STATEMENT OF GOVERNMENT POLICY

ON THE INFORMATION & COMMUNICATIONS TECHNOLOGY SECTORS & POSTAL SECTOR
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Statement of Government Policy as approved on the 4th Sep 2003

1. INTRODUCTION

1.1. CONTEXT OF THE POLICY STATEMENT

The Ministry of Information and Communications Technology (MoICT), in line with the constitution, the Telecom Law no 13 of 1995 and its amendments, and the temporary Postal Services Law No. 5 of 2002 and its amendments, is responsible for the Information and Communications Technology, (ICT) and Postal sectors in the Kingdom.

Moreover, the Ministry has specific responsibility to provide general policy for these sectors, to be approved by the Council of Ministers. In addition, Article 3 of the Temporary Postal law of 2002 specifies an obligation of the MoICT to provide general policy for the postal sector.

The setting of policy has important implications for the information of stakeholders in sectors within ICT and Post for others that might consider entry to, or investment in, those sectors. However, the statement of policy also has a specific legal status, in that it sets the context within which the independent regulator for sectors within ICT, the Telecommunications Regulatory Commission (TRC), must meet its obligations under the Law.

Article 6 of the Law provides as follows in relation to the obligations of TRC:

“To regulate telecommunications and information technology services in the Kingdom in accordance with the established general policy so as to ensure the provision of high quality telecommunications and information technology services to users at just, reasonable and affordable prices; and, by so doing, to make possible the optimal performance of the telecommunications and information technology sectors.”

Accordingly, the purpose of this document is both meet the informational needs of stakeholders, and, to meet the legal obligations of MoICT.

The document should be read in conjunction with the Telecommunications, Postal and Empowering IT resources in Government Entities Laws. Amongst other things, those Laws define the respective roles of the MoICT and the TRC, which is an administratively and financially independent body. Nothing in this statement of policy is intended to detract from that independence.

Information & Communications Technology Sectors & Postal Sector

2003

وثيقة السياسة العامة للحكومة المقررة من مجلس الوزراء بتاريخ 4/أيلول/2003

المقدمة

1. الإطار القانوني للسياسة العامة

إن وزارة الاتصالات وتكنولوجيا المعلومات، بموجب الدستور وقانون الاتصالات رقم 13 لسنة 1995 وتعديلاته وقانون الخدمات البريدية المؤقت رقم 5 لسنة 2002 وتعديلاته مسؤولة عن قطاعات الاتصالات وتكنولوجيا المعلومات والبريد في المملكة.

إن وزارة الاتصالات وتكنولوجيا المعلومات تتحمل تلك مسؤوليات محددة في إعداد السياسة العامة لهذه القطاعات وعرضها على مجلس الوزراء لvoor haar بموجب المادة 3 من قانون الاتصالات. بالإضافة إلى مسؤولية إعداد السياسة العامة لقطاع البريد وعرضها على مجلس الوزراء لvoor haar بموجب المادة 3 من قانون الخدمات البريدية المؤقت.

إن إعداد وصادر السياسات العامة أمر هام في حصول أصابع العلاقة على المعلومات اللازمة عن القطاعات الفرعية التي يضمها قطاعي الاتصالات وتكنولوجيا المعلومات، وقطاع البريد، وكذلك تداعيات هامة لمرأبيه لمثل هذه القطاعات والاستثمار فيها. هذا بالإضافة إلى أن إعلان السياسات العامة لهذا قانونية محددة من حيث أنه يكون ويوضح السياق العام الذي يجب عليه تنظيم قطاع الاتصالات أن تتبعه لتتمكن من القيام بالمهام المطلوبة منها بموجب القانون.

وقد نصت المادة 6 من قانون الاتصالات والمتعلقة بمهام ومصطلحات الهيئة على ما يلي:

"تنظيم خدمة الاتصالات وتكنولوجيا المعلومات في المملكة وفقاً لسياسة العامة المقررة لضمان تقديم خدمات الاتصالات وتكنولوجيا المعلومات للمستفيدين بسعة عالية وأسعار معقولية وسباع أن يحقق الأداء الأمثل لقطاع الاتصالات وتكنولوجيا المعلومات."

وبناء عليه تهدف هذه الوثيقة إلى تزويد أصابع العلاقة بالمعلومات اللازمة لهم، وكذلك إلى الوفاء بالواجبات القانونية المرتبطة على الدولة في أن واحد.

يقر هذا الوثيقة بالالتزام لقانون الاتصالات والخدمات البريدية المؤقت وتفتيت موارد تكنولوجيا المعلومات في المؤسسات الحكومية المؤقتة إن هذه القوانين، تتم تضمين تعرفة بالأشكال الخاصة بكل من الوزارة وشهية تنظيم قطاع الاتصالات التي تتمتع بشخصية اعتبارية ذات استقلال مالي وإداري.

