



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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General Notice

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 695

2018

NOTICE OF INTENTION TO MAKE REGULATIONS PRESCRIBING PROCEDURES REGARDING APPLICATION FOR AND AMENDMENT, RENEWAL OR TRANSFER OF SPECTRUM LICENCES: COMMUNICATIONS ACT, 2009

The Communications Regulatory Authority of Namibia (hereafter “the Authority”) in terms of regulation 4 of the Regulations Regarding Rule-Making Procedures published as General Notice No. 334 of 17 December 2010 (hereafter “the Regulations Regarding Rule-Making Procedures”) publishes this notice of intention to make “Regulations Prescribing Procedures Regarding Application For, and Amendment, Renewal or Transfer of Spectrum Licences”, which contains the following:

1. A concise statement of the purpose for the proposed Regulations set out in Schedule 1;
2. A draft of the proposed Regulations set out in Schedule 2.

The Authority in terms of regulation 7 of the Regulations Regarding Rule-Making Procedures further gives notice herewith that it will hold a public hearing regarding the proposed Regulations as follows:

DATE: 30 JANUARY 2019

TIME: 11H00

VENUE: TBA

Members of the public are invited to make oral submissions at the aforesaid public hearing subject to the following:

1. Any person desirous to make oral submissions at the aforesaid public hearing must deliver written notice thereof to the Authority not later than 10 days before the date of the hearing. Such written notice must be accompanied by concise statement setting out the basis and rationale of the oral submissions.
2. Oral submissions made at the aforesaid public hearing must -
 - (a) Include a statement of the name and contact details of the person making the oral submissions and the name and contact details of the person of entity on whose behalf the oral submissions are made, if different;
 - (b) Be clear and concise.
3. The aforesaid notice of oral submissions and concise statement must be delivered to the Authority either physically or electronically as follows:
 - (a) By hand to the head offices of the Authority, namely Communications House, 56 Robert Mugabe Avenue, Windhoek;
 - (b) By post to the head offices of the Authority namely Private Bag 13309, Windhoek;
 - (c) By electronic mail to the following address legal@cran.na;
 - (d) By facsimile to the following facsimile number +264 61 222 790; or
 - (e) By fax to email to: 088642748.

Members of the public are further invited to make written submissions to the Authority no later than 45 days from the date of publication of this notice of intention to make regulations, in the manner set out below for making written submissions.

Reply comments to written submissions may be submitted to the Authority.

- (a) no later than 15 days after the time for the making of written submissions has lapsed; or
- (b) if the opportunity for the submission of reply comments is published in a subsequent Gazette, after the lapse of 14 days from the date of such publication.

All written submissions must -

- (a) contain the name and contact details of the person making the written submissions and the name and contact details of the person or entity on whose behalf the written submissions are made, if different; and
- (b) be clear and concise.

All written submissions must be delivered to the Authority in the manner provided above for the delivery of notices of oral submissions.

F. KISHI
CHAIRPERSON OF THE BOARD
COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

SCHEDULE 1

CONCISE STATEMENT OF PURPOSE

The objects of the proposed Regulations are to –

- (a) establish the framework through which the Authority allocates radio frequency spectrum under the Frequency Band Plan published under General Notice No. 424 of 28 October 2016;
- (b) provide a long-term framework for conferring on a licensee the right to use any radio frequency or group of radio frequencies or radio receiver under the aforesaid Frequency Band Plan;
- (c) determine fair, efficient and transparent licensing procedures which an applicant must follow in applying for a spectrum licence in terms of section 101(5) of the Communications Act, 2009 (Act No. 8 of 2009);
- (d) set up a formalized process for the amendment, renewal, transfer and withdrawal of spectrum licences in terms of section 101(14) of the aforesaid Communications Act, 2009;
- (e) provide for circumstances in which the use and possession of radio apparatus does not require a spectrum license and the categories of radio apparatus in respect of which a spectrum license is not required in terms of section 101(16) of the aforesaid Communications Act, 2009;

SCHEDULE 2**GENERAL NOTICE****COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

No.

2018

**PROPOSED REGULATIONS PRESCRIBING PROCEDURES REGARDING APPLICATION
FOR, AND AMENDMENT, RENEWAL, TRANSFER AND CANCELLATION OF SPECTRUM
LICENCES: COMMUNICATIONS ACT, 2009**

In terms of section 101(2), section 101(5), section 101(14) and section 101(16) read with section 129 of the Communications Act, 2009 (Act No. 8 of 2009) the Communications Regulatory Authority-

- (a) makes the Regulations set out in the Schedule;
- (b) amends the Regulations Regarding Licensing Procedures For Telecommunications and Broadcasting Service Licenses and Spectrum Use Licenses published under General Notice No. 272 of 29 August 2011;
- (c) repeals the Regulations Regarding License Exempt Spectrum published under General Notice No. 395 of 25 November 2011; and
- (d) repeals the Regulations Setting Out License Conditions For Spectrum Use Licenses published under General Notice No. 469 of 2 December 2013.

