THE PRESIDENT OF THE REPUBLIC SURINAME,

Whereas within the framework of the telecommunications developments to promote efficient facilities for telecommunications it is desirable to lay down new rules;

Having heard the Council of State, after approval by the National Assembly, has ratified the act below:

CHAPTER 1
GENERAL PROVISIONS

Article 1. Definitions

For the purposes of this act and the provisions founded thereon the following terms shall have the following meanings:

a. point of connection: an end point of the telecommunications infrastructure that serves to connect peripherals;

b. concession holder: a legal person to whom a concession has been granted by virtue of Article 9, paragraph 1;

c. managing director: the Managing Director of the Telecommunications Authority Suriname, as referred to in Article 2 paragraph 2;

d. wire-broadcasting device: a device or part thereof intended to spread broadcasting programs by means of cables and cable works or radio connections between two fixed points, to one or more pieces of land, dwellings or buildings that do not serve as dwellings, or parts of buildings, used by others;

e. consumer: any natural person or legal person who
utilizes a public telecommunications service for private or business purposes, without necessarily being subscribed to said service;

f. regulated services: services that are subject to specific conditions to be provided;

g. interconnection: the connection to each other of forms of telecommunications infrastructure whether or not distinguishable, which are basically not connected to one another, in such manner that the consumer of a connection point at a certain telecommunications infrastructure (1) is able to build a connection with a connection point of another telecommunications infrastructure, (2) has access to services that are offered through other telecommunications infrastructure;

h. internal network: a system of cables and cable works that are located within a building or a block of buildings insofar as belonging to one enterprise or institution, whether or not connected to each other by means of radio magnetic transmitter and receivers and with which various types of peripherals are connected both mutually and with the telecommunications infrastructure;

amendments subsequently introduced thereto;

j. cables: conductors intended for telecommunications;

k. cable network: telecommunications infrastructure connected to and on behalf of the functioning of wire-broadcasting and cable devices;

l. cable works: the support works, protection works and signal devices belonging to the cables as well as the devices intended to establish a connection therein between cables in, on or above public land on the one hand and cables in buildings and land constituting one whole therewith on the other hand or between last-mentioned cables mutually;

m. Minister: the Minister in charge of the communications sector;

n. mobile infrastructure: the elements of a public telecommunications network that is fully or partially used for the supply of the mobile public telephone service

o. mobile services: services that consist of the direct transfer and routing of signals and the establishment of radio communication in this respect with a mobile consumer who makes use of a connection point of a telecommunications network that is not located at fixed locations;

p. non-regulated services: services, the supply of which is not subject to specific conditions;

q. number: digits, letters or other symbols whether or not in combination that serve for access to or identification of consumers, connection
r. number identification: a facility to, before the connection is established, (1) furnish the number of the caller to the receiver, (2) furnish the number of the receiver to the caller;

s. number plan: a plan comprising the destination of numbers, including data about length and composition of the numbers included in said plan;

t. broadcasting program: a program of words, tones or images intended for all those who wish to receive these;

u. public land: (1) the public roads inclusive of the pavements related thereto, slopes, shoulders, ditches, bridges, viaducts, culverts, sheet piling and other works, (2) the waters with accompanying bridges, the public gardens, squares and other places intended for common use, (3) the railroads with plots belonging thereto;

v. public telecommunications service: telecommunications service that is available to the public;

w. President: the President of the Republic of Suriname;

x. Board: the Board of Supervisory Directors of the Telecommunications Authority Suriname, as referred to in Article 5;

y. radio-electromagnetic transmitters and receivers: installations that serve as transfer of information on the basis of electromagnetic waves;

z. peripherals: a device or a system of devices intended
for direct connection to the telecommunications infrastructure by means of a connection point;

aa. TAS: the Telecommunications Authority Suriname, as referred to in Article 2 paragraph 1;

bb. telecommunications: any transfer, transmission or reception of signals of any nature whatsoever by means of cables, along radio-electromagnetic way or by means of optical or other electromagnetic systems;

cc. telecommunications infrastructure: a system of devices with means ancillary thereto, intended for telecommunications that fully or partly exceed public land, which system is bordered by connection points attached thereto, and inclusive of the connections to telecommunications devices abroad;

dd. Telesur: the Telecommunications Company Suriname;

e. fixed connection: a possibility for direct transfer of signals between two connection points, the establishment of which cannot be influenced by the consumer via a connection point;

ff. license holder: a legal person and/or natural person that has been granted a license.

CHAPTER 2

TELECOMMUNICATIONS AUTHORITY SURINAME

Article 2 Establishment TAS

Article 2

1. This act establishes a Suriname Telecommunications Authority, abbreviated
TAS; the TAS is a legal person and is domiciled in Paramaribo.

2. The TAS shall be under the management of a Managing Director, who shall be appointed, suspended and dismissed by the President on the recommendation of the Minister after approval thereto by the Council of Ministers; the appointment of the Managing Director shall be for a term of five years.

3. The Managing Director shall represent the TAS at law and otherwise.

4. By resolution requirements shall be laid down as regards the eligibility of the Managing Director.

5. The TAS officers shall be appointed, suspended and dismissed by the Managing Director.

6. The legal position and the other employment conditions of the officers shall be laid down in a separate regulation.

Article 3 Tasks of the TAS:

1. The tasks of the TAS shall be:
   a. to enhance the introduction of new technologies and services;
   b. to advise the Minister on affairs related to telecommunication, if so requested or on its own accord;
   c. to prepare the concessions to be granted and to monitor the compliance with the concession conditions by the concession holders;
   d. to supervise the rates for services that are regulated and/or assigned;
   e. to grant licenses and to monitor the compliance with the licensing conditions by the license holders;
   f. to represent the Republic of Suriname with international organisations;
   g. to manage the frequency spectrum;
   h. to manage the number plan;
   i. to standardize and to control peripherals;
   j. to settle disputes;
   k. to manage the Universal Services Fund;
   l. to perform the activities assigned to the TAS by and pursuant to this act;
   m. to perform telecommunications activities, unless explicitly provided
otherwise in this act.

2. The Minister shall ask advice of the TAS with regard to:
   a. any affair of a policy nature related to the implementation of this act;
   b. any proposal to amend this act and the provisions founded thereon.

**Article 4  Management of the TAS**

1. The Managing Director may be assisted by one or more assistant managers.

2. In the event of any vacancies or the absence of the Managing Director an assistant manager to be designated thereto by the Board of Supervisory Directors shall be charged with the full management. In the event of any vacancies or the absence of the Managing Director and all assistant managers, the Board shall be charged temporarily with the management, without prejudice to the authority of said Board to then assign the management temporarily to one or more persons, whether or not from their number.

3. The assistant managers shall be appointed, suspended and dismissed by the Minister, on the recommendation of the Board, after approval thereto of the Council of Ministers.

4. The employment conditions of the Managing Director and the assistant managers shall be determined by the Minister, having heard the opinion of the Board, after approval thereto of the Council of Ministers; the Managing Director and the assistant managers may not hold additional positions, either with or without payment; furthermore the Managing Director and the assistant managers may not in their private capacity have a representation or shares in affiliated companies.

5. A suspension as referred to in paragraph 3 of this Article, shall be notified in writing to the assistant manager, stating the reasons thereto; prior to taking such a decision the Minister shall give him the opportunity to defend himself within 1 (one) month before him or an officer to be appointed thereto or a committee to be installed thereto by the Minister.

6. Appeal from the dismissal lies with the President within 30 (thirty) days after the dismissal has been notified to the assistant manager; the President, having heard the opinion of the Minister, shall decide in writing within six weeks following the lodging of the appeal, stating the grounds on which the decision is based.
Article 5  Board of Supervisory Directors

1. The Board shall consist of at least 5 (five) and no more than 7 (seven) supervisory directors who are appointed by the Minister, on the recommendation of the Minister after approval thereto from the Council of Ministers and this for a term not exceeding 3 (three) years; after said term the supervisory directors shall be eligible for reappointment immediately, without prejudice to the right of the Minister to dismiss the supervisory directors interimly after approval thereto by the Council of Ministers.

2. The Minister shall after approval of the Council of Ministers, appoint one supervisory director as Chairperson of the Board; the Board shall elect from their number a Secretary; the Board shall determine the division of tasks among themselves.

3. The supervisory directors shall receive a remuneration to be determined by the Minister; the remuneration shall be charged to the statement of operating income and expenditure of the TAS.

4. Any other matter concerning the Board not regulated in this Act, shall be laid down by regulations.

Article 6  Instructions of the Minister

The Minister may give TAS general instructions with regard to the performance of the tasks referred to in Article 3 paragraph 1; in the event said instructions are related to the policy on fines to be imposed by the TAS, the Minister shall only issue said instructions after consultation with the Minister in charge of justice and police.

Article 7  Funds of the TAS

The funds of the TAS shall among other things be formed by:

a. the concession fee as referred to in article 21;

b. the payments for licenses granted by the TAS;

c. the payments as mentioned in article 81;

d. the penalties imposed by the TAS in pursuance of this act and the provisions founded thereon;

e. the costs paid by the violator for administrative enforcement exercised in pursuance of article 85 paragraphs 2 or 3;

f. the collected penalty payments as referred to in article 86;

g. payments that the TAS receives for work performed for third parties;
h.  resources obtained from donations, specific legacies or otherwise, investments or interest of savings deposits;

i.  proceeds from tenders and auctions as referred to in article 9 paragraph 6 and article 62 paragraph 4.

2.  Annually after deducting the operating costs and reservations for development, the surplus shall be paid to the State.

Article 8  Budget and reports

1.  Annually, prior to November 1, the Managing Director shall adopt a budget for the next calendar year and submit the same to the Board for approval.

2.  Annually, prior to April 1, the Managing Director shall report to the Board and the Minister on the financial management of the previous calendar year; said report shall be accompanied by a statement regarding the fairness and legitimacy issued by an expert as referred to in Article 74 of the Commercial Code.

3.  In addition, annually prior to April 1, the Managing Director shall report to the Board and the Minister about the previous calendar year as to the activities, the policy pursued in general and the efficiency and effectiveness of the activities in particular.

