authority of the Regulatory Board managing the services of the ARTCI.

A decree made in the Cabinet Meeting specifies the organization and operation of the ARTCI in with the provisions of the hereby ordinance.

Article 74 :

The Regulatory Board is made up of seven members, including a chairman appointed by decree Made in Cabinet Meeting for an office of six years non renewable.

The members of the Regulatory Board are chosen, because of their probity, qualifications and proven in the fields of Information and Communication Technologies, after a transparent under the responsibility of the Minister in charge of Telecommunications / ICT .

No one can be a member of the Regulatory Board to be final or to carry out an activity pronounced by a jurisdiction.

The members of the Regulatory Board commit their personal responsibility in the performance of the missions which are assigned to them.

The members of the Regulatory Board, except for serious Offense duly justified. They can not be trusted beyond seventy years old.

If one of the members of the Regulatory Board resignation to any impediment duly noticed, it is provided to its substitution within two month as from the date of resignation or notice of the impediment. The member chosen to substitute him, after a call for appointment, fulfilling his duties for the remaining duration of the office.

For the first office of the members of the Regulatory Board, three members, except the Chairman, are

appointed for three years. Thereafter, all the members are appointed for a six-year office renewable.

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effective within a maximum of three months in the official
Gazette of the Republic of Ivory Coast.

Article 75 : The members of the Regulatory Board swear an oath before the President of the Court of Appeal, with

the exception of the Magistrates.

The Regulatory Board makes rules of the rules

Procedure. The draft Rules of Procedure is being adopted

Minister in charge of Information and Communication Technologies. The Rules of Procedure adopted is published in the Gazette of the Republic of Ivory Coast.

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Article 76 : The function of member of the Regulatory Board is not compatible with any public or private job, any elective office and any direct or indirect holding of interests in a company of

Telecommunications / ICT sector operating in Ivory Coast.

Article 77 : The members of the Regulatory Board

information that they have been able to get because of their functions.

The violations of the professional secrecy and self-dealing abuses committed by the members of the Regulatory Board liable to one to ten-year imprisonment penalty and a fine of a minimum of fifty million Francs CFA gold one of the two penalties.

Article 78 : For a period of two years, according to the termination of their appointment within the Regulatory Board,

the members of the Regulatory Board can not, in any case, become employees or be given

in a telecommunications / ICT company, within the meaning of the

hereby ordinance, established in Ivory Coast.

The member of the Regulatory Board does not comply with this regulation

ten-year imprisonment and a fine of at least fifty million francs CFA gold one of the two

penalties. The conditions of termination of appointment of the members of the Regulatory Board are set by the ARTCI, the organization and operation of the ARTCI.

Article 79 : A decree made in the Cabinet Meeting sets the amount of the remunerations and benefits from

which members of the Regulatory Board profit.

The remuneration of the members of the Board must be comparable to the one of the members of institutions. The remuneration of the President must be comparable to the one of the Presidents of institutions.

Article 80 : The Regulatory Board is responsible for the technical, administrative and financial management

of the ARTCI. It sets the rules for the organization of work.

The Chairman of the Regulatory Board agrees and chairs the meetings of the Board.

The Chairman of the Regulatory Board signs the decisions of the ARTCI, after deliberation of the

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their implementation. It takes the initiative of investigation started by the Regulatory Board.

The Chairman of the Regulatory Board may delegate to other members

the Regulatory Board. The delegate people are automatically responsible for the good

Execution of the missions of management and administration, subject of the delegation, before the financial audit institutions and the jurisdictions envisaged by the law.

Article 81 : The daily management of the technical, administrative and financial businesses of the ARTCI is

Head Office by General Manager. The General Manager acts under the

authority of the Regulatory Board. It is waiting, with advisory voice, the meetings of the Regulatory

Board. The drafting drafts of the Regulatory Board are drawn up under his responsibility.

The General Manager is appointed by the Cabinet of the Meeting for a four-year office renewable only once. It can not be revoked before the end of his office, except for heavy serious offense.

The remuneration of the General Manager must be comparable to the one of the

General Managers of Public Corporation.

Article 82 : The ARTCI must set up its own means of communication, in order to ensure an effective transparent communication with the operators and the service providers, the State, the economic environment and consumers. These means will at least include a periodic review and an updated web site.

The ARTCI is every six-month period, the major statistics of the Telecommunications / ICT sector. The publication of these statistics within the statutory period, except in the event of force majeure duly noticed, constituted a serious offense.

The ARTCI must produce each year, at the latest on September, 30th, an Activity Report. This Report The National Assembly and the Supreme Court. It is published.

The ARTCI must set up a process of consultations of the actors of the sector before any important decision. The Regulations of the consultation are communicated to the beforehand the reception of their contributions. They are published on the Web site of the ARTCI.

The report of the contributions of the actors is published.

The ARTCI sets up a one-stop information access permitting the access to all the public consultations, except in special set boxes of confidentiality of the information.

Article 83 : The operators of networks and service providers necessary information, including financial information to the ARTCI.

These companies periodically provide this information deadlines and level of detail required by the ARTCI. The information requested by the ARTCI matches

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The ARTCI must indicate the reasons justifying its information requests. It receives and analyzes all information and documents of the Telecommunications / ICT network operators and service providers within the framework of their license and general license all the details and additional details.