F. KISHI**CHAIRPERSON OF THE BOARD****COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

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PART 1 INTRODUCTORY PROVISIONS

Definitions

1. In these Regulations, any word or expression to which a meaning is assigned in the Act has that meaning, and -

“Act” means the Communications Act, 2009 (Act No. 8 of 2009);

“applicant” means a person applying for a spectrum license or for the amendment, renewal, transfer or withdrawal of a spectrum license;

“Bid” means the submission of the suite of documents required in terms of a Request to Bid;

“Bidder” means an applicant which has submitted a Bid following a Request to Bid;

“Frequency Band Plan” means the Frequency Band Plan of Namibia published under General Notice No. 424 of 28 October 2016 or amended/replaced from time to time;

“licensee” means any person to whom a spectrum license has been issued in terms of **Part 2 or 3**;

“Regulations Setting Out Fees For Spectrum Licenses, Certificates and Examinations” means the Regulations Setting Out Fees For Spectrum Licenses, Certificates and Examinations published under General Notice No. 155 of 1 June 2017 or as amended from time to time;

“Regulations Prescribing Forms For Applications” means the Regulations Prescribing Forms For Applications published under General Notice No. 328 of 19 August 2013 or as amended from time to time;

“Request to Bid” means an invitation issued by CRAN to prospective Bidders to submit a Bid complying with the qualification criteria for a spectrum auction stipulated by **regulation 7**;

“spectrum auction” means the process whereby the Authority uses an auction system to sell the rights to use any radio frequency or group of radio frequencies or radio receiver over specific bands of the radio frequency spectrum as determined by the Frequency Band Plan and to assign scarce spectrum resources; and

“spectrum license” means a spectrum license conferring on the licensee the right to use any radio frequency or group of radio frequencies or radio receiver under the Frequency Band Plan.

Objects and application of Regulations

2. (1) The objects of these Regulations are to—
 - (a) establish the framework through which the Authority allocates radio frequency spectrum under the Frequency Band Plan;
 - (b) to provide a long-term framework for conferring on a licensee the right to use any radio frequency or group of radio frequencies or radio receiver under the Frequency Band Plan;
 - (c) determine fair, efficient and transparent licensing procedures which an applicant must follow in applying for a spectrum licence;
 - (d) provide for circumstances in which the use and possession of radio apparatus does not require a spectrum license and for the categories of radio apparatus in respect of which a spectrum license is not required; and
 - (e) set up a formalized process for the amendment, renewal, transfer and withdrawal of spectrum licences.
- (2) These Regulations apply to all applicants, licensees and participants in a spectrum auction.

Submission of documents to Authority

3. Whenever documents are required to be delivered to the Authority, such documents must be delivered physically or electronically—

- (a) by hand to an employee of the Authority at its principal place of business, being Communication House, No. 56 Robert Mugabe Avenue, Windhoek;
- (b) by post mailed to Private Bag 13309, Windhoek;
- (c) by electronic mail sent to operations@cran.na;
- (d) by facsimile faxed to +264 61 222 790; or
- (e) in any other manner or to any other address specified by the Authority from time to time.

PART 2
ADMINISTRATIVE SPECTRUM LICENSE

Application procedure for right to use radio frequency spectrum

4. (1) The Authority may from time to time in its sole discretion publish a notice in the *Gazette* notifying that a radio frequency spectrum band under the Frequency Band Plan as specified in the notice is open for application to be conferred on a first-come-first-served basis.

(2) Subject to the provisions of these Regulations, any person who intends to apply for the right to use radio frequency spectrum referred to in subregulation (1) must apply to the Authority for a spectrum licence.

(3) An application referred to in subregulation (2) must be made on a form that substantially corresponds to **Form CRAN 3** set out in the Regulations Prescribing Forms for Applications in respect of which the applicant must be particularly accurate in completing the technical portion supplying all the details required.

(4) The aforesaid application must be accompanied by the following information and documentation, namely—

- (a) the full and official name of the applicant, and if the applicant is a juristic person, the registration number of that person;
- (b) the name of a contact person responsible for liaison with the Authority on issues pertaining to these Regulations and the following contact details of that person—
 - (i) physical address;
 - (ii) postal address;
 - (iii) telephone number or numbers;
 - (iv) facsimile number or numbers; and
 - (v) electronic mail address or addresses;
- (c) full details of all ownership interests in the applicant, including the identity and nationality of holders of such ownership interests and if the holder of any ownership interests is a juristic person, full details of all ownership interests in the juristic person;
- (d) full details regarding foreign ownership interests in the applicant, if any;
- (e) where the applicant is a company or close corporation, a certificate incorporation issued by the relevant official employed by the Ministry responsible for Trade;
- (f) a complete, accurate and concise business plan setting out—
 - (i) a complete list of radio frequencies or groups of frequencies being applied for;
 - (ii) a complete, accurate and concise statement of the services the applicant intends to provide in exercising the right to use the radio frequency spectrum being applied for;

- (iii) any other services being provided or to be provided by the applicant in connection with the radio frequency spectrum applied for;
 - (g) a detailed statement of the expertise and experience of the applicant to in exercising rights relating to the radio frequency spectrum being applied for, including but not limited to-
 - (i) evidence of the financial and human resources of the applicant; and
 - (ii) a description of the key personnel of the applicant, including their detailed curricula vitae; and
 - (h) any other information required by the Authority or that the applicant believes might be relevant to the Authority in considering the application.
- (5) The Authority must forthwith publish a notice of the aforesaid application in the *Gazette* and invite the public may make written comments to the Authority within the time set out in the notice, which time may not be less than 14 days from the date of the publication.
- (6) If the Authority considers it necessary, it will provide the opportunity to the applicant to respond to any public comments contemplate din subregulation (6).
- (7) An applicant's response to public comments must be submitted in writing to the Authority within the time set out by the Authority, which time may be not less than 14 days from the deadline for the submission of public comments or if the notice for submissions of responses is published in a subsequent *Gazette*, not less than 14 days from the date of that publication.
- (8) The times for the submissions of public comments and applicant responses are to be determined by the Authority in lights of the nature of the application.
- (9) The Authority may consider written submissions not timeously filed if, in its opinion, it is practical to do so.
- (10) The Authority may request further written submissions, such as for further information or clarification, which must be provided to the Authority in the time and the manner set out by the Authority.
- (11) All written submissions must-
- (a) contain the name and contact details of the person making the written submissions or the name and contact details of the person for whom the written submission is made, if different;
 - (b) be clear and concise; and
 - (c) conform to any further requirements determined by the Authority from time to time.
- (12) After considering any application made in terms of this regulation and any written or oral submissions, if any referred to herein, the Authority may refuse or grant the application, in whole or in part.
- (13) If the Authority grants the license the Authority must issue to the applicant a spectrum license in the form determined and subject to the conditions imposed by the Authority.