CHAPTER 3  TELECOMMUNICATIONS INFRASTRUCTURE AND SERVICES

§ 1. Concession

Article 9  Concession requirement

1.  It is prohibited to install, develop and operate telecommunications infrastructure, without a concession to that effect, granted by the President by resolution, at the advice of the Minister, after having heard the TAS.

2.  A concession shall be granted to legal persons incorporated under the laws of Suriname and domiciled in Suriname and to those persons considered equivalent thereto.

3.  Legal persons as referred to in paragraph 2 of this Article, may only apply for a concession for:

a.  installing, developing, maintaining and operating fixed infrastructure for telecommunications in Suriname, in the process of which regulated and non-regulated services may be offered;
b. installing, developing, maintaining and operating fixed infrastructure for mobile telecommunications in Suriname, in the process of which regulated and non-regulated services may be offered.

4. A concession shall only be granted if such serves to enhance an efficient maintenance of telecommunications in the general social and economic interest.

5. A concession shall only be granted after it has been established to the satisfaction of the President that the legal person referred to in paragraph 2 of this article at least has available sufficient financial resources, technical knowledge, organisational skills and experience as regards telecommunications.

6. Granting a concession shall be done by means of a comparative test and/or an auction in pursuance and in accordance with an invitation prepared by the TAS, and as to that coming from the Minister and published in the Government Gazette of the Republic of Suriname.

Article 10 Radio frequencies and capacity

1. The TAS shall confer to each concession holder the radio frequencies that are necessary for the implementation of the concession; regulations may be attached to such conferral and said conferral may be granted subject to restrictions; unless not otherwise stipulated, the rules laid down by virtue of article 49, paragraph 3 shall apply by analogy.

2. Each concession holder shall ensure that the capacity, the quality and the features of the telecommunications infrastructure meet an efficient maintenance of telecommunications.

§ 2. Interconnection

Article 11 General interconnection obligations

1. Each concession holder is in the interest of an efficient maintenance of telecommunications, obliged to provide interconnection, if a request is made to that effect by telecommunications service providers.

2. Each concession holder is obliged to establish an interconnection offer on the basis of a model agreement indicated by TAS that shall be published in the Government Gazette of the Republic of Suriname.

3. The interconnection agreement shall constitute the basis for granting the interconnection.

4. Upon providing interconnection each concession holder shall ensure that:
a. the conditions for coupling are not discriminatory;
b. the conditions for coupling are transparent and the rates for coupling are not combined;
c. the payments for coupling as part of the conditions are cost-oriented.

5. By or pursuant to state decree additional rules may be laid down as regards the obligations as to establishing the interconnection and the supervision of the TAS thereon.

Article 12  Interconnection agreement

1. Each concession holder is obliged to enter into negotiations with interconnection applicants to come to agreements on grounds of which the interconnection shall be established; in case there is no agreement, the TAS may set a term within which the same shall be established.

2. The costs to establish interconnection shall be charged to the person who applies for said interconnection.

3. As soon as possible copies shall be sent to the TAS, of agreements as referred to in paragraph 1 of this Article; said agreements shall be entered into in pursuance of the state decree as referred to in paragraph 5 of Article 11.

4. If to the discretion of the TAS an agreement is contrary to the provisions by or pursuant to this act, it shall notify parties thereof with mentioning the provisions of the agreement that in its opinion need to be amended; the concession holders concerned shall only have complied with the obligations attached to the interconnection, after said amendments have been made.

5. If parties that are obliged to enter into an interconnection agreement are not able to accomplish such, the TAS may on request of one or more of said parties lay down the rules that shall apply between them.

6. If either party wishes a judicial decision, the rules laid down by the TAS shall be effective until the court has pronounced a decision to that effect.
§ 3. Services

Article 13  Regulated and non-regulated services

A license issued by the TAS shall be required for persons other than concession holders to offer regulated and non-regulated services; it shall be stipulated by state decree which services are regulated.

Article 14  Assigned services

1. In the interest of the general social and economic telecommunications business, each concession holder may be obliged to provide the regulated services to be described by state decree and to make the use of these available to everyone at payment.

2. Each concession holder is authorised to fully or partly exclude consumers of services referred to in paragraph 1 of this Article from the use thereof:
   a. if said consumer acts contrary to the obligations resting with him in pursuance of the terms and conditions of the concession holder concerned;
   b. insofar as the use made by these consumers of said facilities constitutes such an impact on said facilities that this leads to hindrance to other consumers of said facilities, or in case telecommunications coming from Suriname are concerned, this use is done in such manner that there is a change of direction of communication, as a result of which the fees due for utilising these facilities do not accrue to a concession holder to its full extent, unless agreements have been made to that effect with the concession holder concerned.

Article 15  “Call-back”

Nobody is allowed to offer facilities for telecommunications or the use thereof in any form whatsoever, insofar as these facilities constitute such an impact on facilities made available by virtue of the services referred to in Article 14 paragraph 1, that this leads to hindrance to other consumers of said facilities, or in case telecommunications coming from Suriname are concerned, these facilities result in a change of direction of communication, as a result of which the fees due by a consumer to a concession holder for utilising these facilities do not accrue to a concession holder to its full extent, unless agreements have been made to that effect with the concession holder concerned.
Article 16  Public telephone
It shall be prohibited without a license issued by the TAS, or to others than a concession holder, to place and operate a publicly accessible facility intended for the direct transfer of signals over the telecommunications infrastructure.

Article 17  Telephone directory
It is forbidden to produce, distribute or have in stock for distribution, telephone directories and such notifications of persons who are connected to the telecommunications infrastructure in order to make use of the services assigned to a concession holder by virtue of Article 14 paragraph 1, or of other data concerning these services in addition to imitations, produced in any manner whatsoever, of printing material, forms and documents used by a concession holder, otherwise than with the permission thereto of the concession holder concerned, without prejudice to the provisions laid down to that effect in other statutory regulations.

Article 18  Services with an international effect
It is not allowed without a license of the TAS, or to persons other than a concession holder, to offer services with an international effect.

§ 4. Concession conditions
Article 19  Concession conditions
1. Conditions shall be attached to a concession, which will be laid down by resolution in pursuance of Article 9 paragraph 1.
2. In addition to the conditions to be attached to a concession in each special case, the concessions in view of the implementation of Article 9 paragraphs 1 and 3, Article 10 paragraph 2 and Article 14 paragraphs 1 and 2 shall in any case refer to:
   a. the size and the nature of the concession;
   b. the duration of the concession;
   c. the grounds for revoking the concession;
   d. the maintenance of a good telecommunications infrastructure and appropriate services;
   e. the manner and extent of the services;
   f. the cooperation between concession holders;
g. the establishment of terms and conditions;
h. the confidentiality;
i. the protection of privacy;
j. the furnishing of periodic information to the TAS for the purpose of the supervision in pursuance of rules to be laid down by the Minister.

3. A decision to establish new or amendments to existing conditions shall be taken with due observance by the concession holder of operations aimed at commercial lines and continuation.

4. The TAS may lay down rules with regard to rates to be applied by a concession holder and the changes thereto.

**Article 20 Amendments to concession conditions and revocation of concessions**

1. An amendment to the concession conditions as referred to in Article 19 paragraphs 1 and 2, shall only enter into force one year following the establishment by resolution, unless a general interest to be mentioned to that effect, urgently requires such or the concession holder concerned agrees with the earlier coming into force of said amendment.

2. In the event of non-compliance of the rules and regulations laid down by or pursuant to this act, the President may revoke the concession on the recommendation of the Minister, after hearing the advice of the TAS.

**Article 21 Concession fee**

1. The concession fees to be paid to the TAS, shall consist of:
   a. a lump sum payment for the granting of the concession;
   b. an annual payment for the monitoring of the compliance of the rules and regulations laid down by or pursuant to this act, as well as for the exercise of the authorities as regards telecommunications by the TAS.

2. The payments referred to in paragraph 1 of this Article shall be laid down by decree.

**Article 22 Settlement of disputes**

1. Without prejudice to the provisions laid down in article 10 of the Constitution, the TAS shall settle the following disputes between:
   - concession holders mutually;
- concession holders and other suppliers of telecommunications services;
- consumers and suppliers of telecommunications services with regard to the application of the terms and conditions set by said supplier.

2. By state decree further rules shall be laid down as regards the settlement of disputes.

3. Appeal from the decisions taken by the TAS on the disputes referred to in paragraph 1 of this article, shall lie with the Minister and this within thirty days following the notification of said decision to the party concerned; the Minister shall install a dispute resolution committee for that purpose to advise him to that effect.

**Article 23  Dispute resolution committee**

1. The dispute resolution committee shall consist of:
   a. a chairperson;
   b. a representative of the Ministry in charge of the maintenance of the communications sector;
   c. a representative of the business community.

2. The committee shall lay down a standing order, which includes rules concerning the procedure; said standing order shall require the approval of the Minister.

3. The committee may be assisted by relevant experts.

4. The chairperson and the members of the committee shall receive for their work a remuneration to be determined by the Minister, which remuneration shall be charged to the parties concerned.

**§ 5. Number management**

**Article 24  Conferral of numbers**

1. In the interest of ensuring efficient telecommunications, the TAS shall be in charge of the care of the management of numbers to be used by consumers, concession holders and other suppliers of public telecommunications services.
2. In view of the care referred to in paragraph 1 of this article, the TAS shall lay down one or more number plans in which in any case the designated use of the numbers included therein is indicated.

3. The conferral and reservation of numbers shall be done by the TAS; in doing so the TAS shall not derogate from the number plans laid down; in the interest of ensuring an efficient conferral of numbers, regulations may be attached to the conferral or reservation and they may be conferred subject to restrictions.

4. The TAS is obliged to report the number plans to all international telecommunications organizations, of which Suriname is a member.

Article 25  Refusal of numbers

1. The conferral or reservation of numbers shall be refused in case:
   a. the applicant does not belong to either of the categories referred to in Article 24 paragraph 1;
   b. conferral thereof is contrary to a number plan;
   c. the numbers applied for are already being used;
   d. it may reasonably be expected that the applicant will not be able to comply with the provisions laid down by or pursuant to this act as regards numbers.