قوط يعد الاتصالات وتكنولوجيا المعلومات وقطاع البريد
1.2 BACKGROUND

Jordan has embarked upon a progressive reform of its telecommunications and postal sectors. This process commenced in 1995. Progress has been made in establishing some measure of competition in specific markets, and, enabling regulatory structures have been established through the TRC.

In certain instances, however, prevailing legislation, commercial agreements and WTO and other international obligations demand that further reform measures must be implemented. In others, the perceived needs of the market, the Jordanian economy as a whole, and, social development factors are the drivers of further action.

Telecommunications and Post are sectors in which public utility regulation has played a traditional role. The information technology sector (IT), beyond its communications elements, is not typically regulated.

IT is an area of immense potential, both, in terms of sector development, and in the direct contribution that it can make to the efficiency of the wider economy and the operations of government, together with the development of our human resources. This sector has made progress but does not yet meet the aspirations of the Jordanian government and people.

The sectors within ICT are identified as particular drivers and enablers of economic and social growth. MoICT, as the body that is responsible for the achievement of National goals and objectives within ICT, has various means and relationships at its disposal through which to achieve them. These means and relationships include the statutory responsibility of the TRC to regulate in accordance with stated Government policy, initiatives that are instigated through or in cooperation with other Government and trade bodies, and, direct action by MoICT itself in certain areas. MoICT accordingly has broad powers of oversight and action within the sectors that comprise ICT.

Within this context, MoICT seeks to create a clear and stable policy environment within which, initiatives, investment, and, necessary sector regulation can proceed with confidence.

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Within this context, MoICT seeks to create a clear and stable policy environment within which, initiatives, investment, and, necessary sector regulation can proceed with confidence.
MoICT will be diligent in fulfilling its responsibilities to monitor progress toward the meeting of stated policy goals and objectives and will require adjustments to be made to courses of action if these are deemed to be failing to deliver desired outcomes.

1.3. Individual Policies in the Context of Overall Goals

This document states policy in relation to sectors that lie within the responsibility of the Ministry of Information and Communications Technology.

Policies are stated for each sector or sub-sector in isolation. However, when viewed on a holistic basis they represent a fully integrated approach to the common end of increasing the e-Readiness of Jordan, which in turn has the aim of stimulating the economic growth and realising the social potential of the Nation.

These policies encompass the objectives of the Ministry, and they are related to sectors that fall under the responsibility of the Ministry of Information and Communications Technology.

Despite their individual nature, these policies contribute to the overall goals of the Ministry, and they are aligned with the broader objectives of the government.
2. POLICY RELATED TO THE TELECOMMUNICATIONS SECTOR

2.1. THE MOBILE TELECOMMUNICATIONS SUB-SECTOR

- Government has entered into obligations that require that duopoly supply conditions in the mobile telecommunications sub-sector (currently providing GSM services in the 900 MHz radio frequency band) will prevail until 31st December, 2003.

- Government requires that present duopoly supply conditions should cease. Accordingly, Government requires that the sub-sector be opened to further competition in supply of services, at, or at the earliest opportunity following, 1st January, 2004.

- Government requires that an explicit programme for further licensing within the sub-sector, which has as its objective compliance with the above timescale, be made available in its final form by TRC, following necessary consultation with public and private sector stakeholders, by at the latest 31st October, 2003. Associated license terms, application criteria and processes associated with the programme, must be published by TRC in the same timescale. The programme and associated license terms must have within their aims, both, the enhancement of choice of supplier for users, and, the introduction of new technologies and services. Upon completion in its final form the programme shall be submitted to the Council of Ministers for deliberation. The appropriate decision will be taken within a period of two weeks from the date of its submission.

- The terms of licenses and the associated licensing processes must take note of the present relative success of the sub-sector, economically efficient use of established assets, specific regulatory and other provisions that will govern, attract and enable entry to the market, and, other practical influences, including stimulation effects within the Jordanian business sector. The terms should specifically facilitate value-adding innovation by the licensees and others.

2.2. قطاع الاتصالات المنقلة

لقد تلزم الحكومة بانطلاقاً من تضمينها أن تستمر hüصورة المزودة من توصيف خدمات الهاتف المنقلة إلى الـ GSM 900 ميغا هرتز حتى النادي والثلاثون من كانون الأول 2003.

- تقرر الحكومة وجوب انتهاء hüصة المنقلة المزودة المذكورة حالياً في تقديم الخدمات في هذا القطاع وذلك بأن يتم فتح هذا القطاع لعدد من المنافسة في تقديم الخدمات وذلك في الأول من كانون الثاني من عام 2004 أو في أقرب فترات ممكنة بعد ذلك التاريخ.