Application to use spectrum together with service licence exempt telecommunications service categories

5. (1) The following telecommunications services categories may be provided without a licence in terms of the Act:

- (a) amateur service;
- (b) aeronautical services;
- (c) citizen band service;
- (d) maritime service;
- (e) navigation and radar system service;
- (f) private ECS/ECNS; and
- (g) alarm system service and emergency response system service.

(2) Subject to these Regulations, a person who intends to apply for the right to use radio frequency spectrum under the Frequency Band Plan, in conjunction with the telecommunications services referred to in subregulation (1), must with the changes necessitated by the context comply with **regulation 4(2) to (5)**.

(3) After considering any application made in terms of this regulation, the Authority may refuse or grant the application, in whole or in part.

(4) If the Authority grants the license the Authority must issue to the applicant a spectrum license in the form determined and subject to the conditions imposed by the Authority.

PART 3 SPECTRUM AUCTIONS

Request to Bid

6. (1) The Authority may from time to time in its sole discretion publish by notice in the *Gazette* a notification that a radio frequency spectrum band under the Frequency Band Plan, as specified in the notice is to be conferred on a competitive basis by means of a spectrum auction, provided that no radio frequency spectrum to be used in accordance with **regulation 5** may be subject to a spectrum auction.

(2) Where the Authority determines that a spectrum auction should take place in terms of subregulation (1), the Authority must issue a Request to Bid.

- (3) A Request to Bid must set out-
- (a) the subject-matter of the Request to Bid;
 - (b) the date, time and place for the submission of any Bid;
 - (c) the application fee;
 - (d) applicable qualification criteria;

- (e) the terms and conditions relevant to the Request to Bid;
- (f) the proposed license conditions subject to which the spectrum license conferring the right to use radio frequency spectrum will be issued;
- (g) the procedures for submitting the Bid;
- (h) conditions and procedures for-
 - (i) the amendment of a Bid; or
 - (ii) the submission of supplementary information relating to the Bid;
 - (iii) the disqualification of a Bidder from the bidding process;
- (i) the selection process;
- (j) the evaluation criteria;
- (k) the spectrum auction rules or other bidding mechanism employed by the Authority for purpose of such auction;
- (l) the period of validity of the spectrum license that will be issued to a successful Bidder;
- (m) any other information or requirements the Authority deems necessary.

(4) The Authority must in accordance with the spectrum auction rules referred to in subregulation (3)(k) determine the reserve price applicable to each spectrum block intended to be auctioned as well as the auction method to be followed.

(5) In determining the radio frequency spectrum band under the Frequency Band Plan, which is to be conferred on a competitive basis by means of a spectrum auction, the Authority must consider and stipulate in the Request for Bids-

- (a) the size of spectrum blocks to be auctioned;
 - (b) whether the spectrum blocks to be auctioned will be limited to one spectrum band or a combination of spectrum bands;
 - (c) the number of spectrum licences that will be offered;
 - (d) the imposition of network rollout obligations;
 - (e) whether spectrum caps should be imposed to prevent uncompetitive market dominance;
 - (f) special conditions to encourage new entrants or smaller licensees to take part in spectrum auctions;
 - (g) an auction process and rules to prevent collusions and ensure transparency in the spectrum auction process
- (6) For purposes of subregulations (4) and (5)-

- (a) “reserve price” means the minimum price payable for a spectrum block to be conferred in terms of a spectrum auction; and
- (b) “spectrum block” means the radio frequency spectrum band under the Frequency Band Plan, as determined by the Authority, which is to be conferred on a competitive basis by means of a spectrum auction.

Bidder qualification

7. (1) The Authority will permit only those Bidders who meet the qualification criteria referred to in subregulation (2) to participate in the bid award process.

- (2) The qualification criteria include that-
 - (a) the Bidder complied with the procedures and manner in which to submit a Bid referred to in **regulation 6**;
 - (b) the Bidder has paid the applicable application fee;
 - (c) a Bidder comprising a consortium does not include an existing licensee;
 - (d) the Bidder must either be an established licensee in Namibia or the holder of a broadcasting license or a telecommunications license;
 - (e) if the Bidder does not meet the qualifications criteria set out in paragraph (e), the Bidder demonstrated its ability to-
 - (i) meet applicable network coverage and quality of service obligations by the provision of an appropriately detailed technical network roll-out plan; and
 - (ii) provide telecommunications services or broadcasting services in Namibia through the provision of an appropriately detailed business plan.
 - (f) the Bidder is solvent and cannot be-
 - (i) in default of loan payments or in negotiations regarding debt settlement proceedings;
 - (ii) insolvent or the subject of a liquidation or winding-up application; or
 - (iii) in the process of passing or in the position of having passed a resolution for a voluntary winding up.
 - (g) the Bidder demonstrated its ability to meet the financial requirement of –
 - (i) paying at least the reserve price for the radio frequency spectrum band, in respect of which it submitted a Bid;
 - (ii) building and operating a telecommunications network and providing telecommunications services or broadcasting services, as the case may be, by providing:
 - (aa) an appropriately detailed financial plan which indicates the annual and total funding requirement for the build and operation of the telecommunications network and provision of telecommunication

services or broadcasting services until the business operation concerned becomes self-funding;

- (bb) appropriately detailed financing plan which demonstrates the amount and timings of the sources of funds which will be used to meeting the funding requirement referred to in paragraph (bb); and
 - (cc) independent evidence of the availability of the funds identified in the financial plan; and
- (h) the Bidder provides an appropriate bank guarantee in the form and for the amount stipulated by the Authority in the Request to Bid.