2. The conferral or reservation of numbers may furthermore be fully or partly refused, in case:
   a. on grounds of the application it may not be reasonably expected that the intended use will be realised within one year or within the term during which the reserved numbers remain available in accordance with the reservation;
   b. the intended use described in the application does not justify the amount of numbers applied for;
   c. an earlier conferral was revoked:
      1st : on grounds of the provisions laid down in Article 101 paragraph 1 under d;
      2nd : due to violation of the rules laid down by this act or the regulations attached to the conferral or of the restrictions subject to which this was granted.
Article 26  Revocation of numbers
1. The numbers conferred or reserved shall be revoked, in case:
   a. the holder of the numbers conferred requests such;
   b. a modification of a number plan necessitates such;
   c. the efficient use of numbers demands such in the general social and economic interest;
   d. the grounds on which the conferral or reservation is based do not apply anymore.
2. The numbers conferred or reserved may be revoked if the holder of the number conferred or the reservation does not comply with the rules laid down by or pursuant to this act, or the regulations attached to the conferral or reservation or those of the restrictions subject to which these were conferred.

Article 27  Number register
The TAS shall keep a number register that shall include an overview of the numbers that have been conferred and reserved, and in case of reservations, the term during which the reservation is maintained.

Article 28  Number plans
By state decree rules shall be laid down with regard to:
   a. that which should be taken into account upon drawing up the number plan;
   b. the procedures to be followed regarding the reservation and issue of numbers;
   c. the set-up and inspection of the number register.

Article 29  Derogation number plan
1. It is forbidden to use other numbers for a destination that occurs in a number plan than those included in said plan for the destination in question.
2. It is forbidden to use numbers that occur in a number plan or in a designated destination and that have not been issued by TAS or that derogate from the destination indicated with the conferral by the TAS in accordance with a number plan.
§ 6. Number identification

Article 30  Offering number identification
1. A concession holder shall offer the number identification service, in case the telecommunications infrastructure enables such.
2. A concession holder shall offer any consumer that requests such, the possibility to block or disconnect the passing on of his number.
3. The TAS may lay down additional rules as regards the service referred to in paragraph 1 of this article with respect to:
   a. the conditions on which the identification of the numbers of caller and called point of connection may be ended;
   b. the manner in which the number identification may be implemented in international telecommunications;
   c. the manner in which the concession holders shall inform the consumers about the use of number identification.

Article 31  Emergency numbers
1. Each concession holder that offers number identification is obliged to simultaneously furnish to the managers of an emergency number for public services appointed thereto by the Procurator General with the Court of Justice, if telecommunications with an emergency number are handled:
   a. the number of the calling connecting point also if with that connection point use is made of a blocking possibility as referred to in Article 30 paragraph 2 under b;
   b. name, address and place of residence of the subscriber or the location of the establishment that is accessible to the public, as referred to in Article 16, connected under the number in question; the announcement of the decision to designate as referred to in the opening sentence of this paragraph, shall be published in the Government Gazette of the Republic of Suriname.
2. The numbers issued and the data referred to in paragraph 1 under b of this Article, shall be registered by the managers as referred to in the opening sentence of paragraph 1.
3. Furnishing numbers and data from the register shall only be done in view of:
a. the rendering of assistance in emergencies; to the designated public services charged with assistance duties;
b. the combating of the abuse of emergency numbers; to the person who is in charge of the investigation of the abuse concerned, in view of prosecution, if any.

4. The term during which the numbers and data referred to in paragraph 2 of this Article remain registered, shall not exceed:
a. one month, if the numbers and data are related to cases in which there is obviously a request for assistance in an emergency;
b. six months, if the numbers and data are related to cases in which there is obviously abuse of an emergency number for public services;
c. twenty-four hours in all other cases.

5. The manager referred to by virtue of paragraph 1 of this Article shall pay the costs pertaining to the furnishing of the numbers and data referred to in paragraph 1 under a and b.

§ 7. Authorised wiretapping

Article 32 Tap ban

1. It is forbidden for others than those with whom a connection is established, to take cognisance of signals transferred over the telecommunications infrastructure.

2. The ban as referred to in paragraph 1 of this Article shall not apply insofar as such is done to implement a special order issued by:
   a. the President insofar as the need and the desirability demand such in the interest of national security;
   b. the Procurator General with the Court of Justice in the interest of maintaining national security insofar as such is related to the investigation and prosecution of offences pursuant to the Code of Criminal Procedure.

3. The ban referred to in paragraph 1 of this Article shall not apply to the staff authorised thereto by a concession holder, yet only insofar as such is necessary in the interest of the proper performance of the service.
Article 33 Interceptability
1. Each concession holder shall ensure that the signals transferred over his telecommunications infrastructure are interceptable, before these are made available to a consumer.
2. By state decree rules may be laid down with regard to the technical interceptability of the telecommunications infrastructure.

Article 34 Special warrant
1. Each concession holder is obliged to render assistance in implementing a special warrant issued by a competent agency or person to wiretap or record telecommunications handled over his infrastructure; for these purposes each concession holder is also obliged to furnish to and have available for the competent authorities, any information that is necessary to be able to implement a special warrant.
2. By state decree rules may be laid down with regard to:
   a. the organizational and personnel measures and the steps to be taken with regard to wiretapping;
   b. the furnishing and having available information as referred to in paragraph 1 of this Article.

Article 35 Security
1. Each concession holder is obliged to protect data with regard to a special warrant as referred to in Article 34 paragraph 1 and the furnishing of information as referred to in Article 31 paragraph 3, against cognisance thereof by unauthorised persons, as well as to observe secrecy as regards these data.
2. By state decree rules may be established with regard to measures to be taken in connection with the protection of data as referred to in paragraph 1 of this Article.

§ 8. Other provisions

Article 36 International provisions
1. In implementing this act, any provider of telecommunication services is obliged to observe the obligations resting with him as regards providing international telecommunications and the obligations related thereto, which
ensue from the ITU-convention as well as from other binding agreements or resolutions of international institutions.

2. By or on behalf of the President regulations may be issued to concession holders as regards:
   a. guaranteeing a proper application of paragraph 1 of this Article;
   b. rendering the necessary assistance to the Minister and the Minister in charge of the care of foreign affairs, in preparing agreements and resolutions as referred to in paragraph 1 of this Article and the international consultation to be conducted in this connection.

**Article 37 Lightning**

Any concession holder is obliged to fit with the necessary facilities to protect the telecommunications infrastructure against lightning strokes.

**Article 38 Liability**

1. Each concession holder is only liable for damage to third parties as a result of the malfunctioning or faulty functioning of the telecommunications infrastructure and shortcomings upon performing the services rendered by him and of the maintenance of permanent connections, if the damage:
   a. results in death or bodily injury;
   b. is the result of him acting in contravention of the Articles 435, 438, 439 and 440 of the Criminal Code;
   c. is the result of not furnishing or incorrectly furnishing, careless management or processing of data concerning the consumers of the services concerned or by administrative errors related to said data.

2. By state decree amounts may be established for the liability as referred to in paragraph 1 of this Article, which amounts may not be exceeded; the amounts may differ subject to among other things the nature of the event, and the nature of the services provided by the concession holder.

3. A concession holder may not invoke the exclusion or limitation of his liability ensuing from the paragraphs 1 and 2 of this Article, insofar as the damage was created by his own acts or omissions, either with the intent to cause said damage or recklessness and with the knowledge that said damage would probably ensue from these acts or omissions.
Article 39  Liability international telecommunications
As regards the care of the international telecommunications, a concession holder shall only be liable in accordance with the provisions of the ITU-agreement and in accordance with other binding agreements Suriname has entered into, or resolutions of international institutions concerning international telecommunications.

CHAPTER 4
UNIVERSAL SERVICES

Article 40
1. In the general social interest by state decree public telecommunications services shall be designated that must be available for everyone at affordable prices and of a certain quality.
2. In the general social interest by or pursuant to a state decree rules shall be laid down as to the amount of the price and the required quality level referred to in paragraph 1 of this Article; in establishing the amount of the price, a distinction may be made between groups of consumers.
3. In order to support and guide the national information, communication and technological development, by state decree a national Information, Communication and Technological Institute shall be installed. Said state decree shall also lay down rules as regards the funding. This national institute shall directly come under the President, who may charge a Minister with the implementation thereof.

Article 41
1. The President may at the advice of the Minister, include as a condition in the concession that the concession holder shall provide universal services, on the condition that such a service takes place in a transparent, non-discriminatory and competitiveness-neutral manner.
2. A concession holder, who in pursuance of his concession is obliged to render universal services, shall do so at affordable prices pursuant to the state decree as referred to in Article 40 paragraph 2.

Article 42  Universal Services Fund
1. A fund shall be established, named the Universal Services Fund. Said fund shall
be managed by the TAS in pursuance of rules laid down by resolution.

2. Each concession holder shall contribute to the fund.

3. At the advice of the TAS, the Minister shall determine which percentage of the gross revenues of the concession holder shall be contributed to the fund; the percentage to be contributed shall be the same for all concession holders.

4. The President shall, on the recommendation of the Minister, after hearing the advice of the TAS, specify for which services and in which areas concession holders are entitled to payments from the fund if they have offered the designated services in the areas concerned.

Article 43  Goal of the Universal Services Fund

1. The fund shall on the recommendation of the TAS, be used to compensate any concession holder who is assigned to render universal services by virtue of Article 40, or to promote universal services.

2. The President shall through the Minister calculate the amount of the compensations to be paid as referred to in paragraph 1 of this Article, on the basis of the concession conditions and in pursuance of the rules laid down by resolution.

3. The TAS shall pay the compensation referred to in the previous paragraph to the concession holders concerned.

4. In laying down the rules as indicated by paragraph 2 of this Article, the Minister will also be guided by the actual costs that the concession holder incurs in providing the universal services concerned.

CHAPTER 5

TELECOMMUNICATIONS EQUIPMENT OF A SPECIAL NATURE OR LIMITED EXTENT

§ 1. Initiatory provision

Article 44  General

Persons other than a concession holder shall only be allowed to have present, install, maintain, use or operate telecommunications equipment of a special nature or limited extent as referred to in this chapter, with due observance of the provisions laid down by or pursuant to this chapter.
§ 2. Radio-electromagnetic transmitters and receivers

Article 45  Radio-electromagnetic transmitters

Any assembly of parts, suitable to compose a radio-electromagnetic transmitter, shall for the purposes of this paragraph be put on a par with a radio-electromagnetic transmitter.