The professional secret is not opposable to the ARTCI. However, this one is compelled to comply with the confidentiality of information received.

Article 84 : The accounting and financial transactions of the ARTCI are subject to the accounting rules of the

Organization for the Harmonization of Business Law in Africa (OHADA).

The financial management of the ARTCI is submitted to an independent accounting and financial audit after each financial year, on the initiative of the minister in charge of economy and finance. The results of the audit in the Ministry of Telecommunications / ICT, and published on the web site of the ARTCI and annexed to its annual activity report.

Article 85 : The ARTCI can contract the employees under the Labor Code. It can civilian employee servants and government officials in secondment position. The staff of the services of the ARTCI is compelled to comply with the professional secret of facts, acts and information where they could be informed because of their functions.

The civil servants and government officials at the ARTCI are subject to ARTCI and the labor legislation, subject to the provisions of the general status of the public service.

The members of the staff of the ARTCI should in no case be employees or benefit from a telecommunications company / ICT company established in Ivory Coast, nor hold direct or indirect interests in such a company.

Any breach of the obligations mentioned in this article is a serious offense resulting in the dismissal under the conditions envisaged by the labor legislation.

Article 86 : The staff of ARTCI in charge of carrying out operations of control, investigation, observation the offenses and seizure, must be sworn. It swears an oath before the Court of First Instance of Abidjan.

The sworn staff can carry out a search, the ARTCI after the release of the Regulatory Board. In case of need, it shall benefit from the support of the law enforcement services in fulfillment of its mission. The warrant shall specify the reason for its issuance and the action to be carried out.

Article 87 : The ARTCI cooperates with the National Regulatory Authorities of the ECOWAS WAEMU in charge of the regulation of the Telecommunications / ICT sector, of the enforcement of the competition law, the protection of consumers' right and the protection of personal data.

rantee, within the framework of their co-operation, the confidentiality of the correspondences in compliance with the Community regulations.

Title VI: APPROVAL OF EQUIPMENT AND AUTHORIZATION OF INSTALLERS

Chapter I: Conditions for the start of the phase of equipment

Article 88 : The equipment intended to be connected to a Telecommunications / ICT network open to the

public and radio equipment must be subjected to an assessment of their conformity to the essential requirements by the ARTCI.

The equipment which meet the requirements are approved by the ARTCI. The approval is materialized by a certificate established by the ARTCI.

The evaluation of conformity is subject to the payment of a duty to the ARTCI. The amount and methods of calculating the burden of and the Minister in Charge of Telecommunications / ICT.

Article 89 : The ARTCI can entrust independent national or foreign standardization institutions to design technical standards for the approval of equipments. The technical standards adopted by the ARTCI are published in the Gazette of the Republic of Côte d'Ivoire, after their approval by a Ministerial Order of the Minister in Charge of Telecommunications / ICT.

Article 90 : A decree sets the content and conditions of issue of the approval certificate of the radio to be connected to a Telecommunications / ICT network open to the public.

Chapter II: Evaluation Procedures

Article 91 : The ARTCI determines the procedures for the assessment of compliance essential requirements. These procedures correspond to those which are used on the international level for equipment of the same standard and category.

The evaluation procedures adopted by the ARTCI are submitted to the Minister in charge of Telecommunications / ICT for approval.

Article 92 : The laboratory tests and the organizations to which the people responsible for the start of the sales phase of Telecommunications / ICT in order to establish their compliance with the

essential requirements, must either:

- be accredited by the ARTCI,
- be recognized in Ivory Coast according to the international agreements,

Ivorian Law.

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nications / ICT equipments open to the public which do not meet the requirements for their start of sales phase must be clearly specified

with the regulations and that they can not be marketed.

If the equipment is used for demonstration purposes, the owner of these equipments must obtain the prior agreement of the ARTCI.

If it is considered to connect these equipments to a Telecommunications / ICT network, the owner of these equipments must obtain, in addition to the agreement of the ARTCI, that of the operator of the aforesaid network.

Article 94 : The ARTCI controls the compliance with the essential requirements of equipment be connected to a network open to the public and radio equipments intended to be installed already installed or in operation.

The ARTCI carries out, to this end, help of any national or international entity.

Article 95 : The ARTCI is entitled, within the framework of the checks, to require:

- from the person responsible for the start of sales documents and information contributing to the conformity of this equipment.
- the free handing-over of the equipment organization.

The ARTCI can order tests:

- if the approval certificate of the country of origin or not other place correspond the equipment;
- it is not a question of compliance the essential requirements.

- If there are reasons to believe that the equipment is not in compliance with the essential requirements.

The cost of the tests is at the expense of the responsible person for the distribution or starting of sales phase of the equipment:

- if this information is not available

the time set by the ARTCI;

- if it arises from the tests that the equipment does not comply with the essential requirements.

Before ordering the tests, the ARTCI hears the responsible person for the distribution or the start of sales phase of the equipment.

Article 96 : The ARTCI may be open to the network

public and radio equipments which disturb the Telecommunications / ICT or radio broadcasting take suitable measures.

