

Constitution of Communications Regulatory Authority

The Council of Ministers in its sessions dated ۲۶-۰۳-۱۳۸۷ (۱۶ June ۲۰۰۸) and ۲۲-۹-۱۳۸۸ (۱۳ Dec. ۲۰۰۹) ratified the Articles of Association of the Communications Regulatory Authority, upon the proposal No. ۱/۲۸۸۲۲ dated ۲۱-۰۸-۱۳۸۶ (۱۲ Nov. ۲۰۰۷), and by virtue of note ۳ of Article ۷ of MICT's Duties and Powers Act passed in the year ۱۳۸۲ (۲۰۰۳), as follows:

Article ۱- In order to implement the approvals of the Communications Regulatory Commission, hereinafter called "Commission" in this Article of Association, and to achieve the objective set in the radio communications sector and perform sovereignty, supervisory and executive duties and powers of the Ministry of Information and Communication Technology (MICT) in the field of radio communications and communications regulations, the subject of note ۳ of Article ۷ of the law of duties and power of the MICT, the Communications Regulatory Authority(CRA) hereinafter in this Article of Association, called "CRA" is established as a state organization affiliated to the MICT.

Article ۲- the CRA enjoys juridical personality and financial independence.

Article ۳- the budget required for the CRA is annually predicted and provided through the public credits and funds, out of the Ministry of ICT's budget, as a part of national annual budget bill.

Article ۴- The CRA headquarters is in Tehran and it is entitled to establish regional offices in different part of the country, by the approval of the Vice – Presidency for Management and Human Resources Development Affairs, for performing its legal duties.

Article ۵- The CRA organizational chart is provided and takes effect upon the proposal of the Minister of ICT and approval of the Vice-Presidency for Management and Human Resources Development Affairs.

Article ۶- Duties and powers of the CRA are as Follows:

- ۱- Issuance of operating license in order to provide any kind of telecommunications, postal and information technology services including condition, criteria and procedure of indemnification of losses incurred, by non-performance of them within the framework of the Commission's approvals.
- ۲- Codification national standard related to communications and information technology and proposing them to competent authority and applying standards, criteria and quality control systems and equipment type approval in service provision, and development and operation of telecommunications, postal and information technology networks, nationwide.
- ۳- Codification and offering proposal regarding unauthorized telecommunication, postal and information technology operations, fixing and exercising penalty in each particular case, within the framework of laws and regulations; when legal process is undergone.
- ۴- Codification of regulations, rules, table of tariff and rates of all services in communications and information technology sector and determination of price cap and floor in order to ensure a sound competition, continuations of service and their qualitative improvement for approval of the Commission within the framework of laws and regulations.
- ۵- Collection of license issuance royalties, frequency utilization fees, indemnification charge and all other funds which are approved according to the related laws and regulations and theirs liquidation to the treasury accounts.
- ۶- Supervision over the performance of licensees within the framework of issued licenses as well as investigation of violations and compelling the licensees to make their commitment and duties by giving notice and temporary or permanent abrogation of privileges and operating licenses.
- ۷- Codification and proposing directives and criteria for interconnection among computer and telecommunications networks from security and connection safety point of view and also their tariff to the Commission and supervising over their correct application.
- ۸- Regulating, national frequency management and monitoring and codification of the regulations and approving criteria and table and parameters for optimum utilization of frequency spectrum and governance over spectrum and national frequency table in the framework of the law of duties and power of the MCIT – approved in ۱۳۸۲ (۲۰۰۳) and other related rules and regulations.