Article 46  License requirement for a radio transmitter

1. Otherwise than by virtue of a concession, it is prohibited to have present, to install, to use or to operate radio-electromagnetic transmitters, unless such is done by virtue of a license issued by the TAS.

2. By or pursuant to state decree radio-electromagnetic transmitters may be designated that require no license as referred to in paragraph 1 of this Article.

3. By or pursuant to state decree rules may be laid down with regard to:
   a. the licenses referred to in paragraph 1 of this Article;
   b. the installation, the presence and the use of radio-electromagnetic transmitters, irrespective whether or not these require a license.

4. The rules referred to in paragraph 3 of this Article serve to guarantee an efficient use of the ether; they may also serve the purpose of an efficient maintenance of telecommunications in the general social and economic interest.

5. The rules referred to in paragraph 3 of this Article are in any case related to:
   a. the granting of licenses as referred to in paragraph 1 of this Article, in the process of which a distinction may be made according to the term of the license, the nature of the radio-electromagnetic transmitter, the purpose for which the transmitter is granted, the regulations to be attached to said licenses as well as the restrictions subject to which they may be granted;
   b. the power to operate radio-electromagnetic transmitters, with the categories being described;
   c. the technical requirements to be set as regards radio-electromagnetic transmitters;
   d. the prevention and removal of obstacles and disturbances that radio-electromagnetic transmitters cause to equipment to be described to that effect;
   e. the inspection of a radio-electromagnetic transmitter;
f. that which is necessary for the implementation of agreements binding to Suriname and resolutions of international institutions;
g. the production of, the trade in or the installation and repair of radio-electromagnetic transmitters in the exercise of a profession or the operating of a business.

6. A license shall be refused in case:
a. the granting thereof is in contravention of the rules laid down by virtue of paragraph 5 of this Article;
b. an efficient use of the ether requires such;
c. an efficient care of telecommunications requires such in the general social and economic interest;
d. this was applied for to spread broadcasting programs and the granting thereof would be in contravention of the spreading of broadcasting programs permitted by law;
e. a license as referred to in paragraph 1 of this Article granted earlier, was revoked:
   1st on grounds of the provisions laid down in Article 101 paragraph 1 under a;
   2nd due to violation of the rules laid down by or pursuant to this act or the regulations attached to the license or the restrictions subject to which it was granted;
f. the applicant has not yet observed his obligations ensuing from a license granted to him earlier;
g. the application does not comply with the rules laid down to that effect by virtue of Article 48 paragraph 1.

7. A license shall be revoked in case:
a. the license holder requests such;
b. the grounds on which the license was granted no longer apply;
c. the license holder does not comply with the rules laid down by this act or the regulations attached to the license and the restrictions subject to which it was granted;
d. an efficient use of the ether requires such;
e. an efficient care of telecommunications requires such in the general social and economic interest.
Article 47  Dispensation

1. The person who by virtue of Article 46 paragraphs 1 and 2 is entitled to install, develop or use telecommunications equipment, is forbidden to use said equipment:
   a. to provide services described by virtue of Article 14 paragraph 1 for third parties;
   b. to provide forms of telecommunications other than those as referred to under a of this paragraph for third parties otherwise than by means of the telecommunications infrastructure.

2. As regards the radio-electromagnetic transmitters referred to in article 46, paragraph 1, the TAS may grant dispensation from the prohibition of this article for telecommunications between consumers of a certain category to be indicated with said dispensation, if the concession holders are not willing or not able within a reasonable period of time and at reasonable conditions, to make available the use of an equivalent facility.

3. Regulations may be attached to a dispensation and a dispensation may be granted subject to restrictions, in connection with the purpose for which the dispensation is granted.

4. A dispensation may be granted if a dispensation granted earlier as referred to in paragraph 2 of this Article was revoked:
   a. by virtue of the provisions laid down in Article 101 paragraph 1 under c;
   b. due to a violation of the rules laid down by or pursuant to this act or the regulations attached to the supplementary license or the restrictions subject to which it was granted;

5. The prohibition under paragraph 1 of this Article does not apply to the spreading of broadcasting programs by means of the equipment referred to in paragraph 2 of this Article and permitted by or pursuant to this act.

Article 48  Rules of procedure

1. By or pursuant to state decree rules may be laid down as regards the establishment of decisions to extend, refuse or revoke a license as referred to in Article 46 paragraph 1 and of a dispensation as referred to in Article 47 paragraph 2.

2. The rules referred to in paragraph 1 of this Article may only concern:
3. The decisions to refuse, revoke or amend a license or dispensation as referred to in paragraph 1 of this Article, shall state the grounds on which they are based.

**Article 49 Radio-receivers**

1. By or pursuant to state decree rules may be laid down as regards radio-electromagnetic receivers that are not solely intended to receive broadcasting programs.

2. As regards the rules referred to in paragraph 1 of this Article, Article 46 paragraph 5 shall apply by analogy.

3. The rules referred to in paragraph 1 of this Article may solely concern:
   a. laying down the requirement of a license of the TAS for the installation, the presence and the use of the kinds of receivers to be indicated to that effect, otherwise than by virtue of a concession, in the interest of the protection of the rights of third parties in radio communication or the compliance of agreements that are binding to Suriname and resolutions from international institutions, as well as the regulations and restrictions to be attached to such licenses subject to which they are granted;
   b. the use of that which may be received with a receiver to protect the rights of third parties.

4. A license as referred to in paragraph 3 under a of this Article may, without prejudice to the provisions laid down in paragraph 7 of this Article, be refused in case:
   a. a license granted earlier as referred to in paragraph 3 under a of this Article, was revoked:
      1st On grounds of the provisions of Article 101 paragraph 1, the opening sentence and under a;
Due to violation of the rules laid down by or pursuant to this act or the regulations attached to the license or the restrictions subject to which it was granted.

b. the protection of rights of third parties in radio communications requires such;
c. the compliance of the binding agreements Suriname has entered into or resolutions of international institutions requires such.

A license may be revoked if the license holder does not comply with the rules laid down by or pursuant to this act or the regulations and restrictions attached to the license under which it is granted.

This Article does not apply to radio-electromagnetic receivers that are part of a wire-broadcasting device.

As regards radio-electromagnetic receivers as referred to in paragraph 1 of this Article, for which in pursuance of paragraph 3, under a of this Article a license is required, the Articles 47 and 48 shall apply by analogy; if the application for such a license does not meet the rules laid down to that effect by virtue of Article 48 paragraph 1, the license may be refused.

**Article 50 Dispensation**

1. No license in pursuance of article 46 or article 49 paragraph 3 under a shall be required, if a license has been issued to that effect in accordance with the ITU-agreement and said license has been recognised by the TAS, for radio-electromagnetic transmitters or receivers on board of:
   a. ships other than Surinamese, that are in Suriname waters;
   b. aircrafts other than Surinamese that are in Suriname airspace or on Suriname territory.

2. The TAS may lay down rules for the use of the radio-electromagnetic transmitters and receivers referred to in paragraph 1 of this article.

§ 3. Wire-broadcasting devices

**Article 51 License requirement for a wire-broadcasting device**

1. Otherwise than by virtue of concession it is prohibited to install, develop or operate a wire-broadcasting device, unless such is done with a license of the TAS.
2. Categories of wire-broadcasting devices of very small range, to be designated thereto by the TAS and which meet the rules to be laid down by the Minister with regard to the technology of the devices concerned, shall be exempted from the prohibition referred to in paragraph 1 of this article; the TAS shall notify the Minister and the Minister in charge of judicial and police affairs of such designation.

3. Regulations may be attached to a license and it may be granted subject to restrictions that concern:
   a. the duration, nature and extent of the license;
   b. the number of houses within the area for which the license is granted and for which the obligation to connect applies;
   c. the technique, structure and quality of the device and the cable networks connected thereto;
   d. the use of a certain part of the telecommunications infrastructure;
   e. inspection of the wire-broadcasting device and the cable networks connected thereto;
   f. a compulsory signal supply to other wire-broadcasting devices;
   g. preventing or eliminating disturbances to third parties by the use of the device;
   h. setting requirements to those who install a wire-broadcasting device;
   i. the obligation to install the wire-broadcasting device within a certain period of time after the license obtained legal force;
   j. the protection of the rights of third parties;
   k. the compliance of binding agreements Suriname entered into and resolutions of international institutions.

4. A license may, without prejudice to the provisions laid down in paragraph 7 of this Article, be refused if:
   a. a license granted earlier as referred to in paragraph 3 under a of this Article, was revoked:
      1st By virtue of the provisions laid down in Article 101 paragraph 1 under a;
      2nd Due to violation of the rules laid down by or pursuant to this act or the regulations attached to the license or the restrictions subject to which it was granted;
b. the applicant does not have available sufficient technical and financial means to guarantee the continuation of the operations of the wire-broadcasting device;
c. a license has already been granted for the area to which the application refers.

5. A license shall be revoked if:
a. the license holder requests such;
b. the grounds on which the license was granted no longer apply;
c. the license holder does not comply with the rules laid down by or pursuant to this act or the regulations and restrictions attached to the license subject to which it was granted;
d. the license holder no longer has available sufficient technical and financial means to guarantee the continuation of the operations of the wire-broadcasting device.

6. As regards wire-broadcasting devices for which a license is required in pursuance of paragraph 1 of this Article, Article 48 shall apply by analogy; if the application for such a license does not meet the rules laid down to that effect by virtue of 48 paragraph 1, the license may be refused.

7. The license holder as referred to in paragraph 1 of this Article is obliged to fit with the necessary facilities to protect the cables, cable works and equipment for the radio connections used by the wire-broadcasting device, against lightning strokes.

Article 52 Supplementary licenses

1. The person who with a license or by virtue of a dispensation as referred to in Article 50 paragraph 2, installs, develops or operates a wire-broadcasting device, shall be forbidden to operate this otherwise than for the spreading of broadcasting programs, unless such is done with a supplementary license issued by the TAS.

