



# 中华人民共和国电信条例

Regulation of the  
People's Republic of China  
on Telecommunications

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# 中华人民共和国电信条例

(2000年9月20日国务院第31次常务会议通过)

2000年9月25日中华人民共和国国务院令

第291号公布 自公布之日起施行)

## 第一章 总 则

**第一条** 为了规范电信市场秩序，维护电信用户和电信业务经营者的合法权益，保障电信网络和信息的安全，促进电信业的健康发展，制定本条例。

**第二条** 在中华人民共和国境内从事电信活动或者与电信有关的活动，必须遵守本条例。

本条例所称电信，是指利用有线、无线的电磁系统或者光电系统，传送、发射或者接收语音、文字、数据、图像以及其他任何形式信息的活动。

**第三条** 国务院信息产业主管部门依照本条例的规

# Regulations of the People's Republic of China on Telecommunications

(Adopted at the 31st Executive Meeting of the State Council on September 20, 2000, promulgated by Decree No. 291 of the State Council of the People's Republic of China on September 25, 2000, and effective as of the date of promulgation)

## CHAPTER I GENERAL PROVISIONS

**Article 1** These Regulations are formulated in order to standardize the telecommunications market, safeguard the lawful rights and interests of telecommunications subscribers and telecommunications service providers, ensure the security of telecommunications networks and information, and promote the sound development of the telecommunications industry.

**Article 2** Anyone that engages in telecommunications activities or activities related to telecommunications within the territory of the People's Republic of China must abide by these Regulations.

The telecommunications as used in these Regulations means transmission, emission or reception of voice, text, data, image or information of any nature by means of wired or wireless electromagnetic or optical systems.

**Article 3** The competent information industry department of the State Council supervises and administers the telecommunications industry

定对全国电信业实施监督管理。

省、自治区、直辖市电信管理机构在国务院信息产业主管部门的领导下，依照本条例的规定对本行政区域内的电信业实施监督管理。

**第四条** 电信监督管理遵循政企分开、破除垄断、鼓励竞争、促进发展和公开、公平、公正的原则。

电信业务经营者应当依法经营，遵守商业道德，接受依法实施的监督检查。

**第五条** 电信业务经营者应当为电信用户提供迅速、准确、安全、方便和价格合理的电信服务。

**第六条** 电信网络和信息的安全受法律保护。任何组织或者个人不得利用电信网络从事危害国家安全、社会公共利益或者他人合法权益的活动。

nationwide in accordance with the stipulations of these Regulations.

The telecommunications administration authorities of the provinces, autonomous regions and municipalities directly under the Central Government shall supervise and administer the telecommunications industry within their respective jurisdictions in accordance with the stipulations of these Regulations, under the leadership of the competent information industry department of the State Council.

**Article 4** The supervision and administration of telecommunications shall conform with the principles of separation of government and enterprises, the elimination of monopolies, the encouragement of competition and the promotion of development, as well as those of transparency, impartiality and justice.

Telecommunications service operators shall operate in accordance with the law, abide by business ethics and accept supervision and inspection that is carried out in accordance with the law.

**Article 5** Telecommunications service operators shall provide rapid, accurate, secure, convenient and reasonably priced telecommunications services to telecommunications service subscribers.

**Article 6** The security of telecommunications networks and information is protected by law. No organization or individual may use telecommunications networks to engage in activities that jeopardize the security of the State, public interests or the lawful rights and interests of others.

## 第二章 电信市场

### 第一节 电信业务许可

**第七条** 国家对电信业务经营按照电信业务分类，实行许可制度。

经营电信业务，必须依照本条例的规定取得国务院信息产业主管部门或者省、自治区、直辖市电信管理机构颁发的电信业务经营许可证。

未取得电信业务经营许可证，任何组织或者个人不得从事电信业务经营活动。

**第八条** 电信业务分为基础电信业务和增值电信业务。

基础电信业务，是指提供公共网络基础设施、公共数据传送和基本话音通信服务的业务。增值电信业务，是指利用公共网络基础设施提供的电信与信息服务的业务。

电信业务分类的具体划分在本条例所附的《电信业



## CHAPTER II THE TELECOMMUNICATIONS MARKET

### SECTION 1 LICENSING OF TELECOMMUNICATIONS SERVICES

**Article 7** The State implements a licensing system in respect of the operation of telecommunications services, based on the categorization of such services.