- ۹- Codification and proposing directives to the Commission and applying the approvals at the following cases:
 - a- Framework of Service Level Agreement (SLA), for clarification of quality, in balance with expenditures in postal, telecommunications and IT networks.
 - b- Domain names, numbering and codes in postal, telecommunications and IT networks.
 - c- Protecting the customer rights in the field of postal and telecommunications services and continuous supervision over their sound operation.
 - d- Codification and proposing necessary directives in order to adjust the relations among postal, telecommunications and information technology service providers.
 - e- Offering proposals on the amendment and reformation of the sector to the Commission.
 - f- Supporting greater presence and partnership of non-governmental sector in development of postal, telecommunications and information technology activities and continuous supervision over their proper exercise.
 - g- Proposing amendment to the postal, telecommunications and communications regulations, to the legal competent authorities.
- ۱۰- All duties and powers of the ICT stipulated in the "Usage of Private and Non-professional (Amateur) wireless Act", passed in the year ۱۳۴۵ (۱۹۶۷) and its subsequent amendments, as well as all related international commitments that in accordance with the law, the I.R of Iran is bound to abide by.
- ۱۱- To conduct research and provide relevant specialized training courses and publicize information concerning authorized radio communications services using the capabilities of the governmental and non-governmental sectors.
- ۱۲- To draw up and publish periodical report regarding the status and quality of rendering telecommunications, postal and information technology services throughout the country, together with regional and international comparative assessment.
- ۱۳- To support industries owners, associations and syndicates providing communications and telecommunications services and guiding them.
- ۱۴- To perform all related affairs which are referred to the CRA by the MICT, complying with related rules and regulations.
- ۱۵- Representing, membership and attendance in related international and regional assemblies and unions in order to safeguard national interests in the framework of general policies of the Islamic Republic of Iran, complying with relevant rules and regulations.
- ۱۶- In order to enforce provision ۱۰, article ۶۸ of the law of "Management of the Country Services," and to absorb and keep appropriate human resources for professional and managerial positions, the CRA can pay necessary allowances by the coordination with the Vice-Presidency for Human Resource and Management Development, complying with related rules and regulations, after being passed by Council of Ministers.

Article ۷- The president of the CRA, who is also deputy Minister of ICT and Secretary of the Commission is assigned by the Minister and is the Chief Executive Officer of the CRA.

Article ۸- The Duties and powers of the president of the CRA are as follows:

- ۱- Making necessary arrangements for implementation of the approvals and decisions taken by the Commission.
- ۲- Performing all administrative, financial, employment and executive affairs of the CRA, within the framework of this Articles of Associations and relevant laws and regulations.
- ۳- Codification and proposing regulations and rules to the Commission and preparation of the agenda and notifying the approvals.
- ۴- Planning, guidance and keeping control on the CRA activities and drawing up budget to be proposed to the Vice Presidency for Planning and Strategic Control Affaires and its implementation.
- ۵- Supervision over good performance of the activities stipulated in the Article of Association and related rules and regulations.
- ۶- Issuance of employment decrees and respective mandates for the staff of the CRA.
- ۷- Representing the CRA at judicial and non-judicial authorities with the rights of attorney appointment and substitution, referral of cases to arbitration, offering proposals for amicably dispute settlement, with due observance of the Principle ۱۳۹ of the Constitutional Law of the Islamic Republic of Iran.

- ٨- Performing all related affaires required for accomplishment of the CRA duties and powers within the framework of the rules and regulation.
- ٩- Offering proposals on financial, transactional and recruiting regulations of the CRA procedure to the MICT to be approved by the competent authorities.

Note: president of the CRA is entitled to entrust parts of his liabilities to any of his Vice-Presidents, directors or staff, at his own discretion and responsibility.

Article ٩- All properties of the Directorate General of Radiocommunications and Department of Deputy Minister for Telecommunications Affairs, would be transferred to the CRA and are considered as its asset.

Article ١٠- This Article of Association succeeds the decree No. H٣١٥٩٤T/٣٩٩٨٩ dated ٢٠٠٩-١٣٨٤ (١١ Dec. ٢٠٠٥) and contradictory rules and directives are abrogated.

This Article of Association has been approved by the Guardians council according to letters No.٨٧/٣٠/٢٨٣٨٥ dated ٠٣-٠٩-١٣٨٧(٢٥ Aug. ٢٠٠٨) and ٨٨/٣٠/٣٩٩٢٢ dated ٨-١٠-١٣٨٨(٢٩ Dec. ٢٠٠٩).