2. A supplementary license shall be granted for the operation of the wire-broadcasting device as a means of transfer for other services with regard to telecommunications, yet not between those connected to the wire-broadcasting device.
3. Regulations may be attached to a supplementary license and it may be granted subject to restrictions that concern:
   a. the duration, nature and extent of the supplementary license;
   b. the installation of technical facilities;
   c. the prevention or elimination of disturbances to third parties by the use of the wire-broadcasting device;
   d. to protect the rights of third parties;
   e. the compliance of binding agreements Suriname entered into and resolutions of international institutions

4. A supplementary license shall be refused if:
   a. a supplementary license granted earlier as referred to in paragraph 3 under a of this Article, was revoked:
      1st By virtue of the provisions in Article 101 paragraph 1 under a;
      2nd Due to violation of the rules laid down by or pursuant to this act or the regulations attached to the supplementary license or the restrictions subject to which it was granted;
   b. An efficient care of telecommunications in the general social and economic interest objects against the granting as well as on the grounds indicated in Article 51 paragraph 4 under b.

5. A supplementary license shall be revoked if:
   a. the license holder requests such;
   b. the grounds on which the supplementary license was granted no longer apply.

6. A supplementary license may be revoked if an efficient care of telecommunications in the general social and economic interest objects against the granting as well as on the grounds indicated in Article 51 paragraph 6.

7. As regards a supplementary license as referred to in paragraph 1 of this Article, Article 48 shall apply by analogy; if the application for such a supplementary license does not meet the rules laid down to that effect by virtue of Article 48 paragraph 1, the license may be refused.
§ 4. Cable devices not being wire-broadcasting devices

Article 53  License requirement for a cable device

1. Otherwise than by virtue of a concession it is prohibited to install, develop and use in full or in part, in, on, or above public land, a device intended for telecommunications by means of cables and cable works, which is not a wire-broadcasting device as referred to in article 51, unless such is done with a license of the TAS.

2. Regulations may be attached to a license and it may be granted subject to restrictions that concern:
   a. the duration, nature and extent of the license;
   b. the technique and the structure of the device;
   c. the inspection of the device;
   d. the prevention or elimination of disturbances to third parties by the use of the device;
   e. the prevention of impairment to the efficiency of the telecommunications infrastructure;
   f. the setting of requirements to those who install the cable device;
   i. the manner of connecting to the telecommunications infrastructure.

3. A license for such a device shall be refused, if:
   a. a concession holder is not willing or not able within a reasonable period of time and at reasonable conditions, to make available the use of a facility equivalent to such a device;
   b. otherwise an efficient care of telecommunications in the general and economic interest objects to the granting thereof.

4. A license may, without prejudice to the provisions laid down in paragraph 7 of this Article, be refused in case a license granted earlier as referred to in paragraph 1 of this Article, was revoked:
   a. On grounds of the provisions of Article 101 paragraph 1 under a;
   b. Due to violation of the rules laid down by or pursuant to this act or the regulations attached to the license or the restrictions subject to which it was granted.

5. A license shall be revoked if:
6. A license may be revoked if:
   a. an efficient care of telecommunications in the general social and economic interest requires such;
   b. the license holder does not comply with the rules laid down by or pursuant to this act or the regulations and restrictions attached to the license under which it was granted.

7. As regards a license as referred to in paragraph 1 of this Article, Article 48 shall apply by analogy; if the application for such a license does not meet the rules laid down to that effect by virtue of Article 47 paragraph 1, the license may be refused.

§ 5. Other provisions

Article 54 Coupling through infrastructure

1. The person who by virtue of the paragraphs 2, 3 and 4 of this chapter is entitled to install, develop, use or operate a telecommunications device as referred to therein, shall be forbidden to couple or cause to couple said device to another similar device, otherwise than by means of the telecommunications infrastructure.

2. The TAS may grant dispensation from the prohibition in paragraph 1 of this article as regards a telecommunications device as referred to in the articles 46, 49 and 53, if the concession holders are not willing or not able within a reasonable period of time and at reasonable conditions, to make available the use of an equivalent facility.

3. In connection with the goal for which dispensation is granted, regulations may be attached to a dispensation and a dispensation may be granted subject to restrictions.

4. The prohibition in paragraph 1 of this Article does not apply to a signal supply by a wire-broadcasting device to another wire-broadcasting device in the same area, if the signal supply has been made compulsory by virtue of Article 51 paragraph 3 under f.
Article 55    License requirement transmitters or receivers
1. It is forbidden to supply, lease out or otherwise make available radio-electromagnetic transmitters or receivers to natural persons or legal persons who were not granted a license required by or pursuant to this act, to install, have present or use the transmitters or receivers concerned.
2. Article 45 shall apply by analogy to the radio-electromagnetic transmitters as referred to in paragraph 1 of this Article.

Article 56    Dispensation for government agencies
1. The provisions by or pursuant to this chapter shall not apply to the devices referred to therein intended for telecommunications, which serve to be used by government agencies or services to be designated thereto by the President after consultation with the Minister concerned, which agencies and services are charged with the care of the security of the State or with maintaining public order, to which designation regulations may be attached and which may be granted under restrictions.
2. The TAS shall confer to the government agencies and services designated thereto in pursuance of paragraph 1 of this article, the radio frequencies necessary to perform the duties assigned to them; regulations may be attached to such conferral and said conferral may be granted subject to restrictions; unless not otherwise stipulated, the rules laid down by virtue of article 46, paragraph 3 shall apply by analogy.

CHAPTER 6
BROADCASTING

Article 57    Broadcasting Council
1. There is a broadcasting council, the composition, procedures and remuneration of which shall be laid down by state decree.
2. The duty of the Broadcasting Council is to:
   a. advise the Government on affairs related to broadcasting, if so requested or on its own accord;
   b. monitor the compliance with the licensing conditions insofar as these are related to the spreading of broadcasting programs as referred to in Article 58;
3. In view of the implementation of the tasks assigned, the Broadcasting Council shall lay down standing orders, which shall include as well rules of procedure as regards the supervision.

**Article 58  License requirement for broadcasting**

1. Otherwise than by virtue of a license pursuant to this law it is forbidden to spread broadcasting programs via any channel whatsoever from any point whatsoever in Suriname.

2. Licenses as referred to in paragraph 1 of this article shall be granted by the President, having heard the Broadcasting Council and after advice from the TAS.

**Article 59  Licensing conditions**

1. Conditions shall be attached to a license.

2. In addition to the conditions to be attached to a license in any special case, the conditions shall in any case concern:
   a. the scope of the license;
   b. the duration of the license;
   c. the grounds for revoking the license;
   d. the cooperation between license holders;
   e. the furnishing of information to the Broadcasting Council for the purpose of the supervision in accordance with rules to be laid down by the Minister.

3. A decision to establish or amend the licensing conditions shall be taken with due observance of operations by the license holder aimed at commercial lines and continuation.

**Article 60  Amendment conditions**

An amendment to the licensing conditions referred to in paragraphs 1 and 2 of Article 59, shall only enter into force three months following the establishment by resolution, unless a general interest, to be mentioned to that effect, urgently demands such or the license holder concerned, agrees with a shorter term.
Article 61 Licensing fee
1. The licensing fee to be paid to the TAS, shall consist of:
   a. a lump sum payment for the granting of the license;
   b. an annual payment for the monitoring of the compliance of the rules and regulations laid down by or pursuant to this act, as well as for the exercise of the authorities as regards telecommunications by the TAS.
2. The payments referred to in paragraph 1 of this Article shall be laid down by decree.

CHAPTER 7
FREQUENCY MANAGEMENT

Article 62 Frequency plan
1. In the interest of ensuring efficient telecommunications and in order to perform the international obligations resting with the State of Suriname and ensuing from the ITU-agreement as well as from other binding agreements or resolutions of international institutions, the TAS shall be in charge of the care of the management of the frequency spectrum.
2. In view of the care referred to in paragraph 1 of this article, the TAS shall lay down a frequency plan that in any case shall include the distribution of the frequency space over distinguishable designations as well as over categories of use.
3. The conferral of the frequencies shall be done by the TAS and in doing so latter shall not derogate from the frequency plan; upon conferring a frequency, the use of the frequency as well as the term for which it is conferred, shall be established; in the interest of ensuring an efficient conferral of frequencies, regulations may be attached to the conferral and the conferral may be subject to restrictions.
4. Conferral of frequencies shall generally be done in sequence of receipt of the applications and shall depend on competing applications, if any; in special cases a comparative test and/or an auction may come up; article 9 paragraph 6 shall apply by analogy.

Article 63 Grounds for refusal
The granting of a frequency shall be refused in case:
a. the granting thereof is in contravention of the frequency plan;
b. an efficient use of the frequency spectrum demands such;
c. the frequency is already being used;
d. this was applied for to spread broadcasting programs and the granting thereof
   would be in contravention of the spreading of broadcasting programs permitted
   by law;
e. an earlier conferral was revoked:
   1st By virtue of the provisions laid down in Article 101 paragraph 1 and
       under e;
   2nd Due to violation of the rules laid down by or pursuant to this act or the
       regulations attached to the license or the restrictions subject to which it
       was granted.
f. the applicant has not complied with his obligations ensuing from a conferral
   granted earlier;
g. the application does not comply with the rules laid down by or pursuant to this
   act.

Article 64 Grounds for revocation

1. The frequency granted shall be revoked in case:
   a. the holder of the frequency granted requests such;
   b. the concession or license for which the frequency was granted has been
      revoked;
   c. the grounds on which the granting was based no longer apply;
   d. the compliance of binding agreements Suriname has entered into and
      resolutions of international institutions demands such.

2. The frequency granted shall be revoked in case:
   a. the holder of the frequency granted does not anymore meet the demands
      to be eligible thereto;
   b. the holder of the frequency granted does not comply with the rules laid
      down by or pursuant to this act, or the regulations attached to the
      conferral or the restrictions subject to which the conferral was made;
   c. an efficient use of the frequency spectrum requires such.
Article 65  
**Frequency register**

The TAS shall keep a frequency register that contains an overview of the frequencies that are already being used and for which term said frequencies were conferred.

Article 66  
**Derogation frequency plan**

The President is authorised to give permission to use frequencies in derogation of the provisions laid down in this chapter, if such is necessary in the interest of:

a. termination of punishable behaviour towards a natural person;

b. the security of the State.

Article 67  
**Rules of the frequency plan**

By state decree rules shall be laid down with regard to:

a. that which should be taken into account upon drawing up the frequency plan;

b. the procedures to be followed regarding the conferral of frequencies, including the manner and sequence of processing applications submitted;

c. the contents and the inspection of the frequency register.