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Article 97 : The equipment to be connected to a network open to the public and the already approved radio equipment which has been modified approval procedure.

Article 98 : The approval ends:

- at the expiry of its period of validity, if that one is limited;
- when the ARTCI cancels it;
- in case of modification of the technical characteristics of the equipments.

The ARTCI can cancel an approval for justified reasons, including:

- in case of amendment of the provisions of the hereby ordinance or its technical and administrative prescriptions;
- if the holder of the approval certificate has not complied with the provisions of the hereby ordinance or the requirements connected to the approval.

The ARTCI assesses the possibility of extending the effects of the approval certificates to distributed, sold, installed or operated.

Chapter IV: Installer's Authorization

Article 99 : Physical persons or legal entities that wish to exercise the activity of Telecommunications / ICT

equipment installers are compiled to get an installation authorization.

Article 100 : The Authorization is issued by the ARTCI for a period of two years renewable.

Article 101 : The issuance of installation is subject to the payment of a payment by a joint order of the Minister in Charge of Economy and Finance and the Minister in Charge of Telecommunications / ICT.

Article 102 : The installers of Telecommunications / ICT equipments incur the sanctions provided by the hereby

ordinance in the event of no approval of the Telecommunications / ICT equipments or the radio equipments installed.

Article 103 : The people who exercise the activity of Telecommunications / ICT equipment installers without installing Authorization, incur the sanctions provided by the hereby Ordinance.

Article 104 : The ARTCI knows, in the first instance, any litigation which can occur in Telecommunications / ICT sector in particular:

- any violation, by a Telecommunications / ICT operator or service provider, of legal or statutory provisions or regulatory as regards Telecommunications / ICT or conventional clause;
- any refusal of interconnection or renting of capacity or infrastructure, contrary to the requirements provided by the applicable regulations and any dissent application or interpretation of conventions and the catalogs of interconnection;
- Any violation of the conditions of granting or refusing to grant

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occupancy on the domain of public entities or of right-of-way

of Telecommunications and ICT Network;

- any default in the application by a Telecommunications / ICT operator or a service provider its book of specifications or any other similar document containing the requirements connected to its authorization or declaration;

- any default in the application or violation of a clause appearing in a standard contract of subscription entered into the consumers.

Article 105 : When it is requested to receive a penalty, the ARTCI informs by any means, the Public prosecutor.

Article 106 : The ARTCI can not be asked about facts that happened there, if nothing was made for their research, observation or sanction.

Article 107 : When a dispute opposes a party established in Côte d'Ivoire and another in a Member State of the

ECOWAS or WAEMU, the ARTCI is qualified to be informed of this dispute. In this case, the ARTCI its actions with the National Regulatory Authority of the Member State concerned.

Article 108 : In the event of refusal of access or interconnection, failure of the commercial negotiations dissension on the entry into or enforcement of a convention of interconnection or access to an electronic communication network, Telecommunications / ICT Regulatory Agency can be requested about the dissension by one or the other of the parties.

The ARTCI takes measures to settle the dispute within a period of two months maximum the referral date and to guarantee the continuity of the service during this time.

Chapter II : Procedure of referral to the ARTCI

Article 109 : Any natural person or legal entity may request the ARTCI to ask for undergone, the modification of the conditions of supply of a service, or to another request within the framework of Telecommunications / ICT activities.

The parties to the dispute can ARTCI with the assistance of a lawyer.

Article 110 : The referral to the ARTCI is carried out according to the following rules:

- The plaintiff requests the ARTCI by filing a request to its head office for the issuance of a receipt; this request is sent to the Chairman of the ARTCI.
- the request is produced in as many copies as parties to the dispute;

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- the request must be justified;
- the request also indicates the quality of the applicant, in particular:

- o If the plaintiff is an individual: his full name and, residence, nationality, date and place of birth: he attaches to a copy of an identity document;
- o If the plaintiff is a legal entity: its name, status, head office, legal or statutory representative; is attached to the request, for commercial companies, a copy of the trade register dating back to a maximum of three months for nonprofit legal entities, a copy of the articles of association and receipt of declaration;
- The plaintiff must specify the full names, and residence of the defenders with, if they are several legal entities, their denominations and head office;
- The claimant must elect residence in Ivory Coast.

The request is registered on a book and with a stamp indicating its date of arrival. The documents sent to the ARTCI being processed.

Article 111 : The treatment of disputes with the contradictory principle and the rights of defense.

The ARTCI Decides Within Maximum Three Months

their observations. However, this time can be extended to six months when it deems necessary to conduct complementary investigations and expertise.

The decisions are made public, in particular on the web site of the ARTCI.

The procedure rules relating to the registration and processing of the cases, with the course of the hearings and the deliberation

are determined by a decision of the ARTCI which is made public and available on its web site.

Article 112 : The decisions of the ARTCI are provisionally enforceable and are not likely to be opposed.

In case of serious offense to the rules governing the Telecommunications / ICT sector, the ARTCI can Automatically, after having heard the parts in question,

to ensure the continuity of the operation of the networks.

The decisions of the ARTCI may be subject to appeal before the Court of Appeal of Abidjan

month as from their notification. If you wish to receive notification

resides within the territorial authority of another Court of Appeal and two months reside abroad.