In order to operate telecommunications services, a telecommunications service operating license issued by the competent information industry department of the State Council or the telecommunications administration authority of a province, autonomous region or municipality directly under the Central Government must be secured in accordance with the stipulations of these Regulations.

No organization or individual may engage in the operation of telecommunications services without having first secured a telecommunications service operating license.

**Article 8** Telecommunications services are categorized as basic telecommunications services and value-added telecommunications services.

Basic telecommunications services refers to the provision of public network infrastructure, public data transmission and basic voice communications services. Value-added telecommunications services refers to those telecommunications and information services provided by means of the public network infrastructure.

The specific categorization of telecommunications services is listed in

务分类目录》中列出。国务院信息产业主管部门根据实际情况，可以对目录所列电信业务分类项目作局部调整，重新公布。

**第九条** 经营基础电信业务，须经国务院信息产业主管部门审查批准，取得《基础电信业务经营许可证》。

经营增值电信业务，业务覆盖范围在两个以上省、自治区、直辖市的，须经国务院信息产业主管部门审查批准，取得《跨地区增值电信业务经营许可证》；业务覆盖范围在一个省、自治区、直辖市行政区域内的，须经省、自治区、直辖市电信管理机构审查批准，取得《增值电信业务经营许可证》。

运用新技术试办《电信业务分类目录》未列出的新型电信业务的，应当向省、自治区、直辖市电信管理机构备案。

**第十条** 经营基础电信业务，应当具备下列条件：

the Catalogue of Telecommunications Services by Category attached to these Regulations. The competent information industry department of the State Council may make partial adjustments to the categorization of telecommunications service items listed in the catalogue in light of actual circumstances and then re-publish the catalogue.

**Article 9** Those wishing to operate basic telecommunications services must be examined and approved by the competent information industry department of the State Council and secure the Basic Telecommunications Service Operating License.

Those wishing to operate value-added telecommunications services with coverage to two or more provinces, autonomous regions and/or municipalities directly under the Central Government must be examined and approved by the competent information industry department of the State Council and secure a Trans-regional Value-added Telecommunications Service Operating License. Those wishing to operate value-added telecommunications services with coverage within a single province, autonomous region or municipality directly under the Central Government must be examined and approved by the telecommunications administration authority of the said province, autonomous region or municipality directly under the Central Government and secure the Value-added Telecommunications Service Operating License.

Where new technology is used on a trial basis to provide new types of telecommunications service that are not listed in the Catalogue of Telecommunications Services by Category, such services shall be filed with the telecommunications administration authority of the province, autonomous region or municipality directly under the Central Government for the record.

**Article 10** In order to operate basic telecommunications services,

- (一) 经营者为依法设立的专门从事基础电信业务的公司，且公司中国有股权或者股份不少于 51%；
- (二) 有可行性研究报告和组网技术方案；
- (三) 有与从事经营活动相适应的资金和专业人员；
- (四) 有从事经营活动的场地及相应的资源；
- (五) 有为用户提供长期服务的信誉或者能力；
- (六) 国家规定的其他条件。

**第十一条** 申请经营基础电信业务，应当向国务院信息产业主管部门提出申请，并提交本条例第十条规定的相关文件。国务院信息产业主管部门应当自受理申请之日起 180 日内审查完毕，作出批准或者不予批准的決定。予以批准的，颁发《基础电信业务经营许可证》；不予批准的，应当书面通知申请人并说明理由。

**第十二条** 国务院信息产业主管部门审查经营基础电信业务的申请时，应当考虑国家安全、电信网络安全、

the following conditions shall be met:

(1) the operator shall be a legally established company that specializes in basic telecommunications services and in which the State's equity interest or shareholding is not less than 51 %;

(2) it shall have a feasibility study and technical plan regarding network formulation;

(3) it shall have funds and specialized personnel commensurate with its proposed business activities;

(4) it shall have a site and the corresponding resources to carry out its operations;

(5) it shall have the reputation for, or be capable of, providing long-term services to its subscribers; and

(6) other conditions as stipulated by the State.

**Article 11** Those applying to provide basic telecommunications services shall submit their application, accompanied by any documentation relating to the conditions specified in Article 10 of these Regulations, to the competent information industry department of the State Council. The competent information industry department of the State Council shall complete its examination of the application and decide whether or not to approve it within 180 days from receiving the application. Where the application is approved, the competent information industry department of the State Council shall issue the Basic Telecommunications Service Operating License; where the application is rejected, the competent information industry department of the State Council shall notify the applicant in writing and explain the reasons for its rejection.