CHAPTER 8  
**PERIPHERALS**

Article 68  
**Technical requirements**

1. By or pursuant to state decree technical requirements shall be laid down, which peripherals or internal networks have to comply with and rules shall be laid down with regard to testing peripherals on conformity with the technical requirements set.

2. In addition, by or pursuant to state decree rules shall be laid down with regard to:

a. recognising institutions that test peripherals to allow said peripherals to be connected to the telecommunications infrastructure, as well as with regard to the supervision on said institutions;

b. issuing conformity statements for peripherals;

c. allowing peripherals to be connected to the telecommunications infrastructure and the manner in which it shall be announced that peripherals are permitted;

d. the inspection of an internal network;
e. applying for the permission referred to under c and the inspection referred to under d.

3. Only peripherals that have gained permission thereto may be connected to the telecommunications infrastructure.

4. The acceptance of peripherals may only be refused:
   a. if with the application the required statement or statements of conformity and the other required data have not been submitted;
   b. if the peripherals do not comply with the requirements and rules as laid down in paragraph 1 of this Article.

5. The acceptance of peripherals may only be revoked if it turned out that said peripherals:
   a. substantially derogate from the statement or statements of conformity and the other documents and data submitted with the application;
   b. do not comply with the requirement and rules as laid down in paragraph 1 of this Article.

6. As regards the inspection of internal networks, the provisions of paragraph 4 under b and paragraph 5 under b of this Article shall apply by analogy.

7. It is forbidden in the exercise of a profession or business to sell, rent out or make available in any other manner, have in stock, offer for sale or for rent or to deliver peripherals on or intended for the Suriname market, if it has not been announced in the manner as stipulated by state decree that the peripherals have been accepted.

8. Installing and maintaining peripherals as a profession or trade is only allowed with due observance of the rules on professional competence to be laid down by or pursuant to state decree.

CHAPTER 9
ELECTROMAGNETIC COMPATIBILITY

Article 69 Electromagnetic compatibility

1. By or pursuant to state decree rules may be laid down as regards electric or electromagnetic devices, with regard to preventing and withstanding electromagnetic disturbances.

2. It is forbidden to produce, import, sell, rent out or make available in any other manner, have in stock, offer for sale or for rent or to deliver or to import devices
as referred to in paragraph 1 of this Article on or intended for the Suriname market, if these do not comply with the technical requirements as laid down in paragraph 1 of this Article

CHAPTER 10
PROVISIONS REGARDING THE TOLERANCE OBLIGATION FOR THE INSTALLATION, MAINTENANCE AND CLEARING OF CABLES AND CABLEWORKS BELONGING TO THE TELECOMMUNICATIONS INFRASTRUCTURE

Article 70 General
For the purposes of this chapter cable works are considered equivalent to cables.

Article 71 General tolerance obligation
1. Subject to the provisions laid down in Article 72 and without prejudice to the right to damages, anyone shall be obliged to tolerate the installation and the maintenance of cables for the use of the telecommunications infrastructure in and on public land as well as the clearance thereof.

2. As far as cables intended for long-distance communication are concerned this obligation also applies to all other land, exclusive of fenced gardens and yards that constitute one with inhabited plots.

3. The installation, maintenance and clearance of cables shall not change the designated use of the land, and shall as little as possible hinder the use of said land.

Article 72 Agreement with the person subject to a tolerance obligation
1. If a concession holder or license holder intends to perform work in connection with the installation, maintenance or clearance of cables as referred to in Article 71 paragraph 2, he shall aim at reaching agreement with the person subject to a tolerance obligation about the place and the manner of performing the work.

2. In case there is no agreement, the concession holder concerned shall forthwith notify the person subject to the tolerance obligation of the intended place and manner of performing the work; the person subject to a tolerance obligation may
within fourteen days following receipt of said notification, file a notice of objection with the TAS.

3. The TAS shall take a reasoned decision within two months following receipt of said notice of objection.

4. The notice of objection shall suspend the implementation of the intended work.

**Article 73  Damages**

The damages as referred to in Article 71 are intended for owners and managers of public land and are restricted to the payment of costs of the facilities and the additional costs of maintenance.

**Article 74  Special tolerance obligation**

1. Without prejudice to the provisions laid down in Article 71 and without prejudice to the right to damages, anyone shall be obliged to tolerate for the purpose of the telecommunications infrastructure that:
   a. cables above land, buildings and waters are installed and maintained, on the conditions that there is no attachment or contact;
   b. cables and connection points are installed and maintained in and to buildings for connections in said buildings and in buildings nearby;
   c. the cables referred to under a and b of this Article are removed.

2. The installation, maintenance and clearance of cables shall not bring a change to the designated use of that in which, on which or above which the cables have been or are installed and also as little change to the appearance as possible and as little hindrance in the use thereof as possible.

3. The provisions laid down in Article 72 shall not apply to the installation of cables in pursuance this Article.

**Article 75  Ownership**

1. The installation of cables and connection points by a concession holder in and on land as well as in and to buildings of others does not change the ownership of that which has been installed.

2. Paragraph 1 of this Article shall apply as well to cables and connection points installed prior to the date on which this provision enters into force.
**Article 76 Moving**

1. Each concession holder or license holder is obliged at his own expense to move cables for the purpose of telecommunications infrastructure, if said moving is necessary for the erection of buildings or the performance of work by or on behalf of the person subject to a tolerance obligation.

2. In cases other than as referred to in paragraph 1 of this Article, the concession holder or license holder will only proceed to said move if the person who requests such, compensates the costs thereof.

3. In case there is no agreement about the costs, Article 72 paragraphs 2 and 3 shall apply by analogy.

**Article 77 Trimming plants**

1. The owners of trees or plants are, subject to the right to damages, obliged to trim these or cut back the roots or branches if so requested by the concession holder or license holder, insofar as these are considered an obstacle upon installing, maintaining and operating the telecommunications infrastructure.

2. If the owner does not within fourteen days following a written notification meets his obligation, by written order of the TAS, the concession holder or license holder concerned may proceed to implementation.

3. In case of grave hindrance or disturbance to the telecommunications, the roots or branches may immediately be trimmed or cut back after which the owner is notified thereof in writing as soon as possible.

**Article 78 Competent court**

1. The claim for damages as referred to in the Articles 71, 74 and 77 shall, subject to the claim, be instituted with the subdistrict court judge in whose jurisdiction the immovable property that was damaged, is situated.

2. If the immovable property is situated in more than one subdistrict, then the claim shall be instituted with one of the subdistrict court judges, as the plaintiff may elect.

3. The decision of the subdistrict court is open for appeal.

4. The provisions of the Code of Civil Procedure shall apply to the stipulations as referred to in this Article, insofar as this was not derogated from in paragraphs 1 and 2 of this Article.
5. Also prior to an agreement or the ruling as regards the damages, the works as referred to in the Articles 71, 74 and 77 may be started with.

**Article 79  Access to plots**

1. For the purposes of works to install, maintain and clear cables and connection points for the use of the telecommunications infrastructure, the persons in charge thereof shall at all times have access to the plots, insofar as the entering thereof is reasonably necessary for the performance of their duties.

2. If for the access as referred to in paragraph 1 of this Article, it is necessary to enter a dwelling, then the persons as referred to in paragraph 1 of this Article, shall not enter the dwelling against the will of the occupant otherwise than accompanied by an assistant public prosecutor, or provided with a special warrant of an assistant public prosecutor.

3. In case damage is caused by the implementation of the works as referred to in paragraph 1 of this Article, said damage shall be indemnified.

**Article 80  Wire-broadcasting devices**

The Articles 70 up to 79 inclusive shall apply by analogy to the license holders of a wire-broadcasting device, provided that in the Articles 71 paragraph 1, 74 paragraph 1, 77 paragraph 1 and 79 paragraph 1, the term "telecommunications infrastructure" is replaced by “wire-broadcasting device.”

**CHAPTER 11  PAYMENTS**

**Article 81  Payments to TAS**

1. A payment shall be indebted to the TAS for the following:
   a. the costs of intervention with regard to granting a license as referred to in Article 46 paragraph 1, Article 49 paragraph 3 under a, Article 51 paragraph 1 and Article 53 paragraph 1, and a supplementary license as referred to in Article 52 paragraph 1, as well as to obtain the authority to operate radio-electromagnetic transmitters as referred to in Article 46 paragraph 5 under b, and the monitoring of the compliance by the license holder of the rules, regulations and restrictions issued by or pursuant to this act;
b. the costs of intervention with regard to granting dispensation as referred to in Article 47 paragraph 2 and the monitoring of the compliance with such dispensation.

c. the handling of an application for and the granting and the use of a frequency;

d. the handling of an application for and the granting or reservation of a number;

e. the costs of intervention as regards:
   1st the inspection of radio-electromagnetic devices as referred to in Article 46 paragraph 5 under e;
   2nd the inspection of wire-broadcasting and cable devices as referred to in Article 51 paragraph 3 under e, respectively Article 53 paragraph 2 under c, as well as cable networks connected thereto;
   3rd the acceptance of peripherals as referred to in Article 68 paragraph 2 under c, as well as the inspection of internal networks as referred to in Article 68 paragraph 2 under d;
   4th The monitoring of the compliance with the rules laid down with regard to the inspections and acceptance as referred to under 1st, 2nd and 3rd.

f. the costs of handling complaints about disturbance or hindrance as referred to in Article 46 paragraph 5 under d, Article 49 paragraph 2, Article 51 paragraph 3 under g, Article 53 paragraph 2 under d and Article 69 paragraph 1;

g. a recognition as referred to in Article 68 paragraph 2 under a, which payment is indebted for the costs of intervention with regard to granting the recognition and the monitoring by a recognised agency of the compliance of the rules laid down by virtue of this act, with regard to the recognition, subject to the recognition being done not at request but by the TAS on its own accord and this test institution not being domiciled in Suriname;

h. the performance of work related to telecommunications by the TAS for third parties insofar as not otherwise provided for in this act.

2. The decision as referred to in paragraph 1 under c of this Article, shall be taken within thirty days after the TAS has at its disposal the full file.
3. The payments set by the TAS in pursuance of paragraph 1 of this Article shall be announced in the Government Gazette of the Republic of Suriname.