The authority in setting aside form, where appropriate, against the judgment of the Court of Appeal is exerts in IE deadline one month from the date of notification of this judgment.

Article 113 : The decisions of jurisdictional nature made by the ARTCI, in particular those made pursuant to the hereby

ordinance, are likely to be appealed. The appeal is not suspensive except for financial penalties.

However, the suspension of execution may be ordered

obviously excessive consequences. In this case, the request for suspension of execution is submitted to the first President of the Court of Appeal of Abidjan

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The administrative decisions that the ARTCI makes in the fulfillment of its missions are likely to be subject of proceedings for cancellation under conditions set by the law on the establishment, organization and operation of the Supreme Court.

The provisional measures made by the ARTCI can, within 15 days of their notification, be subject of proceedings for reformation or annulment before the first president of the Court of Appeal of Abidjan The appeal proceedings against the provisional measures made by the ARTCI are judged within one month maximum.

In the event of disputes between parties and in the absence of response from the Authority requested by the claimant or coordination between the Authorities, each party can request either the Commission of the ECOWAS or WAEMU by sending a copy of the National Regulatory Authorities. The Commissions of ECOWAS or WAEMU take the necessary measures for the settlement of the aforesaid dispute Qualified National Competent Authorities within a reasonable deadline.

Chapter III: Observation of offenses

Article 114 : In addition, the officers and agents of the police acting in accordance with the provisions of the

Criminal Procedure Code, the agents of the national service of coastal overseeing and the officers and commanders of the national navy units, the agents of the Ministry of Commerce

Ivorian Frequency, the sworn agents of the Ivorian Frequency

Management Agency and the sworn agents of the ARTCI

offenses provided by the regulations into force. The official reports thus drawn up, are forwarded

to the public prosecutor within a time
observation of the deemed offenses.

Article 115 : The sworn agents of the Ivorian Frequency Management Agency and the sworn agents of the ARTCI may have access to the premises, lands or means of transport used by the Telecommunications / ICT operators and service providers manufacturing, importing, distributing or installing Telecommunications / ICT equipment intended to be connected to networks open to the public or radio offenses

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on the spot, the information and justifications.

The sworn agents of the Ivorian Frequency Management Agency or those of the ARTCI can have access to the premises only when they opened to the public and in the other boxes, between six and twenty one.

The operations under consideration for the research of the agents of the Ivorian Frequency Management Agency and the sworn agents of the ARTCI are subject to a preliminary written authorization from these entities. The official reports are given in the 48 hours following their establishment. A copy is also given to the interested.

Article 116 : The sworn agents of the Ivorian Frequency Management Agency or those of the ARTCI can conduct the seizures of Telecommunications / ICT equipment or facilities connected or intended to be connected to networks open to the public from the Telecommunications / ICT Regulatory Agency, after deliberation. The seizures are carried out

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under the authority and the control of the Chairman of the ARTCI.

The materials are readily available from the ARTCI. The inventory is annexed to the official report drawn up on the spot. The originals of the official report and the inventory are forwarded, within the 48 hours following their establishment, to the Chairman of the ARTCI.

The first President of the Court of Appeal may be requested by a letter of loosing arrestment. It can order

the offering for the equipment or the facilities

provisions of the hereby ordinance. Failing this, it orders their destruction.

The sale or the destruction is carried out under the control of the first

President of the Court of Appeal The revenue is transferred to the Treasury.

TITLE VIII: PENALTIES

Chapter I: Administrative and financial penalties

Article 117 : The ARTCI can, after an unfruitful injunction and hearing of the offender, inflict to him one of the

following penalties:

- confiscation of the equipment of the offense,
- demolition of the equipment or installation subject of the offense at the expenses of the offender;
-

provisional or final restriction of license

individual permit, general license or declaration;

- restriction of the range and / or the duration of the license;
- temporary suspension of the license for a period which can not exceed one month;
- final withdrawal of the license with affixing of seal;
- prohibition to exercise for one year

Telecommunications / ICT sector as an operator, service provider or manager.

Article 118 : The ARTCI can compel financially the operators and service providers of the Telecommunications / ICT

sector to carry out their obligations.

If the violation is not constitutive of a criminal offense, it is liable to the offender

penalty which amount is proportional to seriousness of the violation and the advantages which are enjoyed, without being able to exceed 3% of the turnover net tax of the last fiscal year. This rate is moved up to 5% in the event of new violation of the same obligation.

Article 119 : Whoever carries out activities without license, where is the penalty, which is applied to him, is

how to pay the duties, taxes or royalties for any time where it has operated irregularly.

Chapter II: Penal penalties

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Article 120 : Whoever is allowed to take part in the execution of a service

Telecommunications / ICT who intercepts, reveals, publishes or uses the content of the communications routed by the Telecommunications / ICT networks or services, is punished two thousand and five million CFA or just one of these years penalties .

Whoever encourages, takes part in the disclosure exchanges transmitted through the Telecommunications / ICT networks accessory, is sentenced to an imprisonment of one year to five years million Francs CFA or one of these two penalties.