Disqualification of Bidder

8. A Bidder will be disqualified from the bidding process where such Bidder-
- (a) submitted a Bid and is an affiliate or business associate of another Bidder or has an ownership or financial interest in respect of another Bidder who submitted a Bid relating to the same Request to Bid;
 - (b) has been granted a spectrum license conferring the right to use radio frequency spectrum under the Frequency Band Plan within the designated frequency range stipulated in the Request to Bid, unless the Bidder has less than the maximum bandwidth made available in terms of the aforesaid Request, in which case the Bidder will only be allowed to Bid for the right to use additional radio frequency spectrum resulting in a total conferment not exceeding the maximum bandwidth available;
 - (c) submitted more than one Bid relating to the designated range of radio frequency spectrum stipulated in the Request to Bid;
 - (d) submitted a Bid containing false or misleading information;
 - (e) is colluding or attempting to collude with another Bidder in order to distort or manipulate information;
 - (f) obtained or acquired confidential information regarding another Bidder;
 - (g) failed to comply with the terms and conditions relevant to the Request to Bid; or
 - (h) failed to comply with a request by the Authority relating to the Bid.

Notice of Bids received

9. Once all Bids are received in accordance with a Request to Bid, the Authority must publish a notice in the *Gazette* and one newspaper with national circulation-

- (a) notifying the names of all Bidders; and
- (b) specifying the radio frequency spectrum in respect of which the spectrum auction will take place.

Award of Bid

10. (1) The Authority must, following a spectrum auction consequent to a Request to Bid and after having followed the procedures set out in **regulation 4(6) to (13)** notify any successful bidder and specify in such notice-

- (a) the spectrum block assigned to the Bidder;
- (b) the total auction price to be paid to the Authority; and
- (c) a payment schedule detailing the terms and conditions for payment including the amount and frequency of payment and the deadline by which the total auction price must be made in full.

(2) After payment of the auction price the Authority must issue the successful Bidder with a spectrum license in the form determined and subject to the conditions imposed by the Authority.

(3) The Authority must publish the results of a spectrum auction on its website and in the *Gazette*.

PART 4**DURATION, AMENDMENT, RENEWAL, TRANSFER AND CANCELLATION OF SPECTRUM LICENCES****Duration of and conditions pertaining to spectrum license**

11. (1) A spectrum license issued under-

- (a) **Part 2** is valid for one year; and
- (b) **Part 3** is valid for the period stipulated in a Request for Bid.

(2) All spectrum licences awarded by the Authority will be subject to conditions as set out in the licensing conditions attached to the spectrum licence.

(3) Conditions referred to in subregulation (2) may include but are not limited to-

- (a) the efficient use of spectrum;
- (b) the shared utilization of spectrum;
- (c) roll-out obligations which licensees must meet;
- (d) the prohibition of trading or sub-leasing of spectrum licences;
- (e) the prohibition of hoarding of spectrum; or
- (f) reporting, monitoring and compliance matters in respect of the spectrum licence awarded.

(4) Without limiting any other conditions that the Authority may impose in terms of the provisions of the Act relating to a spectrum license, a license may specify-

- (a) guidelines, in accordance with applicable standards and requirements of the International Telecommunication Union and its Radio Regulations, as agreed to

or adopted by Namibia in terms of section 99(2) of the Act, to be adopted by the licensee;

- (b) universal access and service obligations to be undertaken by the licensee; or
- (c) performance specifications to which the licensee must conform.

Amendment of spectrum licence

12. (1) A licensee may apply to the Authority for amendment of that licensee's spectrum licence.

(2) An application referred to in subregulation (1) must be made on a form that substantially corresponds to **Form CRAN 7** set out in the Regulations Prescribing Forms For Applications.

(3) Notwithstanding subregulation (1), any changes to a licensee's name and details of contact persons do not require prior approval from the Authority, provided the ownership of the licensee is not affected by such change to the licensee's name, but the Authority must be notified in writing of the impending change at least 14 days prior to the effective date.

(4) An application referred to in subregulation (1) must–

- (a) specify the details of the spectrum licence and include a copy thereof;
- (b) set out the reasons for the proposed amendment; and
- (c) include any other information–
 - (i) the applicant believes might be relevant to the Authority in considering the application; or
 - (ii) the Authority may require.

(5) An application referred to in subregulation (1) must be accompanied by any fee payable in terms of the Regulations Setting Out Fees For Spectrum Licenses, Certificates and Examinations.

(6) The Authority may request further information or documents, which must be provided to the Authority at the time and in the manner set out by the Authority.

(7) Where the Authority proposes to amend a spectrum licence the Authority must notify the licensee in writing accordingly and in its notice specify –

- (a) the proposed amendment; and
- (b) the reasons for the proposed amendment; and
- (c) the date on which the Authority intends to effect the amendment, not being earlier than 30 days from the date on which the Authority serves the notice on the licensee.

(8) The licensee must respond to a notification in terms of subregulation (6) within 30 days from the date on which the Authority serves the notice on the licensee.

(9) If the licensee does not respond the Authority may within the period required in terms of subregulation (8), amend the licence in the manner specified in the notice.

(10) Where the licensee responds within the period required in terms of subregulation (8), the Authority may amend or refrain from amending the spectrum licence taking into consideration the representations made by the licensee.

Renewal of spectrum license

13. (1) A licensee to whom a spectrum license has been issued in terms of **Part 3** and that also holds a telecommunications or broadcasting licence may upon the expiry of the spectrum license apply to the Authority for renewal of that licensee's spectrum licence.

(2) An application referred to in subregulation (1) must be made on a form that substantially corresponds to **Form CRAN 8** set out in Annexure 3 of the Regulations Prescribing Forms for Applications.

