

The technical and financial offers relating to the hiring of the excess capacity of the resources provided for in the subparagraph one of the article herein shall be published and this after approval of the national telecommunications authority.

The hiring of the excess capacity of the telecommunications resources available on the public services networks is the subject of an agreement which fixes the technical and financial conditions of the exploitation, a copy of this agreement is transmitted to the national telecommunications authority, for information.

Article 57 (third paragraph new) - The Ministries of National Defense and the Interior proceed, each in his respective capacity, and in the event the use of the radio-electric equipments would be likely to harm national defense and public safety, to the research of the clandestine stations and the control of the content of their emissions.

Article 74 (dash n° 3 new) - If the contravener does not conform to the injunction indicated above, the national telecommunications authority imposes on him a fine not exceeding 3% of his sales turnover realized during the financial year of the previous year net of tax.

Article 75 (new) – The authority decisions, made as regards the examination of the litigations provided for in dash 4 of article 63 and in accordance with the procedures provided for in articles 67, 68 and 69 of the telecommunications code,

The authority may, in cases of extreme urgency, order the immediate implementation of its decisions notwithstanding the appeal.

These decisions are notified to the interested by a bailiff. They are likely of recourse before the Court of Appeal of Tunis within a deadline of 20 days starting from the date of their notification.

Art. 2 - Are added to the telecommunications code promulgated by the law n° 2001-1 dated 15 January 2001 the dashes 28, 29, 30, 31, 32, 33 in article 2, article 31 ter, article 31 quater, article 31 quinquies, a second paragraph to the dash n°3 of article 74, and article 75 (bis) as follows :

Article 2 :

Dash 28 - Operator of a virtual telecommunications network : any legal entity holding an authorization for the supply of the telecommunications services by means of a network of telecommunications and frequencies radio-electric which he does not have.

Dash 29 - Internet Services : The services which ensure the connection of public Internet through a public telecommunications network and the supply of the services based on the Internet protocol.

Dash 30 - Internet access services : Service offered to the public through a public telecommunications network connected to the Internet and which allows access to the

Law n° 2013-10 dated 12 April 2013, amending and completing the telecommunications code (1).

In the name of the People,

The National Constituent Assembly having adopted,

The President of the Republic enacts the following law :

Article one - The provisions of article 28 (bis), of the third paragraph of article 57, of the dash n° 3 of article 74 and article 75 of the telecommunications code promulgated by law n° 2001-1 dated 15 January 2001, as amended and completed by law n° 2002-46 dated 7 May 2002 and law n° 2008-1 dated 8 January 2008, are repealed and replaced as follows:

Article 28 bis (new) - Any excess capacity of telecommunications resources available on the public services networks may be rented to the operators of the public telecommunications networks.

(1) Preparatory works :

Discussion and adoption by the national constituent assembly during its session held on 3 April 2013.

data in order to consult them or to consult and exchange them.

Dash 31- Internet services supplier : any natural person or legal entity answering the legal and regulatory conditions and who ensures the supply of Internet services.

Dash 32 - Internet exchange point : The service which ensures the delivery of Internet traffic between the internet access suppliers and/or the operators of the public telecommunications networks between them and its connection to the world Internet network.

Dash 33 - Supplier of an Internet exchange point : any legal entity holding an authorization to ensure an Internet exchange point on a national and international scale.

Article 31 (ter) - The exploitation of a virtual telecommunications network is submitted to the prior authorization of the Minister in charge of telecommunications after opinion of the national telecommunications authority. An agreement is concluded for this purpose with the concerned operator of the public telecommunications network. The conditions and procedures of granting this authorization are fixed by decree.

The granting of the authorization is submitted to the payment of a royalty fixed by the decree provided for in the first paragraph of the article herein.

Article 31 (quater) - The activity of the Internet services supplier is submitted to the prior authorization of the Minister in charge of telecommunications, after opinion of the Minister of the Interior and the national telecommunications authority. The conditions and procedures of granting this authorization are fixed by decree.

The granting of the authorization is submitted to the payment of a royalty fixed by the decree provided for in the first paragraph of the article herein.

Article 31 (quinquies) – The supply of an Internet exchange point is submitted to the prior authorization of the Minister in charge of telecommunications, after opinion of the national telecommunications authority. The conditions and procedures of granting this authorization are fixed by decree. The granting of the authorization is submitted to the payment of a royalty fixed in accordance with the criteria determined by the decree provided for in the paragraph one of the article herein.

Article 74 (dash n° 3 second paragraph new) – The authority may order the publication of the decisions inflicting the sanctions on the operators of the public telecommunications networks or on the suppliers of the telecommunications services in newspapers which it indicates, and this, on the expenses of the contravener.

Article 75 (bis) - The decisions made by the national telecommunications authority apart from its attributions mentioned at the level of dash 4 of article 63 are considered administrative decisions and likely of recourse for abuse of power in front of the administrative tribunal.

The law herein shall be published in the Official Gazette of the Republic of Tunisia and implemented as law of the State.

Tunis, 12 April 2013.

The President of the Republic
Mohamed Moncef Marzougui