- تقرر الحكومة أن تقوم الهيئة بتوجه وإعداد ونشر برنامج واضح لطرح تراخيص إضافية ضمن هذا القطاع الفرعي وهدف تحقيق المدع المذكور أعلاه. يجب أن يتم إعداد وتجهيز هذا البرنامج بصفته النهائية، بما في ذلك نشره للتشاور واستمزاج وجهات نظر أصحاب العلاقة من القطاعين العام والخاص، قبل 31 شتنبر 2003 كحد أقصى. وكذلك يجب أن يشمل البرنامج على إعداد ونشر شروط الخصوصية، ومتطلبات المتقدمين، وإجراءات التراخيص. ويجب أن يراعى هذا البرنامج، بما فيه من شروط التراخيص، توسعة خيارات المستهلكين بين المزودين المتلقيين للخدمات من ناحية وتقديم الخدمات الحديثة والتقنية الحديثة من ناحية أخرى.

- وعلى أن يتم تقديم هذا البرنامج قبل اتخاذ قرار الحالة النهائية إلى مجلس الوزراء للبحث والاختصار في القرار المناسب خلال أسبوعين من تاريخ تقديمه.

- إن شروط التراخيص وإجراءات التراخيص المرتبطة بها يجب أن تأخذ بعين الاعتبار النجاح التنسيبي الذي تحقق حتى الآن في هذا القطاع الفرعي، وأن تراعى القفزة الاقتصادية في استخدام الموجات القصيرة والتفاعليات التنظيمية الأخرى الخاصية، لتقوم بتبسيط واستкамات، وتحقيق المدخل إلى السوق. كما يجب إعداد التراخيص العملية الأخرى على الأسئلة الوطنية، بما في ذلك تحسين قطاع الأعمال الأولي، ونظام خاص فإن على هذه الشروط والإجراءات أن تسهل زيادة القصة المضافة الناتجة عن الأنباء من قبل المزودين وغيرهم.
The licensing programme must be established with the goal that at least a third infrastructure-based operator under different ownership will be licensed, in addition to those already operating in the sector (in addition to the operators in the trunking sub-sector or other radio telecommunication services). To enable such a position the programme must provide for transparent operational arrangements that permit additional licenses to make use of the infrastructures, facilities and services of existing licensees, on cost-based terms that are determined by the TRC, prior to, and in addition to, availability of their own infrastructures and facilities.

In line with wider government policy, Government requires that further competition be from the private sector. In accordance with WTO and other international commitments, no unjustifiable impediment must be imposed upon potential entrants to the market, including those relating to nationality of ownership, flows of capital and similar matters.

Government requires that necessary scarce resources, for the further development of capacity and the enhancement or introduction of services by market entrants and established operators, be made available in a manner that is consistent with the explicit programme for further licensing. The resources, including radio spectrum in all frequency bands relevant to mobile telecommunications services, must be provided at pricing that is economically efficient, in relation to scarcity, and, in accordance with undertakings associated with WTO membership.

Government requires that, through necessary restructuring action within the sub-sector, Jordan gains a mobile communications environment that is technologically advanced and at least comparable, and preferably superior, to those of its peer states.

Government requires that services provided by the mobile sub-sector, and the technologies employed within it, contribute to the fulfilment of the particular social needs of Jordan, in terms of access to information, the Internet and the general development of an open, educated and connected society.

Government requires that the subsequent introduction of competition and other appropriate structural and regulatory actions in other communications sub-sectors, notably within fixed services, be compatible with and assist the full development of the mobile sub-sector.
The specific goals and objectives of this policy are:

- It is a policy goal that through the effects of competition, the cost of services to businesses and consumers be lowered from present levels, with the particular aim of mobile service being made affordable to a greater proportion of the population than at present.

- It is a policy objective that at least 50% of the population will be direct subscribers to mobile services, within 10 years, paying unit charges for basic voice services that are at least 25% lower than at present, in real terms.

- It is a policy goal to stimulate the direct and indirect employment creation potential of a more competitive, technologically advanced and much expanded mobile sector, which will have enjoyed the benefits of private sector and foreign investment.

2.2. THE FIXED TELECOMMUNICATIONS SUB-SECTOR

The obligation of government to honour arrangements that dictate monopoly supply conditions in major areas of the fixed telecommunications sector ends at 31 December, 2004.

Further licensing may, therefore, apply in a longer timeframe than applies to the mobile sub-sector. However, it is important that government now states its general policy toward the fixed telecommunications sector, in order that all stakeholders and potential investors may plan accordingly.

The Government re-affirms that the monopoly status that is presently enjoyed by Jordan Telecom (JT) in certain key areas of telecommunications activity will cease at 31st December, 2004.
38. Government requires that the fixed sub-sector should be fully opened to competition in supply of services, at, or, as soon as is practically possible after 1st January, 2005.