(3) An applicant must, not earlier than six months and not later than 60 days before the date of expiration of a spectrum licence referred to in subregulation (1), submit to the Authority–

- (a) an application for renewal of such licence; or
- (b) written notice of the licensee's intention to terminate the licence.
- (4) The application must–
 - (a) specify the details of the spectrum licence and include a copy of the said licence;
 - (b) set out the full and official name of the applicant and if a natural person, the identity number of that person, and if a juristic person, the registration number of that person;
 - (c) set out the name of the contact person (if different from the applicant) and the following contact details–
 - (i) physical address;
 - (ii) postal address;
 - (iii) telephone number or numbers;
 - (iv) facsimile numbers or numbers; and
 - (v) electronic mail address or addresses.
 - (d) provide documented proof of adherence to the conditions attached to the spectrum licence for consideration by the Authority;
 - (e) set out a complete and accurate statement detailing any action taken by the Authority or other entity with competent jurisdiction in relation to any breach or alleged breach by the licensee of the Act, these Regulations or the licensee's spectrum licence; and
 - (f) include any other information the applicant believe might be relevant to the Authority in considering the application.

(5) If the Authority has not reached a decision in connection with an application for the renewal of a spectrum licence referred to in subregulation (1) at the time when the period of validity of that license expires, such licence continues to be of effect pending such decision.

(6) A spectrum license referred to in subregulation (1) may be renewed for the same period referred to in **regulation 11(1)(b)** except if the Authority decides to hold a spectrum auction in respect of the radio frequency spectrum conferred on the licensee concerned in accordance with Part 3.

(7) An application referred to in subregulation (1) must be accompanied by any fee payable in terms of the Regulations Setting Out Fees For Spectrum Licenses, Certificates and Examinations.

(8) The Authority may, when considering an application for the renewal of a spectrum licence in terms of subregulation (1), require any additional information as it deems necessary to make a finding.

(9) The Authority may decline to renew a spectrum licence in terms of this regulation if-

- (a) the licensee has contravened the Act or one or more conditions of that licence; or
- (b) the renewal of that licence will not be in accordance with the Act or these Regulations.

(10) If a licensee referred to in **Part 2** -

- (a) fully settles the invoice issued by the Authority payable for the ensuing year in respect of the spectrum license issued to that licensee in terms of that Part, the licensee's spectrum license is automatically renewed for that ensuing year; or
- (b) fails to settle the invoice referred to in paragraph (a), the licensee's spectrum license automatically lapses.

Transfer of spectrum license

14. (1) A spectrum license must be used solely by the holder thereof and such license or the control thereof is only transferable to another person with the prior approval of the Authority upon application for such transfer by such other person.

(2) An application for the transfer of a licence or control of a licence must be made on a form that substantially corresponds to **Form CRAN 6** set out in the Regulations Prescribing Forms for Applications.

(3) The Authority must be notified in writing of any transfer of ownership interests in a licensee not resulting in a transfer of control or a transfer of the license at least 14 days prior to the effective date of such transfer.

(4) The application referred to in subregulation (2) must be accompanied by the following information and documentation, namely -

- (a) the details of the spectrum licence and a copy thereof;
- (b) the full and official name of the applicant, and if the applicant is a juristic person, the registration number of that person;
- (c) the name of a contact person responsible for liaison with the Authority on issues pertaining to these Regulations and the following contact details of that person—
 - (i) physical address;

- (ii) postal address;
 - (iii) telephone number or numbers;
 - (iv) facsimile number or numbers; and
 - (v) electronic mail address or addresses;
- (d) full details of all ownership interests in the applicant, including the identity and nationality of holders of such ownership interests and if the holder of any ownership interests is a juristic person, full details of all ownership interests in the juristic person;
- (e) full details regarding foreign ownership interests in the applicant, if any;
- (f) comprehensive reasons for the transfer of the license or control thereof;
- (g) where the applicant is a company or close corporation, a certificate of incorporation issued by the relevant official employed by the Ministry responsible for Trade;
- (h) a detailed statement of the expertise and experience of the applicant to render the services for which the spectrum license was issued (in this regulation referred to as “the services”) including but not limited to-
- (i) evidence of the financial and human resources of the applicant necessary to render the services; and
 - (ii) a description of the key personnel of the applicant, including their detailed curricula vitae; and
- (i) any other information required by the Authority or that the applicant believes might be relevant to the Authority in considering the application.

(5) An application referred to in subregulation (2) must be accompanied by any fee payable in terms of the Regulations Setting Out Fees For Spectrum Licenses, Certificates and Examinations.

(6) The Authority must, after having satisfied itself that an applicant complies with subregulation (4) approve the transfer of the spectrum license in the form determined, and subject to the conditions imposed, by the Authority.

(7) If the Authority approves the transfer of spectrum license, it must endorse on such license the details of the new licensee having control of the license or to whom the license was transferred.

Refusal to issue or approve the transfer of a spectrum license

15. (1) If the Authority intends to refuse to issue or approve the transfer of a spectrum license, the Authority must inform the applicant of the reasons for such intended refusal and invite the applicant to make written submissions on why such issue or transfer should not be refused.

(2) After consideration of the written submissions referred to in subregulation (1), the Authority may, in the form determined, and subject to the conditions imposed, by the Authority-

- (a) issue to the applicant a spectrum license;
- (b) approve the transfer of the spectrum license to the applicant; or
- (c) refuse to issue or approve the transfer of the spectrum license, whereupon the Authority must inform the applicant of the reasons for such refusal.

Withdrawal and lapse of spectrum licence

16. (1) If a licensee intends to permanently discontinue providing the services for which the spectrum license was issued, it must request the Authority to withdraw its licence by submitting to the Authority an application on a form that substantially corresponds to **Form CRAN 9** set out in the Regulations Prescribing Forms For Applications.