Whoever intercepts, reveals, publishes or uses the content of messages or reveals their existence, is sentenced to the same penalties. These provisions are not applied in case of:

- express agreement of the author or recipient of the communication;
- interception of a private communication on the request of the Judicial Authority within the framework of a judicial inquiry;
- Control by the Ivorian Frequency Management Agency for the purposes of identifying, isolating gold preventing the use of a radio frequency.

Article 121 : Is punished of an imprisonment of six months to three years and a fine of one to one hundred million

CFA francs or one of these two penalties only whoever:

- installs or operates a public Telecommunications / ICT network hereby ordinance or operates it in violation of a decision of suspension or withdrawal of this license;
- provides Telecommunications / ICT services to the public hereby ordinance or maintains the offer of these services after suspension or withdrawal of this license.

Article 122 : Is punished of a fine of five to twenty million CFA francs, whoever:

- makes false statements concerning the content of the information in the declaration of intention opening of the services provided by the hereby ordinance;
- omits the pricing of the call of a number mentioned in an advertising message.

Article 123 : Whoever uses the information provided by an entity requesting an interconnection or an access to a

network for purposes other than those set during their handing-over,

one year to five years and a fine of two to twenty million CFA francs or only one of these two penalties.

Article 124 : Whoever installs or operates an independent Telecommunications / ICT network

Without license or disallowing its operation after suspension or withdrawal from the license, is punished of an

one million franc CFA or only one of

these two penalties.

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Article 125 : Whoever Holds Or Puts on the Market or Equipment or Radio Patching to a Public Telecommunications / ICT network in violation of the approval rules, is punished thousand to five million CFA francs.

Whoever advertises in favor of non-approved equipment is punished of the same penalties.

The recipient of an approval which abstains from informing the ARTCI of the modifications brought to the major characteristics of approved equipment is punished of the same penalties.

Whoever exercises the activity of installing Telecommunications

license is punished of a fine of one hundred thousand to ten million CFA francs.

Article 126 : Whoever uses a radio frequency which has not been assigned to

within a minimum time of a year

and of a fine of ten to fifty million francs CFA or only one of these two penalties with daily penalty payments until the release of the frequency in question. The amount of the penalty payments is set by the recipient of the frequency in question.

Article 127 :

Any navigator of ship or pilot of aircraft using the airspace or territorial water of the Republic of Coast

of Ivory Coast, which contravenes the orders of silence, is punished of an imprisonment one year and one to five million francs CFA or only one of these two penalties.

Any radio ham that uses his station for communications of third parties or violates the provisions of the hereby ordinance, is punished of an imprisonment of three months to one year one hundred thousand to two million CFA francs or only one of these two penalties.

Article 128 : Whoever uses or activates a numbering resource not allocated by the ARTCI, is punished of an

one million francs CFA or only one of these two penalties.

Article 129 : Whoever carries out radio transmissions by knowingly using a call sign of the international series

To the station of the State or Administration or a private station is punished of an one million francs CFA or only one of these two penalties.

Article 130 : Whoever voluntarily disturbs, by using a radio frequency or any other means, Telecommunications / ICT service is punished of an imprisonment of one month to two years and a fine of five to ten million CFA francs or only one of these two penalties.

Article 131 : Whoever may be affected by a radio network installation or compromises the operation of this network, is punished of an imprisonment fine of five to twenty million CFA francs or only one of these two penalties.

Article 132 : Whoever voluntarily deteriorates, damages or interrupts, in any manner, the aerial lines or any

underground Telecommunications / ICT installation, or any work referring to it, is punished of an

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one million franc CFA or just one of five these two penalties.

Article 133 : Whoever voluntarily deteriorates, damages or interruptions, in any manner, switching or transmission

and refitting to one of five

years and a fine of five to ten million CFA francs or only one of these two penalties.

Article 134 : Whoever is voluntarily deteriorating, damages or breaks, in any manner, Telecommunications / ICT

equipments, installations or infrastructures, is punished of a fine of one hundred thousand to five million francs CFA.

Article 35 : Whoever, in the territorial waters or the continental shelf contiguous to the territory of Coast

d'Ivoire, voluntarily breaks a submarine cable or causes to it or tries to cause deterioration

ICT / ICT, is punished of an imprisonment

five years and a fine of fifty thousand to one hundred million francs CFA.

Article 136 : Whoever, within the maritime areas referred to in the previous article having broken by awkwardness, recklessness, negligence or non-observance of the regulations, a submarine cable, gold Telecommunications, ICT, ICT, ICT, ICT

omits to make the declaration of the local authorities

of the closest Ivorian port, is punished of imprisonment of one month to one year and a fine of five hundred thousand to one million CFA francs or only one of these two penalties.

Article 137 : Deteriorations of the submarine cables committed in the territorial or on the shelf

Ivory Coast by a member of the crew of an Ivorian or foreign ship

are judged by the Magistrates of the Correctional Court of Abidjan. They can also be judged by the Short:

- of the home port of the ship on which the author embarked;

- of the first Ivorian port where this ship will board;

which territorial authority is extended on the maritime extension of the place of the offense.

Article 38 : Whoever, fraudulently, uses for personal purposes

connects himself by any means on a private line, is punished of an imprisonment of one year to five years

and a fine of one to five million CFA francs or only one these two penalties.