CHAPTER 12
APPEAL

Article 82 Appeal against decision
1. The person whose interest is directly affected by a decision taken by virtue of this act, that does not contain generally binding rules except for those related to the designation of government agencies or services as referred to in Article 56, may within two months following the date of the sending of the decision taken, appeal to the subdistrict court.
2. The decision of the subdistrict court is open for appeal.

Article 83 Notices of objection
1. In case of a notice of objection as referred to in article 72 paragraph 2 and article 76 insofar as article 72 paragraphs 2 and 3 have been declared to apply by analogy, the provisions laid down in the following paragraphs shall be observed.
2. The TAS shall give the person lodging the notice of objection as well as others whose interests are directly affected by the contested decision, the opportunity to be heard, if so required accompanied by an attorney.
3. The TAS shall lay down further rules as regards the procedure related to the processing of the notice of objection.

CHAPTER 13
SUPERVISION

Article 84 Supervision by the TAS
The TAS shall be in charge of monitoring the compliance with the provisions by or pursuant to this act.

Article 85 Administrative enforcement
1. The TAS has the power to have all that was or is done, kept, omitted or appropriated contrary to the rules laid down or the obligations imposed in pursuance of said rules, appropriated, prevented, performed and restored to its former condition, if necessary with the help of the police; in case the help of the
police is called, the Procurator General with the Court of Justice shall on the
demand of the TAS give the necessary orders thereto.

2. The violator shall be indebted the costs attached to the application of paragraph
1 of this article, unless the costs should in fairness not be at his expense.

3. The TAS may by way of a writ of execution collect from the violator the costs
indebted in pursuance of paragraph 2 of this article, increased by the collection
costs.

4. The writ of execution shall at the expense of the violator be served by bailiff’s
writ and shall be enforceable within the meaning of the Second Book of the
Code of Civil Procedure.

5. During six weeks following the service, the writ of execution shall be open for
objection by instituting proceedings to that effect with the Subdistrict Court.

6. The objection shall suspend the enforcement of the writ of execution.

7. On request of the TAS, the court may terminate the suspension of the
enforcement.

**Article 86  Order for penalty payment**

1. Instead of administrative enforcement as referred to under article 85, in the cases
in which by virtue of article 85 paragraph 1 administrative enforcement may be
exercised, the TAS may impose an order for penalty payments; imposing an
order for penalty payments shall not be chosen for, if the aggrieved interest
objects thereto.

2. The penalty payment shall not exceed five thousand Suriname Dollars daily and
shall be due to the TAS.

3. The TAS may collect by way of a writ of execution, the amount of the penalty
payment increased by the collection costs; article 85 paragraphs 4 up to 7
inclusive shall apply by analogy

**Article 87  Broadcasting ban**

1. If the rules laid down by or pursuant to this act as regards the installation, the
presence or the use of a radio-electromagnetic transmitter are not complied with,
the TAS shall have the power to take the following measures against the owner
of the transmitter concerned:

   a. imposing a broadcasting ban in full or in part;
b. having seals placed on and having remanded in custody the transmitter and this at the expense of the owner of said transmitter.

2. The owner of a telecommunications device as regards to which a coercive measure as referred to in paragraph 1 under a or b of this article has been mentioned, shall be obliged to comply with said coercive measure or to tolerate the same.

**Article 88 Administrative penalty**

1. In case of violating rules laid down by or pursuant to this act, after first giving party concerned a written notice of default, the TAS may impose an administrative penalty not exceeding fifty thousand Suriname Dollars.

2. The power to impose a penalty shall cease to be effective five years after TAS has established the violation.

3. The power to impose a penalty shall furthermore cease to be effective if as regards the violation on grounds whereof the fine is imposed, prosecution has been instituted against the offender and the investigation in court has commenced, or the right to prosecution has ceased to be effective in pursuance of Article 27 of the Economic Offences Act.

4. The right to prosecution shall cease to be effective if the TAS has already imposed a fine on the party concerned for the same offence.

**Article 89 Supervisory officers**

1. The supervisory tasks shall be performed by officers of the TAS designated thereto by the Managing Director, and this in consultation with the Procurator General with the Court of Justice.

2. The Managing Director shall give the officers designated by him/her and referred to in paragraph 1 of this Article, an ID-card as evidence of their power to supervise.

3. The officers referred to in paragraph 1 of this Article shall in the performance of their duties, present their ID-card if so requested by interested parties.

**Article 90 Information**

1. The officers referred to in Article 89 have the power to ask the information that they deem necessary for the performance of their duties.
2. The persons who practise a profession or work in a company are obliged to furnish the information requested to them in said capacity, fully and truthfully.

3. The persons who by reason of their profession or office are obliged to secrecy may claim exemption from furnishing information, yet solely insofar as said information has been entrusted to them in said capacity.

**Article 91  Inspection of books**

1. The officers referred to in Article 89 have the power:
   a. to demand cognisance of books and other business documents and data processed by computers insofar as reasonably necessary for the performance of their duties;
   b. to demand for a short period of time the submission of documents and data, or demand the recording and submission of the recording for the making of copies.

2. The persons who are obliged to have available the documents and data as referred to in paragraph 1 of this Article, may not invoke the absence thereof, unless they can prove that they are not able to have these at their disposal.

3. The persons who on account of their profession or office are obliged to secrecy may claim exemption from inspection, yet insofar as that which was entrusted to them in said capacity, is concerned.

**Article 92  Access to locations**

1. The officers referred to in Article 89 shall have access to any place, not being a dwelling, insofar as that is reasonably necessary for the performance of their duties, in the process of which, if necessary, they may gain access with assistance of the strong arm of the law.

2. The officers referred to in Article 89 are authorised to be accompanied by persons designated thereto by them.

**Article 93  Access to dwellings**

1. The officers referred to in Article 89 shall have access to dwellings and to parts of vessels that serve as dwellings, of which they may reasonably suspect that acts are performed there to which the provisions laid down by or pursuant to this act apply, insofar as the access is necessary for the performance of their duties.
2. They shall not enter dwellings against the will of the occupants other than accompanied by an assistant public prosecutor or a special warrant to enter, issued by the Public Prosecutor’s Office.

**Article 94    Cooperation**

1. Everyone is obliged to render any assistance to the officers referred to in Article 89, which they may reasonably need to exercise their authorities.

2. Upon rendering assistance everyone shall be obliged to follow the instructions of aforesaid officers and to render the necessary assistance and means, free of charge. Failing to do so may authorize the officers to provide the necessary at the expense of the party concerned.

**Article 95    The right to remain silent**

If the officers referred to in Article 89 reasonably suspect that a natural or a legal person has committed a violation, said person shall not be obliged to make a statement; the person concerned is notified thereof before he is verbally asked to give information to that effect.

**CHAPTER 14   SPECIAL PROVISIONS**

**Article 96    Access to services**

Anyone shall be allowed to make use of the services assigned to a concession holder by virtue of Article 14 paragraph 1, with due observance of the provisions to be laid down to that effect; nevertheless an assigned service may be refused or stopped if the contents is considered to be in contravention of the security of the State or the public order; the reason to refuse or stop the service shall be notified to the commissioning authority; the decision of the President may be applied to in this respect.

**Article 97    Undue preference**

It is forbidden by a technical intervention to accomplish that a service is performed with the use of the telecommunications infrastructure or a wire-broadcasting device as referred to in Article 51, with the intention to unduly favour oneself or someone else.
Article 98  Supervision by the President
In the interest of the public order or national security, the President may during an indefinite period of time, place the international telecommunications and the national telecommunications under the supervision of a state body to be designated thereto by him or fully or partly suspend same; as soon as the facts or circumstances that led thereto do not exist anymore, said supervision or suspension shall be lifted, such to the discretion and the decision of the President; this measure shall not give reason for any indemnification.

Article 99  Management by the President
In case of a state of war or siege the international telecommunications and the national telecommunications may be placed under the management of the President.

Article 100  Instructions of the Minister
In special circumstances in connection with the enforcement of the international rule of law or international relationships, each concession holder is obliged to follow the instructions of the Minister in agreement with the Minister in charge of foreign affairs, with regard to the care of telecommunications from and to other countries.

CHAPTER 15
OTHER PROVISIONS

Article 101  Revocation of licenses
1. The Minister, acting in agreement with the Minister in charge of judicial and police affairs, may instruct the TAS to revoke the following that have been granted in pursuance of this act:
   a. a license as referred to in Article 46 paragraph 1, Article 49 paragraph 3 under a, Article 51 paragraph 1 and Article 53 paragraph 1;
   b. a supplementary license as referred to in Article 52 paragraph 1;
   c. dispensation as referred to in Article 47 paragraph 2;
   d. a number granted or reserved as referred to in Article 24 paragraph 3;
   e. a granted frequency as referred to in Article 62 paragraph 3,
   if to their discretion their fear is justified that the remaining in force of said license, supplementary license, dispensation or the use of said
frequency or that number, will constitute a danger to the national security of the State and the public order.

2. The TAS is obliged to forthwith implement the order issued by virtue of paragraph 1 of this Article.

Article 102 Number identification
The Articles 30 and 31 shall apply by analogy to the provider of public telecommunications, who:

a. makes use of the telecommunications infrastructure of a concession holder who is obliged in pursuance of Article 30 paragraph 1, to offer the service of number identification;

b. offers number identification as part of the services to be offered by him.

Article 103 Wiretapping
1. The Articles 33 up to 35 inclusive apply by analogy to public telecommunications providers.

2. The Articles 33 up to 35 inclusive may be declared to apply by analogy by the Procurator General with the Court of Justice to the providers of non-public telecommunications infrastructure and non-public telecommunications services, if these are actually open to third parties.

Article 104 Obligation to secrecy
Anyone who is involved in the implementation of this law and obtains the disposal of data of which he may or must reasonably suspect the confidentiality thereof, and for whom a duty to observe confidentiality does not already exist due to his office, profession or by legal provision with regard to those data, shall be obliged to keep these confidential, barring any legal provision that obliges him to reveal said data or the necessity to announce these data as a result of the performance of his duty.