39. Government requires that explicit proposals for further licensing within the sub-sector, and the associated license terms, application criteria and processes, be prepared by the TRC and published for consultation with public and private sector stakeholders. Publication is to be as soon as is practicable but no later than 30th June, 2004. The final form of the proposed licensing programme shall be submitted to the Council of Ministers for deliberation. The appropriate decision will be taken within a period of two weeks from the date of its submission. The aim of this schedule is that applications for licenses may be made from September, 2004 onward.

40. Government requires that, within the limits of normal safeguards, security and technical limitation considerations, no restriction should be placed on the range or type of fixed services that should be licensed. However, Government further and specifically, requires that no viable technology be excluded from use in the provision of licensed services. In addition, where there is no objective case for licensing or regulation of any services that are introduced, Government will support the prerogative of TRC, under the Law, to forbear from such action.

41. Government requires that competition to JT be from the private sector. In accord with WTO and other international commitments no unjustified impediments that relate to nationality of ownership, flows of capital and similar matters should be imposed upon potential entrants to the market.

42. Government requires that JT should respond transparently and constructively to the prospect and reality of competition.
43. Government requires that JT should be subjected to pro-active regulatory measures, and should, in the remaining period of its monopoly, honour all relevant elements of agreements that it has entered into with Government. The immediate focus of regulatory action must be upon the elimination of any identified anomalies, of inappropriate pricing practices and excessive profitability in relation to individual services, and, the creation of an environment into which competition may be introduced at the appropriate time. Government further requires that where there is proven and substantive demand for a service falling within its monopoly, that JT be obliged to provide it, on fair and reasonable terms, whilst its monopoly prevails.

44. Government requires that when the monopoly of JT is ended that it continues to be subject to appropriate regulatory scrutiny and control, as it is likely to retain, for a period, dominance or significant market power in some areas.

45. Government requires that the regulatory regime that is to apply before and after the ending of the JT monopoly should be published, for the guidance of all stakeholders and potential entrants to the fixed sub-sector. Publication to be as soon as is practicable, but no later than 31st March, 2004.

46. The specific goals of this policy are:

47. The removal from the fixed sub-sector of the costs of monopoly inefficiency. This to be achieved, in the short term, through necessary regulatory action, and, subsequently the effects of open competition. Costs of monopoly can include supra-profitability of certain services and the distorting effects of cross-subsidy between services and elements within services. It is necessary that a position be rapidly reached where correct economic signals are sent to the market and thus appropriate alternative infrastructure investment is encouraged.

48. The enhancement from present levels of the scope, availability and quality of services, and, choice of service providers, made available in Jordan. It is necessary that fixed services available in Jordan at least match those of peer states. They are necessary to the development and growth of the economy and the meeting of government’s social goals.

The enhancement from present levels of the scope, availability and quality of services, and, choice of service providers, made available in Jordan. It is necessary that fixed services available in Jordan at least match those of peer states. They are necessary to the development and growth of the economy and the meeting of government’s social goals.
Particular goals, within the progressive development of the sub-sector, include but are not limited to; the introduction of alternative international services, alternative international capacity and gateways, the exploitation of new technologies, notably in the data communication area, and, the exploitation of technologies and systems that may be used for the provision of multiple services.

It is a goal, that, overall, the fixed telecommunications sub-sector supplies facilities and capacity upon which other sectors within ICT may add value in an innovative manner. These elements to be affordable to the user and profitable to the supplier.

It is a goal that, within the progressive development of the sub-sector, include but are not limited to; the introduction of alternative international services, alternative international capacity and gateways, the exploitation of new technologies, notably in the data communication area, and, the exploitation of technologies and systems that may be used for the provision of multiple services.

Government requires that these aims be given high priority and that any structural impediment to realisation of government policy be identified and removed.

Government’s own policy related initiatives to increase digital inclusion and education, and, to stimulate demand in the Internet sub-sector, and the sectors within ICT as a whole, are outlined in section 3 of this document that relates to the IT sector.

2.3. **THE INTERNET SERVICE PROVISION SUB-SECTOR**

Government requires that the proven efficiency, educational and social benefits of Internet exploitation in business and society generally should be exploited within Jordan.

It is a goal of policy that private enterprise meet these requirements through the provision of services and products in an open market environment that is freed of constraints that may exist because of monopoly effects in other sub-sectors.

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In this connection, government would be supportive of changes to the sub-sector that would enhance its independence and effectiveness on a national or regional basis, such as the establishment of an Internet exchange.

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Government’s own policy related initiatives to increase digital inclusion and education, and, to stimulate demand in the Internet sub-sector, and the sectors within ICT as a whole, are outlined in section 3 of this document that relates to the IT sector.
Government requires that regulatory action and proposals for structural changes in the fixed and mobile sub-sectors should recognise the need to eliminate the effects of monopoly conditions on the Internet sub-sector.