Article 39 : Whoever, knowingly, harms or disturbs their quietude through public Telecommunications / ICT

networks, is punished of an imprisonment of three months to one year and a fine of one hundred

thousand to five hundred thousand francs CFA.

Article 140 : Whoever, knowingly, transmits, puts into circulation through public Telecommunications / ICT networks

false or deceptive distress signals or calls, is punished of an imprisonment of one to five years and a fine one to five million CFA francs or only one of these two penalties.

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Article 141 : The offenses relating to the provisions relating to the easements provided by the city and its ordinances

implementing decrees are punished by one million CFA Francs.

Article 142 : Any operator or supplier that refuses to provide information to the ARTCI

specifications or obstacles to the erroneous information about the obstacle to the race

of a request ordered within the framework of its missions, is punished of a fine of twenty to fifty million francs million CFA.

Article 143 : Any operator or service provider who diverts from the telecommunications traffic in a voluntary gold

involuntary way is punished of an imprisonment of one month to two years and a fine of one hundred to five hundred million CFA francs.

Article 144 : In the event of second offense, the penalties provided for each offense ordinance are doubled.

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Article 145 : Whoever carries out activities without license

how to pay the duties, taxes or fees for the time when it has operated irregularly.

TITLE IX: COMMON PROVISIONS

Chapter I: Easements and rights of user

Article 146 : The installation of Telecommunications

with the rules of town planning, defense and safety, environment,

aesthetic quality of the places and under the conditions for private properties

the public domain.

In order to ensure the transmission and reception of radio signals and the construction

efficient operation of the networks for the purpose of general interest, administrative easements or rights of user for the benefit of the operators can be instituted.

Article 147 : When the easements result in the destruction or modification of a building, it is conducted, for lack

of amicable arrangement, the expropriation of that building

the common right. In the event of resale of the building

pre-emption.

The purchasers of a building having undergone modifications because of easements are

to comply with the modifications carried out and the easements binding.

Article 148 : In the general interest and if your situation requires,

an electric installation, even if it is located out of the easements areas, producing or propagating

disturbances obstructing the operation of a public or private radio reception, to comply with

the provisions which are prescribed to it, in order to put an end to the disturbance. In this case, it

must submit to the investigations requested, carry out the modifications specified

maintain the installations in first line operation.

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Article 149 : When a Telecommunications / ICT or other disturbs the Telecommunications / ICT, the ARTCI can

require the respondent operator to modify its operation.

To determine the origin of the disturbances of Telecommunications / ICT, the ARTCI has access to all the facilities.

Article 150 : the right of the person in the market place

damage from it. The compensation, for lack of amicable settlement, by the ARTCI without ham of the appeal

to regular law courts.

All the actual costs incurred by the owner of the goods under the rights of the user

the expense of the carriers or the service providers.

The request for compensation, in the bread of foreclosure, arrives to the recipient of the easements within two years, as from the notification subjections of which they are subjected.

Article 151 : Subject to the authorization of the competent Public Administration any public road or any other public place for the construction, operation or maintenance of their Telecommunications / ICT infrastructures and can conduct work, namely digging work and stay there for the duration required for these purposes.

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They must, however, in their case, do their best to avoid any abuse hindrance to the enjoyment of the places by the public.

They must also make good the public work during the workout of the work within maximum one month. Otherwise, they are liable for a penalty provided by the regulations.

Article 152 : The owner of a building open to the public and to the extent that they do not hinder the general use. Tea These services should be agreed by parties.

Operators and service providers taking over the assignment of the building used and underwrite the fees of repairing.

Public lines and boxes are the properties of the operator and service provider or acquired from a third party.

The owner of a building is responsible for the damage caused to the public lines and boxes located on his own land by negligence.

The operators and service providers are compelled to move the owner of the building would be boxes.

The ARTCI sets, in the event of disagreement between the parties, the requirements and procedures to the move of the public lines and boxes.

Article 153 : The universal service is the general requirements of the general interest of Telecommunications / ICT aiming

at ensuring everywhere in Ivory Coast the access of all the essential Telecommunications / ICT provisions of good quality and affordable price. It is ensured in accordance with the principle of

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equality, continuity, adaptability and transparency.

It includes the supply of urgent Telecommunications / ICT services, the supply of special services for disabled people or people having specific social needs

the field of Telecommunications / ICT.

The responsibility of the universal service falls to the State. The ARTCI, within the framework of its mission

of regulation of the Telecommunications / ICT sector

the market needs in terms of universal service, and made proposals to the Government.

Article 154 : The universal service includes:

- the supply on the overall national territory of telephone services, data transmission and high speed internet access;
- the installation of public payphones and / or multimedia Telecommunications / ICT centers;
- A free and priority routing of telephone calls and other urgent electronic communications from any fixed line, mobile terminal or other multimedia terminal;
- an intelligence service;
- a universal directory convening the coordinates of subscribers in electronic form.

In order to guarantee the universal service, the ARTCI may,

Telecommunications / ICT, force the powerful operators to propose the final user having low-income to or specific social needs, tariffs, options or tariff formulas which differ from the normal conditions of business operation

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The universal service also includes the development of the access to the aforementioned services including the establishment of Telecommunications / ICT networks.