CHAPTER 16
PENAL PROVISIONS

Article 105 Concession
The person who installs, develops and operates telecommunications infrastructure without a concession to that effect, shall be punished by a maximum imprisonment of
five years or a fine not exceeding fifteen million Suriname Dollars or a combination of both punishments.

**Article 106  Call back, public phone, telephone lists**
The person who violates the provisions laid down in the articles 15, 16 and 17, shall be punished by a maximum imprisonment of two years or a fine not exceeding ten million Suriname Dollars or a combination of both punishments.

**Article 107  Services with an international operation**
The person who violates the provisions laid down in article 18, shall be punished by a maximum imprisonment of two years or a fine not exceeding ten million Suriname Dollars or a combination of both.

**Article 108  Derogation number plan, tap ban**
The person who violates the provisions laid down in the articles 29 and 32, shall be punished by a maximum imprisonment of three years or a fine not exceeding twelve million Suriname Dollars or a combination of both punishments.

**Article 109  Radio-electromagnetic transmitters and receivers**
1. The person who installs, has present, uses or operates radio-electromagnetic transmitters without concession or a license issued by the TAS, shall be punished by a maximum imprisonment of two years or a fine not exceeding ten million Suriname Dollars or a combination of both punishments.
2. The person who violates the provisions laid down in article 46, shall be punished by a maximum imprisonment of two years or a fine not exceeding eight million Suriname Dollars or a combination of both punishments;
3. The person who violates the provisions laid down in article 54 shall be punished by a maximum imprisonment of two years or a fine not exceeding ten million Suriname Dollars or a combination of both punishments.

**Article 110  Wire-broadcasting device**
1. The person who installs, has present, uses or operates a wire-broadcasting device without concession or a license issued by the TAS, shall be punished by a maximum imprisonment of two years or a fine not exceeding ten million Suriname Dollars or a combination of both punishments.
2. The person who violates the provisions laid down in article 51, shall be punished by a maximum imprisonment of two years or a fine not exceeding eight million Suriname Dollars or a combination of both punishments;

3. The person who violates the provisions laid down in article 97 shall be punished by a maximum imprisonment of two years or a fine not exceeding ten million Suriname Dollars or a combination of both punishments.

**Article 111 Cable device**
The person who violates the provisions laid down in article 53 shall be punished by a maximum imprisonment of two years or a fine not exceeding ten million Suriname Dollars or a combination of both punishments.

**Article 112 Coupling infrastructure, peripherals, electromagnetic compatibility**
The person who violates the provisions laid down in the articles 54, 55, 68 and 69 shall be punished by a maximum imprisonment of two years or a fine not exceeding eight million Suriname Dollars or a combination of both punishments.

**Article 113 Broadcasting**
The person who without a license distributes broadcasting programmes via any manner whatsoever from any point in Suriname, shall be punished by a maximum imprisonment of two years or a fine not exceeding ten million Suriname Dollars or a combination of both punishments.

**Article 114 Assigned services**
The concession holder who fails to provide the services as referred to in article 14, shall be punished by a fine not exceeding twenty thousand Suriname Dollars.

**Article 115 Interconnection**
The concession holder who fails to perform the acts as referred to in the articles 11 and 12, shall be punished by a fine not exceeding fifty thousand Suriname Dollars.

**Article 116 Emergency numbers, interception, security**
The concession holder who fails to perform the acts as referred to in the articles 31, 33, 34 and 35, shall be punished by a fine not exceeding seventy-five thousand Suriname Dollars.
**Article 117  International obligations**

The concession holder who fails to observe the obligations as referred to in article 36, shall be punished by a fine not exceeding twenty thousand Suriname Dollars.

**Article 118  Lightning stroke**

The concession holder who fails to fit with the necessary facilities to protect the telecommunications infrastructure against lightning strokes, shall be punished by a fine not exceeding forty thousand Suriname Dollars.

**Article 119  Obligation to observe secrecy**

The person who violates the provisions laid down in article 104 shall be punished by a fine not exceeding seventy-five Suriname Dollars.

**Article 120  Qualification offences**

1. The acts punishable under the articles 105 up to 113 inclusive shall be criminal offences.
2. The acts punishable under the articles 114 up to 119 inclusive shall be minor offences.

**Article 121  Penalisation legal persons**

1. If an act punishable under this law is committed by or on behalf of a legal person, criminal proceedings may be brought and the punishment and measures laid down in this act may be imposed when applicable:
   a. on the legal person;
   b. on the members of the management board residing in Suriname and if they are absent or otherwise engaged, on the representative of the legal person in Suriname;
   c. on they who have given the order for this act, as well as on they who had the actual control of the illegal action or on those mentioned under a, b and c jointly.
2. An offence is committed by or on behalf of a legal person if it is committed by persons who either on the basis of a relationship of employment or on another
basis, act in the atmosphere of said legal person, irrespective of whether these persons committed the offences independently or the elements of the offence were present among them jointly.

3. If criminal proceedings are brought against a legal person, said legal person shall during the proceedings in question be represented by one of the managers, in person or by proxy; the court may order the personal appearance of a certain manager.

4. If criminal proceedings are brought against a legal person, the issue of judicial announcements shall be done at the place where the management board has its registered office or its principal place of business, or at the residence of the general manager or another manager; in case the issue concerns a judicial letter as referred to in article 515 of the Code of Criminal Procedure, then article 517 paragraphs 2 and 3 of said Code shall apply by analogy.

5. The provisions of this article shall also apply to the unincorporated company, the partnership, any other association of persons and the allocated funds; no punishment shall be imposed on the member of the management board or on the representative of whom it appears that the act has been committed through no fault of his.

CHAPTER 17
TRANSITIONAL AND FINAL PROVISIONS

Article 122
The powers pertaining to public law and assigned to Telesur in pursuance of the Suriname Telecommunications Company Decree (Bulletin of Acts and Decrees 1980 no. 140, as recently amended by Bulletin of Acts and Decrees 2002 no 63), as well as any other regulatory duty performed by TELESUR, shall as of the date of the coming into force of this Act be assigned to the TAS.

Article 123 Revocation
Upon the coming into force of this act the following shall be rescinded:

a. the 1945 Telephony and Telephone Act (Bulletin of Acts and Decrees 1945 no. 113, as recently amended by Bulletin of Acts and Decrees 1983 no. 54);
b. the State Decree of March 26, 1998, providing for the establishment of the Telecommunications Authority Suriname (Bulletin of Acts and Decrees 1998 no. 32);


Article 124 Implementing regulations
The rules laid down by virtue of the provisions of the 1945 Telephony and Telephone Act, shall be designated as rules laid down by virtue of the corresponding provisions of this act, insofar as the implementing regulations to be laid down by virtue of this act have not been established as yet and entered into force.

Article 125 Licenses
1. Licenses granted by virtue of Article 6 of the 1945 Telephony and Telephone Act for the spreading of broadcasting programs, shall be designated as licenses granted by virtue of Article 58 of this act.

2. Licenses granted by virtue of Article 3 paragraph 1 of the 1945 Telephony and Telephone Act for the installation, the possession or the use of a radiotelephony or telephone, shall be designated as licenses granted by virtue of Article 46 of this act.

3. Insofar as in provisions attached to a license as referred to in paragraph 2 of this Article, permission was granted for a form of telecommunications within the meaning of Article 47 paragraph 1 of this act, said permission shall be designated as a dispensation as referred to in Article 47 paragraph 2 of this act.

4. The provisions laid down in the paragraphs 1, 2 and 3 of this Article shall apply with regard to the devices referred to therein solely for the provisions and restrictions with regard to the duration, the size, the use and the technical requirements subject to which the licenses for these devices were granted at the time of the coming into force of this act.

Article 126 Transfer of assets
1. The Minister shall determine in agreement with the Minister in charge of financial affairs, which assets of the State conferred to Telesur with regard to the
exercise of the public authorities assigned to Telesur, shall be assigned to the TAS.

2. The assets of the Foundation for the Telecommunications Fund shall upon the coming into force of this act, be transferred to a bank account of the TAS.

Article 127  Transition of personnel

1. As of the date of the coming into force of this act the personnel members of Telesur whose name and function are mentioned on a list established by the Minister, shall, after consultation and with consent of the personnel member concerned, be dismissed by operation of law and appointed as employee of the TAS.

2. The transition of the personnel members as referred to in paragraph 1 of this Article shall be done with a legal position that is on the whole at least equivalent to the position each of them held at Telesur, with due observance of a transitional period of six months.

3. The persons who at the time of the coming into force of this act by virtue of an employment contract according to civil law belong to the personnel of Telesur, whose name and function are mentioned on a list established by the Minister, shall as of that moment be dismissed and employed by the TAS with a legal position that is on the whole at least equivalent to the position each of them held at Telesur.

4. The Public Service Pension Act (Bulletin of Acts and Decrees 1972 no. 150) shall apply by analogy to the board of management and the personnel of the TAS.

Article 128  Public Records

Records and files of the Telesur departments in charge of tasks pertaining to public law, shall as of the date of the coming into force of this act be transferred to the TAS.

Article 129  Appeal

1. As regards the decision to appeal against a decision that was taken prior to the coming into force of this act by virtue of the 1945 Telephony and Telephone Act, the right shall remain in force as it applied pursuant to the 1945 Telephony and Telephone Act.
2. As regards appeal instituted prior to the coming into force of this act against a
decision taken pursuant to the 1945 Telephony and Telephone Act, the right
shall remain in force as it applied pursuant to the 1945 Telephony and
Telephone Act.

3. As regards appeal instituted in accordance with paragraph 1 of this Article on or
after the time of the coming into force of this act against a decision taken
pursuant to the 1945 Telephony and Telephone Act, said right shall remain in
force as it applied pursuant to the 1945 Telephony and Telephone Act.

Article 130   General delegation provision
Without prejudice to the provisions of this act, which stipulate a state decree, additional
rules may be laid down by state decree as regards the subject regulated in this Act.

Article 131   Final provision
1. This act may be cited as the “Telecommunications Act.”
2. It shall be promulgated in the Bulletin of Acts and the Decrees of the Republic
of Suriname.
3. It shall enter into force at a date to be determined by the President.
4. The Minister in charge of the care of the telecommunications sector, shall be
charged with the implementation of this act.

Issued in Paramaribo, on ...

R.R. VENETIAAN