Notable issues in this area are the reduction of the cost of access to services, the provision of services that are appropriately conditioned to the needs of the Internet service providers, and, the creation of conditions for the introduction of technologies, user terminals and service innovations that may be expected to encourage the diffusion of Internet use in businesses, educational establishments and homes.

Government recognises the legitimate concerns of citizens relating to the potential for access, through use of Internet services, to material that is either illegal or inappropriate for the user of the service. Experience elsewhere has shown that it is impractical and undesirable that censorship of material be applied at a Governmental level. Government, however, requires that parents, schools, libraries and all others in intermediary or supervisory positions, and are thus best placed to understand the sensitivities and vulnerabilities of those whom they serve, be enabled to take all reasonable steps to ensure necessary protection. It is the intention of Government to provide guidance as to the techniques and measures that may be practically employed by those with responsibility for users, and, their appropriateness in relation to particular circumstances, and, to particular classifications of user.
2.4. **Universal Service**

Consistent with its overall policies that relate to economic growth, and, social development and inclusion, government has a policy goal that sections of society that may be socially or economically deprived, or, cannot obtain services through normal market provision should, nevertheless, have access to public telecommunications services. Services should be provided to them, or, made affordable to them, in their particular circumstances.

Supply of certain services in such circumstances is commonly known as Universal Access or Universal Service Provision. Where the supply of the relevant services is imposed on a licensor, government now states certain policy parameters.

However, in order that stakeholders may consider the issues within an appropriate context, government now states certain policy parameters.

**Government requires that the need for and appropriateness of universal service obligations for licensees be considered within the context of policies for the mobile and fixed telecommunications sectors that have been stated in section 2.1 and 2.2 in this document.** In general those policies and associated targets may be characterised as seeking a significant expansion of service provision through normal competitive market mechanisms that eliminate pricing imbalances, increase investment potential and enhance consumer affordability and thus can be expected to limit the need for universal service obligations.

Government also considers the relevance of payphone services in the context of universal access.

In executing government policy set in accordance with Article 3 b) of the Telecommunications Law, MoICT and TRC will review the detail of policy with regard to universal service obligations to be placed on licensees, and the funding of those obligations, with a view to its publication before the end of the JT monopoly. These considerations will also consider the relevance of payphone services in the context of universal access.

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67 • Government requires that the applicability of universal service obligations upon licensees be considered on a technology neutral basis. This parameter recognises that mobile access now numerically exceeds fixed service access and is, at certain levels, competitive with fixed domestic services and payphone services.

68 • Government requires that any universal service regime should only be targeted at areas of very specific need, and, defined in terms of a minimum set of services of specified quality. This is in order that the funding mechanism associated with any obligations may be fully transparent, and, not represent an undue distortion of open market mechanisms or represent barriers to competitive entry to certain areas of the market.

69 • Government policy with regard to digital inclusion, and associated funding, has been addressed in section 3 of this document.

70 2.5. PROTECTION OF COMMUNICATION INFRASTRUCTURES

In recognition of the key role that network-based services play in the life and economy of the Nation, Government requires that all reasonable steps are taken to protect the continuity and integrity of supply of information and communication services. Government will accordingly be supportive of measures that are initiated by TRC to require licensees and others to take appropriate protection or recovery actions.

72 2.6. GOVERNMENT OWNERSHIP IN THE TELECOMMUNICATIONS SECTOR

Government will withdraw from its ownership position in Jordan Telecom, as market conditions and economic circumstances permit. Government will act in a manner and in a timescale that is in accordance with the relevant Law and is consistent with its responsibilities as a shareholder of JT.
2.7 EXPLOITATION OF JORDAN’S ADVANTAGES WITHIN THE REGION

Government requires that the acknowledged lead over other states that Jordan has established, at a Regional level, in the progressive liberalisation of its telecommunications sector should be actively exploited.

Factors contributing to the leading position are considered to be:

- the establishment of an independent Regulator, the TRC,
- the wider structural reforms within the economy as a whole,
- advantageous free trade agreements,
- The supportive posture of Government toward innovation and the development of education and skills.

It is a policy goal that investment be attracted into the provision of services, not only for domestic consumption, as primarily outlined in the sections above, but also for the provision of transit or ‘hub’ services on a regional basis. In addition, it is a policy goal that Jordan exploit its lead to develop, within its business sector, those skills and capabilities that may be applied on a far wider basis than the Jordan market. The universal standards that apply in communications service provision, and the associated technologies, make this a viable proposition for Jordanian businesses. Government also seeks that where Jordan is able to contribute particular value through its skilled workforce, such as in the Arabisation of established functions or systems, and, Arabic content provision, those opportunities should be grasped.