- (2) The application referred to in subsection (1) must -
 - (a) specify the details of the spectrum licence and include a copy thereof;
 - (b) the full and official name of the applicant, and if the applicant is a juristic person, the registration number of that person;
 - (c) the name of a contact person responsible for liaison with the Authority on issues pertaining to these Regulations and the following contact details of that person -
 - (i) physical address;
 - (ii) postal address;
 - (iii) telephone number or numbers;
 - (iv) facsimile number or numbers; and
 - (v) electronic mail address or addresses;
 - (d) set out a complete, accurate and concise statement of the reason or reasons for the proposed withdrawal;
 - (e) set out the date the licensee intends to permanently discontinue providing service which date must be at least 60 days after the date the application is submitted;
 - (f) contain-
 - (i) a migration plan for any customer of the licensee that may be affected by the withdrawal of the spectrum license;
 - (ii) an analysis of the impact of such withdrawal on such affected customers;
 - (iii) a communication plan to affected customers;
 - (g) contain an inventory of radio apparatus employed by the licensee and an e-waste management plan;
 - (h) indicate whether the licensee has paid all fees payable to the Authority in relation to the spectrum licence; and

- (i) include any other information the applicant believes might be relevant to the Authority in considering the application.
- (3) The Authority may before approving an application referred to in subregulation (1)-
 - (a) request further information or documentation, which must be provided to the Authority in the time and the manner set out by the Authority;
 - (b) conduct a public hearing in terms of the Act; or
 - (c) impose conditions on the licensee with respect to the migration of customers of the licensee or end-users,
- (4) A spectrum license issued to a licensee -
 - (a) who does not hold a technology license or broadcasting license automatically lapses after the end of the period referred to in **regulation 11(1)(b)** in which event subregulation (3) applies;
 - (b) who holds a technology license or a broadcasting license lapses automatically if that technology license or broadcasting license terminates or lapses; and
 - (c) in terms of these Regulation lapses automatically if the licensee fails to pay the applicable fees in terms of the Regulations Setting Out Fees For Spectrum Licenses, Certificates and Examinations by the due date indicated on the invoice the Authority issued to the licensee, in which event **regulation 17** applies.

Procedures where licensee does not renew spectrum license or license lapses

17. (1) In the event that a licensee failed to renew a spectrum license or that license lapses and the licensee continues to use the radio frequency spectrum after the end of that licensee's license year, the Authority must prior to seizing or sealing radio apparatus or equipment used in rendering the services related to the license-

- (a) issue a notice to the person in question notifying the person-
 - (i) that continued use of any radio frequency spectrum is unlawful;
 - (ii) to desist from such continued use within 10 days of the notice;
 - (iii) to inform the person's end-users, customers or subscribers, if any, within seven days of receipt of the notice of the date on which the person will stop using the radio frequency spectrum; and
 - (iv) to make written representations to the Authority regarding the notice within five days of receipt thereof, should the person is so inclined.
- (b) consider any written representations the person has made in terms of paragraph (a) (iv) and inform the person of the Authority's decision and reasons for the decision.

(2) If after considering any written representations made in terms of subregulation (1)(a)(iv), the Authority's decision in terms of subregulation (1)(b) is that the person concerned is unlawfully making use of radio frequency spectrum, then such person must-

- (a) within 10 days of receipt of the Authority's decision cease making use of the radio frequency spectrum; and

- (b) within five days of receipt of the decision, inform the person's end-users, customers or subscribers, if any, of the date on which the person will stop using the radio frequency spectrum.

(3) Failure by the affected person to comply with subregulations (1)(a) and (2) will cause the Authority to seize and seal any radio apparatus or equipment used by such person and instituting enforcement proceedings in terms of the Act and these Regulations.

Material breaches of spectrum license

18. Without limiting any other grounds on which the Authority may cancel a spectrum licence in terms of the Act, the following events, whether specified as a licence condition or not, constitute material breaches of a spectrum licence by a licensee justifying the cancellation or suspension of the licence concerned:

- (a) failure by the licensee to-
 - (i) offer services within six months of the issue of the licence;
 - (ii) meet any quality of service targets as may be determined by the license conditions applicable to the licence;
 - (iii) comply with any roll-out obligations imposed by the Authority upon the licensee;
 - (iv) pay any penalty imposed by the Authority in terms of the Act or these Regulations;
 - (v) failure to comply with a license condition or;
 - (vi) comply with obligations relating to the power output or location of radio frequency transmitters;
- (b) insolvency of a licensee or its liquidation in terms of any laws in force in Namibia or any other country; or
- (c) submission of false or deliberately misleading information to the Authority.

Cancellation of spectrum licence

19. (1) If the Authority is satisfied that a licensee has in terms of **regulation 18** committed a material breach of its spectrum licence the Authority may by written notice to that licensee inform the licensee that the Authority intends to cancel such spectrum licence and in such notice state the grounds for such intended action.

(2) A spectrum licensee may, within 30 days from the date of receipt of a notice referred to in subregulation (1), make written representations to the Authority in connection with this matter.

(3) After consideration of the representations referred to in subregulation (2) or, if no such representation have been made, upon expiry of the period mentioned in that subregulation the Authority may-

- (a) if it is satisfied that it is just and equitable to do so in a particular case, by written notice to the licensee withdraw the notice referred to in subregulation (1); or

- (b) by written notice to the licensee and by notice published in the *Gazette* cancel the spectrum licence referred to in subregulation (1) and prohibit such spectrum licensee with effect from a date specified in those notices, from providing services in respect of which such spectrum license was licensed.

PART 5

EXEMPTIONS FROM OBLIGATION TO OBTAIN SPECTRUM LICENSE

Categories of radio apparatus exempt from spectrum license

20. The use and possession of the categories of radio apparatus set out in Annexure A do not require a spectrum licence in Namibia, provided that the conditions imposed on those categories radio apparatus are adhered to.

Conditions of use of radio apparatus exempt from spectrum license

21. (1) The use and possession of the categories of radio apparatus set out in column B of the table included in **Annexure B**, must be in accordance with the frequencies, limitations, specifications and standards set out in columns A, C, D, and E of the table.