The Government periodically re-examines the range and content of the universal service.

Article 155 : The ARTCI puts at disposal, the public institutions in charge of human rights, public safety and emergency services.

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The operators and service providers are listed on the Internet
electronic communications to emergency numbers.

Article 156 : The ARTCI must insure the putting at the disposal of the public:

- a directory containing the overall coordinates of subscribers, including fixed telephone mobile numbers, in a form approved by it;
- at least an intelligence telephone service covering the overall subscribers listed accessible to all the users, including the users of public telephones;

The Telecommunications / ICT operators or services providers are compelled to provide the ARTCI essential information for the design of the directory.

The implementation of these provisions must be carried out
regulatory provisions to be applied as regards the protection of personal data and data relating to private
life. Especially the co-ordinates of the subscribers who will not publish their publication
published in the directories.

Article 157 : It is established, in a form of Public Corporation, the National Agency of the Universal Telecommunications / ICT Service, in abbreviated form ANSUT. It is in charge of

- the implementation of the universal service programs for the State;
- the management of investment operations financed by the State in the field of

Telecommunications / ICT.

The resources of the Agency are constituted by the obligatory contributions of the operators and services

service providers of an individual license or a general license
and any other resource.

A decree made in the Cabinet Meeting specifies the organization and operation of the Agency. This decree

also sets the levels of the contributions and determines the terms of collection.

Article 158 : The programs as a whole

Telecommunications / ICT. The operators and service providers contributing to the financing of the universal

service are consulted to collect their opinions on the development of the universal service.

Each program of the universal service is subject to a detailed book of specifications at least:

- the targeted services;
- the coverage area of these services; the minimum quality of service;
- multi sector-based aspects and the required coordination with the other sectors and structures potentially concerned;
- the detailed budget of the program according to the available resources.

Article 159 : The books of specifications of the universal service are approved by the Ministry of Information

and Communication Technologies. They determine the general requirements of the supply of services in the annual programs or programs running over several years.

They are established for the operators and service providers

universal service programs. They are annexed to the files of the calls for tenders or calls for bidders. They

in the conditions in which the tariffs and the quality of the universal service are controlled.

Article 160 : The choice of the operator or service provider

obligations of universal service is made on the basis of an open call for tender.

The allocation of licenses for rural service providers can be set to meet the needs and / or poorly served.

The incapacity of an operator, a service provider or a company

levels of quality of service provided for the provision of universal service can result in in the books of specifications.

Article 161 : The Minister in Charge of Telecommunications

Government, a report on the implementation of the universal service.

Chapter III : Rights and obligations of operators and users

Article 162 : The operator or service provider is limited to the secret of the communications. To that end,

the operator or supplicant provides services without discrimination whatever the nature of the

The message is made and the provisions are made to ensure the integrity of the messages.

He is admitted to violate the secret of the communications by the Legal Authority in the cases conditions provided by the ordinance.

Article 163 : The Telephone Operators

Subscribers. For this purpose, they collect and keep the data of identification of their subscribers.

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Any individual or legal entity that subscribes to a service to a telephone operator or an internet access provider is made available by decree

made in the Cabinet Meeting.

The telephone operator or internet access provider does not comply with the obligation to identify his subscribers is liable for financial penalties provided by the hereby ordinance.

Article 164 : The operator or service provider is

it holds and subject to which it holds

compliance with the legal requirements.

The operator or service provider must guarantee right for any person:

- not to be mentioned on the list of subscribers or users published. The operator ensures the free of this faculty or failing this, subordinates to the payment of a reasonable not dissuasive amount;

- to be discussed for free of charge

its residence, to the extent that the data available permits to distinguish this subscriber from his namesakes as well as, if possible, a reference to his gender;

- to be considered for free of charge;

- to prohibit for it

used in business transactions by Telecommunications / ICT mean, with the exception of the

operations relating to the contracting authority

between the operator and the subscriber;

- to get for free of the communication of the personal data concerning it and require that they be rectified, completed, specified, updated or erased.

Article 165 : The consumer should not be in charge of a service which he did not profit from request.

Article 66 : When a business operator or a service provider calls services in marketing services companies, it must in the

contractual relations with those companies, insuring the compliance with obligations

to the identification of its subscribers, conditions of confidentiality and neutrality

messages transmitted and information connected to the communications.

The responsibility of the operator or service provider can be committed for the offenses made by the marketing companies with which it has entered into

aforementioned obligations.

Article 167 : The operators are compelled to take the necessary measures to ensure the safety of the

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communications using their networks. For this purpose, they inform their customers of the existing services making it possible to reinforce the safety of the communications.

The ARTCI can finance an audit on the safety of the networks of an operator or service provider.

Article 168 : The operators and the service providers are compelled to observe minimum time reallocate a canceled phone number.

Article 169 : A user can choose a phone number among the numbers of an operator or service provider when

that is possible.

Article 170 : The operators of mobile telephone networks and services providers

to provide the service of mobile telephony terminals

stolen or lost, at the latest one year after the promulgation of the hereby ordinance.