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Government recognises the urgency of action in this area. Government, through MoICT in coordination with other concerned parties, will play its required role in the active promotion, and enabling of the opportunities within Jordan and the region. Government encourages entrepreneurial elements within the private sector, and established operators, to come forward with proposals in this connection.
3. POLICY RELATED TO THE INFORMATION TECHNOLOGY (IT) SECTOR

- Government requires that all practical steps be taken to develop the IT sector so that it becomes an internationally competitive player. Steps taken should attract local and foreign private sector investment and yield high quality employment, export revenues and associated profitability.

- Government requires that IT contribute to the means by which the nation’s human assets may be developed in educational and social terms.

- Government requires that government entities should exploit IT to attain greater efficiency and openness in its dealings with citizens and businesses.

- Government requires that all practical steps be taken to ensure that the general business community exploits IT to a level that enhances the efficiency and competitiveness of all of the industrial and service sectors of the economy.

- Much progress has been made in recent years in creating a legal and economic environment in which private capital and enterprise may drive the IT sector forward.

- Government continues, through MoICT, to shoulder its own responsibilities, under the Law, to act as a strategist, promoter, educator and facilitator for sectors within ICT.

- Not least, government seeks to ‘practice what it preaches’ by striving for greater efficiency and openness through the application of IT, encompassing connectivity and common standards.
The fundamentals of Government policy will remain consistent in the coming years and will encompass the following goals and actions:

- Government will work with national and international trade bodies, with the objective of removing any identified further impediments to the sector meeting the government’s fundamental policy for its success. In this connection, government recognises, amongst other factors, the shortfalls identified in the review of ‘eReadiness’ within Jordan (Dated Oct 2002 and incorporated into REACH 3.0). These shortfalls relate to connectivity, information security and the eBusiness Climate. MoICT is actively exercising the powers over all sectors within ICT that flow from the responsibilities that are placed upon it by Law to address these areas.

- Government will continue with its important role in promoting the interests of the sector and acting a catalyst for action but it seeks that private enterprise and capital should drive the sector forward.

- Government requires that open market principles should apply to the IT sector. Accordingly, Government requires that regulation not be applied, except in those exceptional circumstances where it can be objectively justified and, it lies within the regulatory jurisdiction of the TRC. Government considers that the Competition Law of 2002 provides adequate safeguards against anti-competitive activity within the sector at the present time.

- Government will move forward with the Connecting Jordanians initiative and all similar projects that are key instruments in the implementation of policy. These initiatives typically contribute to educational reform and life-long learning, promote the development of ICT resources in disadvantaged areas and thus stimulate the overall IT sector. MoICT has obligation under the Law to ‘encourage the preparation of advanced programs of education and training in telecommunications and information technology, including the use of the Internet, electronic commerce, and electronic transactions’. MoICT will, accordingly, play a pivotal enabling role in these initiatives, including the establishment of a private national broadband network that will connect educational establishments.

- Government, acting through MoICT, will move forward with, and manage and lead, Government related initiatives. These initiatives require government entities to achieve efficiencies and improve public services through the application of IT. Accordingly MoICT will specify and ensure the effective provision, management and maintenance of physical and logical IT resources, and, the best use of human and financial resources. In this connection MoICT will establish a National Information Technology Centre (NITC)
under the direction of the Minister. For the procurement of ICT by Government, MoICT will issue enabling technical standards and specifications, where appropriate.

- Government, through MoICT, will continue, in association with the private sector, to take steps that encourage the adoption of IT, e-Commerce, collaborative working, research and development and similar areas, within the general industrial and service sectors of the economy. MoICT will ensure that initiatives managed by it, should, to the extent that is feasible and practicable, and not in conflict with National interest or security considerations, be completed by, or outsourced to, the private sector.

- In connection with eCommerce, Government is taking action to create a legal framework for: electronic transactions in Jordan, associated consumer protection, and, the discouragement of ‘cyber-crime’. NITC will administer, on behalf of Jordan, Internet related domain names associated with the .jo designation.

- Government recognises that in order to achieve digital inclusion for all citizens, government must undertake activities that are not economically viable for the private sector to complete in their entirety. In such circumstances, procurement processes will ensure that appropriate contributing elements are supplied by the private sector.

- Government further recognises that in certain instances it may, as a result of actions associated with implementation of policies that have been described, establish infrastructure and facilities that may have economic potential beyond their use by Government. Should government release capacity, sell infrastructure or in any other way realise value from its enabling investment, it will ensure that such action is effected in a transparent and non-discriminatory manner, in order that it should not unduly distort any markets or sectors within ICT.
4. POLICY RELATED TO THE POSTAL SECTOR

4.1. CONTINUING REFORM

- Government requires a continuation of the process of reform of the postal sector. This is to ensure that it is able to cope with socio-economic and technological changes and respond to market needs whilst ensuring that all citizens have access to high quality postal services at an affordable price.