(2) Prior to use and possession of radio apparatus without a spectrum licence in Namibia, the radio apparatus must be type-approved by the Authority, or upon request to the Authority, by any other regulatory authority in a country other than Namibia in accordance with the Regulations In Respect of Type Approval And Technical Standards For Telecommunications Equipment published under General Notice No. 22 of 30 January 2015.

(3) The use and possession of radio apparatus without a spectrum licence in Namibia, may not cause interference to any person operating radio apparatus or otherwise using radio frequency spectrum in accordance with a licence issued or deemed to have been issued by the Authority under the Act or any Regulations made under the Act.

(4) The use and possession of radio apparatus without a spectrum licence in Namibia, must accept interference from any person operating radio apparatus or otherwise using spectrum in accordance with a licence issued or deemed to have been issued by the Authority under the Act or any Regulations made under the Act..

PART 7

AMENDMENT OF REGULATIONS REGARDING LICENSING PROCEDURES FOR TELECOMMUNICATIONS AND BROADCASTING SERVICE LICENSES AND SPECTRUM USE LICENSES

Definitions

22. For purposes of this Part, “the Regulations” means the Regulations Regarding Licensing Procedures For Telecommunications and Broadcasting Service Licenses and Spectrum Use Licenses published under General Notice No. 272 of 29 August 2011.

Amendment of title of the Regulations

23. The Regulations are amended by -

- (a) the substitution for the title of the following title-

“Regulations Regarding Licensing Procedures For Telecommunications and Broadcasting Service Licenses”;

- (b) the deletion of the words “spectrum use” wherever it occurs.

Amendment of regulation 3 of the Regulations

24. Regulation 3 of the Regulations is amended by the deletion of subregulation (3).

Deletion of regulation 6 of the Regulations

25. Regulation 6 of the Regulations are deleted.

Transitional arrangements

26. (1) Any spectrum license issued to a licensee in terms of the Regulations prior to the commencement of these Regulations is deemed to be issued in terms of these Regulations, subject to all conditions attached to such license.

(2) Any proceedings in connection with an application for a license still pending at the date of commencement of these Regulations must, with effect from that date, be deemed to be an application in terms of these Regulations and must further be administered, considered and completed by the Authority hereunder.

(3) A licensee to whom a spectrum license has been issued in terms of the Regulations is deemed to have been issued such license in terms of these Regulations.

PART 8 ENFORCEMENT

Regulatory actions

27. (1) The Authority may exercise any of the powers conferred upon it in terms of the Act for ensuring compliance of these Regulations.

(2) Without detracting from or limiting the generality of subregulation (1), the Authority-

- (a) shall prosecute regulatory offences and enforce the provisions of these Regulations in terms of sections 114 to 127 of the Act, where applicable;
- (b) may approach a court of law to obtain urgent interdictory or other suitable relief in respect of any licensee or other person who contravenes the provisions of these Regulations.

(3) In the exercise of its powers and functions in terms of these Regulations, the Authority may act of its own accord or upon a complaint from an aggrieved person.

Penalties

28. (1) Any licensee that fails to submit information or adhere to any regulation, is guilty of contravening these regulations.

(2) Without derogating from the generality of subregulation (1), where a licensee or any other person contravenes one or more of the regulations contained herein, the Authority may-

- (a) issue a written warning to that licensee or person for submitting outstanding information where the licensee or other person is guilty of not submitting information as required by these Regulations;

- (b) impose a penalty of not more than N\$500,000.00 for-
 - (i) every failure by a licensee or other person to comply with any requirement or obligation contained in these Regulations;
 - (ii) each submission or causing the submission of false or misleading information to the Authority; or
 - (iii) every failure to submit any documents or information as required pursuant to a written warning issued in terms of paragraph (a); or
- (c) take any other measure the Authority regards as reasonable in the circumstances.

(3) Any amount of penalty payable in terms of paragraphs (b) or (c) of subregulation (2) constitutes a debt due to the Authority by the licensee or other person involved and may be recovered by the Authority by means of proceedings instituted in any competent court.

(4) Notwithstanding subregulations (2) and (3), the Authority may waive the payment of or refund the whole or any part of a penalty payable.

(5) Before imposing any penalty as contemplated by paragraphs (b), (c) or (d) of subregulation (2), the Authority must give an affected licensee or other person the opportunity to be heard, whereafter the Authority may-

- (a) decide not to impose any penalty; or
- (b) impose such penalty the Authority deems fit.

PART 9 GENERAL

Oral hearings and call for written submissions

29. (1) If the Authority considers it necessary or appropriate, it may hear oral submissions in respect of any application made in terms of these regulations.

(2) The Authority must invite the public to make oral submissions at least 14 days prior to any hearing convened in terms of this regulation.

(3) Unless otherwise specified by the Authority, hearings will be open to the public.

(4) The format and agenda of the hearing is at the discretion of the Authority, depending on the nature of the proceeding, provided however, that the hearing should be informal in nature.

(5) All oral submissions must-

- (a) include a statement indicating the name and contact details of the person making the oral submission or the name and contact details of the person for whom the oral submission is made, if different;
- (b) be clear and concise; and
- (c) conform to any further requirements determined by the Authority from time to time.

(6) If the Authority considers it necessary, it will provide the opportunity to a licensee or applicant to respond to oral submissions.

(7) The Authority may request further oral or written submissions, for example, further information or clarification, which must be provided to the Authority in the time and the manner set out by the Authority.

(8) At the conclusion of the hearing, a concise report summarizing the oral submissions must be prepared and placed in the relevant application file by the Authority.

(9) The Authority may, in its sole discretion follow the procedures set out in **regulation 4(6) to (13)** in respect of any application for the amendment, renewal, transfer and cancellation of any spectrum licence.