Chapter IV: Pricing of networks and services

Article 171 : Rates are freely fixed by the operators and service providers in compliance with the principles of transparency,

objectivity and non discrimination, except for case of
duly justified overload.

The operators and service providers are entitled to the disposal of the users of their tariffs. They shall
ARTCI, which carries out periodically the monitoring of
their effective application and the observance of the regulation.

Telephone operators and services providers are included in the distribution of consumers for free,
after each communication, the cost of communication completed and the remaining credit.

Article 172 : The ARTCI can decide on the tariffs of an operator or service provider

absence or insufficiency of competitive offers

services and their reference cost. The purpose of the framing of the tariffs is:

- to the tariffs towards the cost;

to separate services between different services.

The ARTCI can give up to a frame when the service is marketed is not significant

account the needs of the public or when its opportunities for development are not clearly identified, in
during the launching phases of a new service.

The framing is submitted to a reasoned decision of the ARTCI, made after an investigation on the
competitive position of the service (s) in question and the evaluation of the costs.

This decision is notified to the operator or service provider concerned. It is enforceable within maximum
two months as from its notification.

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Article 173 : The ARTCI evaluates the reference cost of the services or sets of services to be framed on
the basis:

- the information provided by the operators and service providers

constitution of the cost of these services;

comparative or comparatively comparative

countries.

The ARTCI makes calculation of the cost, taking into account:

- the costs directly chargeable to the services concerned;
- the common cost in proportion to their contribution to these services;
- costs integrating the cost of the capital invested.

Article 174 : The operators and services providers are compelled to inform the public of the tariffs and the general terms

of their services offer. They communicate this information to the ARTCI one month before informing the public.

The tariffs applied by the powerful operators and service providers must be directed towards the costs.

The service provided by the operators and service providers is open to all

compliance with the general requirements of the offer

specifications is not spoiled.

The operators and service providers set up systems of measurement guaranteeing the effective

application of the tariffs published. The ARTCI periodically checks the effective application of this principle

and penalties for the offenses observed.

Article 175 : The contracts entered into between the operators and service providers and the users must specify

the conditions of the supply of service, its technical characteristics, the attractiveness of the

in the event of undergone damages. The contracts must be entirely written in French, in the

same police and be clearly legible. It must specify:

the various types of service with a view to national and international telephony

the reception is considered as separate services;

- general requirements of the offer,

service and types of maintenance service offered;

- the decomposition of the tariffs of the services provided

prices and variable prices;

- conditions of interruption of the service in the event of unpaid invoice;

- compensation and appeal procedures available to the user in the event of undergone damage;

- compensations provided in the event of a breach

the schedules of books of specifications;

- at the end of the contract,

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are restored, their value at the date of refunding.

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The ARTCI has the authority to change the terms of the contracts services.

Article 116 : In the event of disputes with an operator or a service provider, in particular on the interruption of the

service, a problem of invoicing, non-observance of the times of breakdown service, the user must first refer to the customer service of the operator or service provider. He can be assisted in his steps by an consumers' association or by a lawyer.

The user can refer to, through a request, to the ARTCI in the event of unfruitful step.

Article 177 : The referral to the ARTCI does not prevent the interruption of the supply of the service of a dispute.

The consumer continues to profit from the other non litigious services to which he subscribed in his contract.

Article 178 : Consumers' associations are entitled to be parties to legal proceedings

On their own behalf, the removal of abusive clauses damage.

The information obtained by ARTCI which is used by the can be used as evidence.

Article 179 : When the consumers are invited to a phone number of the message is compelled to indicate the prices applied to this call.

Article 180 : The operators and services providers should not sign contracts with other entities for the purpose of limiting or modifying the competition on the markets. Tea abuse from dominant position is prohibited.

Any change in the structure of the market resulting from merger, of acquisition of shares or all operations

resulting in limiting competition on the Telecommunications.

Any understanding that result of anti competitive practices is void.

TITLE X: PROVISIONAL AND FINAL PROVISIONS

Article 182 : The Telecommunications Council of Côte d'Ivoire and the Telecommunications Agency of Côte

d'Ivoire are dissolved as of the establishment of the Telecommunications / ICT Regulatory

Authority of Ivory Coast. The National Telecommunications Funds is dissolved as from

Establishment of the National Agency of Telecommunications / ICT Universal Service.

The staffs of the Telecommunications Agency of Côte d'Ivoire, the Telecommunications Council of Côte d'Ivoire and those of the National Telecommunications Funds are transferred to the ARTCI, the Ivorian Radio

Frequency Management Agency or to the ANSUT. For the purpose, the work contracts of these staffs those structures.

The assets of the Telecommunications Agency of Côte d'Ivoire and those of the Telecommunications Council

of Ivory Coast are sent to the ARTCI and the Ivorian Radio Frequency Management Agency. Tea

assets of the National Telecommunications Funds are transferred to the ANSUT. A decree sets the terms of the transfer of the assets of these structures.

Article 183 : The hereby ordinance repeals the Act n ° 095-526 of July 7th, 1995 on the Telecommunications Code and all the

other previous provisions going against it.

Article 18 4: The hereby ordinance shall be published in the Official Gazette of the Republic of Côte d'Ivoire and enforced as

State Law.

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