- Government requires that the sector be further opened to private sector participation and investment.

The principal goals of these general policies continue to be:

- To satisfy demand for postal services
- To improve the quality of traditional services and to encourage the introduction of new services for which there is demand
- To reduce the sector dependence on government budget
- To maintain existing private sector investment and stimulate new investment in the sector
- To foster competition
- To develop the postal sector to play a pivotal role as a component of an effective infrastructure that serves the national economy.

4.2. UNIVERSAL POSTAL SERVICE

Government requires that a universal postal service be provided. The universal postal service is the collection and distribution, each working day to every postal address in Jordan, of postal articles, at rates that are affordable to Jordanians. Government requires that details of the universal service be included in the Performance Contract or future licenses issued by the regulator.

Government requires that Jordan Post Company (JPC) as the Public Postal Operator continues to be obligated to provide this universal service.
Within elements of the universal postal service, JPC may not presently fully recover the cost of provision of the service. Accordingly, Government requires that minimal postal services consistent with current practice will continue to be ‘reserved’ to JPC as the exclusive provider for a period of time.

However, Government requires that in the longer term the market for postal services, including reserved services, be fully liberalised.

With regard to the universal service obligation in the longer term, MoICT and TRC will review the detail of policy, and, the funding of potential obligations, prior to the ending the reserved rights of JPC. However, in order that stakeholders may now consider the issues within an appropriate context, government now states certain policy parameters.

• Government requires that any universal service regime should only be targeted at areas of very specific need, and, defined in terms of a minimum set of services of specified quality. This is in order that the funding mechanism associated with any obligations may be fully transparent, and, not represent an undue distortion of open market mechanisms or represent barriers to competitive entry to certain areas of the market.

4.3. THE PUBLIC POSTAL OPERATOR

Government requires that JPC progressively, but rapidly, ceases to be reliant on government subsidy and be rendered able to compete fairly in the market. To meet this requirement, a transitory period of not less than three years (from date of approval of this document) is to be provided for a process of restructuring of JPC. This process is consistent with the terms of a Performance Contract, which has been entered into by JPC and Government.

In furtherance of the restructuring process, Government requires that JPC be given a measure of commercial autonomy, in a manner that is consistent with fair competition principles including the exclusion of cross subsidy between reserved and non-reserved areas of business.

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4.4. **REGULATION OF THE SECTOR**

Overall, the goals of policy are to encourage further development of the current thriving private postal market, to maintain universal postal service, and, to promote investment through increased private participation in the postal area.

Government requires the establishment of a common process of regulation for public and private postal operators, which is consistent with stated policy and its goals.

The Government accordingly requires that TRC exercise its prerogative to grant licences to those who already provide postal services, or who may wish to provide services in the future.

Government further requires that licensing be extended to the Public Postal Operator, towards the end of the transitory period, thereby enabling fully licensed competition within the postal sector.

4.5. **DEVELOPMENT AND GROWTH OF THE SECTOR**

To meet broader policy objectives to promote national and international trade, and, to meet social needs, Government requires the creation of a market environment that will further develop existing services and encourage the introduction of new services, for which there is demand.

Specific policy goals and objectives include the following:

- Growth in destination point delivery of postal articles through development of postal infrastructure including the definition of a postal address for every destination point in the country.
- The development of postal services and infrastructure that will support e-Commerce and e-Government in Jordan, including hybrid electronic/physical services, and integration of postal information systems with information systems provided for e-Commerce and e-Government.
- Further development of international services for the region.

4.4. تنظيم القطاع البريدي

إن الهدف العام من وضع السياسة هو تشجيع تطوير سوق الخدمات البريدية وحماية وتوفر الخدمة البريدية الشاملة وترويج الاستثمار فيه من خلال زيادة المشاركة الفاعلة للقطاع الخاص في تطور القطاع البريدي.

تقرر الحكومة إيجاد نظام تراخيص مشترك لتنظيم مشغلي البريد العام والخاص بحيث يتوافق مع السياسة العامة وأهدافها.

تقرر الحكومة أن تمارس هيئة تنظيم قطاع الاتصالات صلاحياتها في منح الرخص لكل من يقدم خدمات بريدية حالية أو لمن يرغب بتقديمها مستقبلا.

تقرر الحكومة أيضا أن يشمل الترخيص مشغل البريد العام عند نهاية الفترة الانتقالية وذلك لتجديد بيئة تنافسية منظمة برجع ضمن قطاع البريد.

4.5. تطوير وإتمام القطاع

لتحقيق أهداف السياسة الأشمل للدولة وتوجيه التجارة الوطنية والدولية ومواكبة الاحتياجات الاجتماعية، تقرر الحكومة خلق مناخ مناسب لتطوير الخدمات البريدية الحالية وتشجيع إدخال خدمات جديدة مطلوبة.