**Article 12** When examining an application for the operation of basic telecommunications services, the competent information industry

电信资源可持续利用、环境保护和电信市场的竞争状况等因素。

颁发《基础电信业务经营许可证》，应当按照国家有关规定采用招标方式。

**第十三条** 经营增值电信业务，应当具备下列条件：

- (一) 经营者为依法设立的公司；
- (二) 有与开展经营活动相适应的资金和专业人员；
- (三) 有为用户提供长期服务的信誉或者能力；
- (四) 国家规定的其他条件。

**第十四条** 申请经营增值电信业务，应当根据本条例第九条第二款的规定，向国务院信息产业主管部门或者省、自治区、直辖市电信管理机构提出申请，并提交本条例第十三条规定的相关文件。申请经营的增值电信业务，按照国家有关规定须经有关主管部门审批的，还应当提交有关主管部门审核同意的文件。国务院信息

department of the State Council shall consider factors such as the security of the State, the security of telecommunications networks, the sustainable utilization of telecommunications resources, environmental protection and the state of competition in the telecommunications market.

The Basic Telecommunications Service Operating Licenses shall be granted by means of inviting tenders in accordance with the relevant of the State.

**Article 13** To operate value-added telecommunications services, the following conditions shall be met:

- (1) the operator shall be a legally established company;
- (2) it shall have funds and specialized personnel commensurate with the business activities to be developed;
- (3) it shall have the reputation for, or be capability of, providing long-term services to subscribers; and
- (4) other conditions as stipulated by the State.

**Article 14** Those applying to provide basic telecommunications services shall, according to the provisions of paragraph 2 of Article 9 of these Regulations, submit their application, accompanied by any documentation relating to the conditions stipulated in Article 13 of the Regulations, to the competent information industry department of the State Council or the department in charge of the information industry of the relevant province, autonomous region or municipality directly under the Central Government. Where the relevant provisions of the State require that the value-added telecommunications service being applied for be examined and approved by the relevant competent authority, the approval document from the relevant competent authority shall also be submitted. The competent information industry department of the State Council or the department in charge of the information industry of the relevant province,

产业主管部门或者省、自治区、直辖市电信管理机构应当自收到申请之日起 60 日内审查完毕，作出批准或者不予批准的决定。予以批准的，颁发《跨地区增值电信业务经营许可证》或者《增值电信业务经营许可证》；不予批准的，应当书面通知申请人并说明理由。

**第十五条** 电信业务经营者在经营过程中，变更经营主体、业务范围或者停止经营的，应当提前 90 日向原颁发许可证的机关提出申请，并办理相应手续；停止经营的，还应当按照国家有关规定做好善后工作。

**第十六条** 经批准经营电信业务的，应当持依法取得的电信业务经营许可证，向企业登记机关办理登记手续。

专用电信网运营单位在所在地区经营电信业务的，应当依照本条例规定的条件和程序提出申请，经批准，取得电信业务经营许可证，并依照前款规定办理登记手续。



autonomous region or municipality directly under the Central Government shall complete its examination and decide whether or not to approve the application within 60 days from the date of the receipt of the application. Where it approves the application, the Trans-regional Value-added Telecommunications Service Operating License or Value-added Telecommunications Service Operating License shall be issued; where it does not approve the application, it shall notify the applicant in writing and explain the reasons for its rejection.

**Article 15** Where a telecommunications service operator undergoes a change of ownership or amends its business scope during the course of operations, or ceases operating, it shall submit an application to the original license-issuing authority 90 days in advance and undertake the corresponding procedures. Where a telecommunications service operator ceases operating, it shall handle any ensuing issues appropriately, in accordance with the relevant provisions of the State.

**Article 16** After being approved to operate telecommunications services, an enterprise shall register with the enterprise registration authority on the strength of its lawfully secured telecommunications service operating license.

Operators of dedicated telecommunications networks that intend to operate telecommunications services in the area covered by their network shall submit an application in accordance with the conditions and procedures stipulated in these Regulations and, after being approved and securing the telecommunications service operating license, shall undertake enterprise registration procedures in accordance with the stipulations of the preceding paragraph.