تضمن أهداف وغايات السياسة بشكل خاص ما يلي:

- زيادة نسبة خدمة الإستلام للبعثات إلى المكان الفعلي للمرسل إليه من خلال تطوير البنية التحتية للقطاع البريدي ليتضمن تعريف عنوان بريدي لكل نقطة إرسال في الأردن.
- تطوير الخدمات البريدية والبنية التحتية لتسداد الحكومة الإلكترونية والتجارة الإلكترونية في الأردن وتشمل تكامل الخدمات الإلكترونية المحوسسية، وتكامل أنظمة المعلومات البريدية مع أنظمة التجارة الإلكترونية والحكومة الإلكترونية.
- تطوير وتوسيع الخدمات البريدية الدولية التي تخدم الأقليم.
4.6. GOVERNMENT OWNERSHIP IN THE POSTAL SECTOR

Government will withdraw from its ownership position in JPC, as market conditions and economic circumstances permit. Government will apply mechanisms and act in a manner and timescale that is in accordance with the relevant Law and is consistent with its responsibilities as a shareholder of JPC.

4.6. ملكية الحكومة في قطاع البريد

ستتخلى الحكومة عن ملكيتها في شركة البريد الأردنية، حسبما تسمح به أوضاع السوق والظروف الاقتصادية. وضمن آليات عمل وأساليب تنفيذ ومد زمنية تنفيذ مع القانون والتزامات الحكومة كمساهم في شركة البريد الأردنية.
Statement of Government Policy as approved on the 4th Sep 2003

وثيقة السياسة العامة للحكومة المقررة من مجلس الوزراء بتاريخ 4/أيلول/2003

ANNEX 1: DETAILS OF COMPLEMENTARY LAW AND WTO OBLIGATIONS

1A. COMPETITION LAW No. 49 of 2002

The Competition Law of 2002 represents a major step forward in the entry of safeguards into the structure of the economy, whereby practices, alliances and agreements, explicit or implicit, that prejudice, contravene, limit or prevent competition shall be prohibited. Certain markets served by the sectors within ICT do not yet constitute fully liberalised or open environments, whilst others do have an acceptable level of competition. The sectors are principally governed by the terms of the Telecommunications Law and the Postal Law, which provide for regulation of activities and markets that are not fully competitive. The Competition Law has universal application. Accordingly, it is necessary that TRC take due note of its impact in the context of its regulatory activities under the Telecommunications and Postal Laws, with appropriate reference to policy set out in the body of this document.

1B. WTO Obligations

Upon becoming a member of the World Trade Organisation (WTO) in April, 2000 Jordan agreed to accept obligations associated with membership.

Government reaffirms its commitment to those obligations. The policy that is set out in this document is fully consistent with those obligations and Government requires that in the implementation of policy, whether through its own action, or those of others, specific WTO obligations are met.

In the telecommunications sector Jordan has agreed to various key principles by means of a reference paper. The following is a broad summary:

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To forbid and eliminate anticompetitive practices relating to control over essential facilities or use of a position established in a market, with specific reference to anticompetitive cross-subsidisation, use of the information of a competitor for anticompetitive purposes and denial of technical and commercial co-operation.

To ensure that interconnection between competing networks is facilitated, at any feasible point in a timely and non-discriminatory manner, and, that interconnection services are supplied at cost oriented rates that are transparent, reasonable and so unbundled as to ensure that network components that are not used are not subject to charge. Further, that the procedures that apply to interconnect negotiation are made publicly available.

With regard to Universal Service, to ensure that any action is fully justified and that market distortions are minimised.

The Regulatory body is separate from, and not accountable to, any supplier of basic telecommunications services. The decisions of and the procedures used by the regulators shall be impartial with respect to all market participants.

To allocate any necessary scarce resources for the purposes of the sector in an objective, timely, transparent and non-discriminatory manner.

In area of general government procurement, which this policy statement indicates will have significant impact upon sectors within ICT, Jordan is committed to WTO terms that require procurements to be open and non-discriminatory, except as may be modified through ongoing negotiation between the parties. Government is specifically required to facilitate procurement through the issue of technical specifications, and, to establish information centres.

In سياق الشمولية والمشترات الحكومية العامة والتي تشير هذه الوثيقة إلى أثرها الباز على القطاعات المختلفة في إطار الإنجازات وتقنية المعلومات، فإن الأردن ملتزمة بشروط منظمة التجارة العالمية والتي تنص على أن شروط المشترات يجب أن تكون متوقعة للجميع وغير متحزمة، ما عدا ما يجري الاتفاق على تعديله من خلال المفاوضات القائمة. إن الحكومة مطالبة بتسهيل المشترات عن طريق إصدار معايير تكافئة وتأسيس مراكز معلوماتية.