Accounts

30. A licensee must comply with - such cost accounting procedures and reporting as the Authority may from time to time direct in writing.

Time frames for decisions

31. (1) If any applicant does not provide all of the information required by these Regulations in the time provided, the Authority may refuse to issue a spectrum license or approve the transfer of such license.

(2) The Authority must, in respect of any license application or application for transfer or amendment of a license make a decision within 60 days from the date of the last written correspondence.

(3) In the event the Authority is unable to render a decision within 60 days of the date of an applicant's last written submissions, the Authority will inform the applicant of its inability and the reasons for such inability and what measures are being taken to address the matter urgently, which matter must then be addressed within a further maximum period of 60 days, unless the Authority has identified extraordinary circumstances, beyond its reasonable control that makes it impossible to render its decision within the further maximum period of 60 days.

Confidential information

32. If a person has designated information or documentation submitted to the Authority as confidential, the provisions of section 28 of the Act apply.

Record of proceedings

33. All documents deemed relevant by the Authority for purposes of any license application proceedings contemplated by the Act and these Regulations must be maintained by the Authority separately for each application proceeding in files located at the head office of the Authority and if practicable, may be uploaded on the Authority's website.

Publication of licensing decisions and register of licenses

34. (1) All decisions made in terms of these Regulations and the relevant provisions of the Act must be communicated to applicants and licensees and other relevant parties in writing, and may be published in the *Gazette*.

(2) The Authority's register of licenses maintained in terms of section 27(3) of the Act and copies of all spectrum licenses, will be held at the head offices of the Authority and if practicable, will be uploaded on the Authority's website.

(3) Except for confidential information, any person may inspect the register of licenses, examine an issued spectrum license or review license application proceedings files at the head offices of the Authority during normal business hours and copies may be made on payment of a fee determined by the Authority.

Reporting, monitoring and compliance

35. (1) The Authority may, in the format determined by the Authority, request any information from licensees which the Authority deems necessary for the discharge of its functions and duties to monitor and ensure compliance with the Act and these Regulations.

(2) Without limiting the generality of subregulation (1) the Authority may request information from licensees to-

- (a) monitor and enforce roll-out obligations, a licensee's quality of service, or compliance with license conditions;
- (b) ensure that radio frequency spectrum is used appropriately and efficiently and is not hoarded, in accordance with applicable standards and requirements of the International Telecommunication Union and its Radio Regulations, as agreed to or adopted by Namibia in terms of section 99(2) of the Act; or
- (c) collect and compile sectoral analyses, for purposes of planning, reporting or conducting regulatory enquiries.

(3) When requesting information in terms of this regulation, the Authority must provide a detailed specification of such request together with the deadline for the response and identify a contact person to whom queries may be directed.

(4) All licensees must submit bi-annual reports to the Authority in July of each year for the period 1 January to 30 June and in January the next year for the period 1 July to 31 December of the preceding year, relating to -

- (a) location and coordinates of each site from which the licensee renders the services for which its spectrum license is issued;
- (b) the radio frequency spectrum used and the nature of technology employed in using the spectrum at each such site;
- (c) the power output of each transmitter, if any, installed at such site; and
- (d) any other information specified by the Authority, in the form specified by the Authority.

Reconsideration

36. (1) The Authority may in terms of section 31 of the Act reconsider any decision or order made in terms of these Regulations, within 90 calendar days from the date of making that decision or issuing that order.

(2) Any person (hereinafter "the requesting party") may within 30 days of receiving any decision or order made by the Authority request the Authority in writing to reconsider decision or order subject to the following:

- (a) The requesting party must comprehensively complete **Form 1** (hereinafter “the Reconsideration Form”) and submit that form to the Authority within 30 days from date of receipt of the Authority’s decision or order.
- (b) The Authority must within three days of receipt of the Reconsideration Form determine whether there are grounds for reconsideration.
- (c) Where there are no valid grounds for reconsideration, the Authority must forthwith notify the requesting party of its decision and close the file pertaining to the dispute.
- (d) Where the Authority considers that the request for reconsideration should be heard, the Authority must provide a copy of the Reconsideration Form to any party with a direct or substantial interest in the matter and simultaneously notify the requesting party of its decision within 7 days from the lapse of the period referred to in paragraph (b).
- (e) A party with a direct or substantial interest referred to in paragraph (d) must deliver a response in writing to the request for reconsideration within a period of 14 days of receipt of the Reconsideration Form.
- (f) Upon receipt of the response referred to in paragraph (e), the Authority must deliver that response to the requesting party and afford that party 14 days from receipt of the response to reply thereto.
- (g) The Authority must thereafter, subject to subregulation (3), make a determination on whether or not to reconsider its decision or order.

(3) The Authority may publish its determination on reconsideration without further submissions having been received, or it may provide an opportunity to the public to provide further written or oral submissions, prior to making a determination contemplated in subregulation (2)(g), in a manner stated by the Authority.

Condonation

37. (1) In the event that any party is unable to comply with any timeframe set out in these Regulations, it may request from the Authority an extensions of time at least 14 days prior to the deadline set out or within such other timeframe agreed by the Authority upon good cause shown.

(2) The Authority will respond to the request for condonation as soon as practicable, and may either grant or deny the request, at its sole discretion, based on, amongst other things, the nature of the proceeding and the reasons for non-compliance.

Ex parte communications

38. A person may not communicate with the members of the Board, the chief executive officer or any staff member of, or consultant of the Authority, to discuss the subject matter of an application pending in terms of these Regulations, except as provided for herein.

ANNEXURE A**FORM 1
RECONSIDERATION FORM (REGULATION 36(2))**

In terms of regulation 36(2) of the Regulations Prescribing Procedures Regarding Application For, And Amendment, Renewal or Transfer of Spectrum Licenses, applications for reconsideration must be submitted on this form within thirty (30) days from date of receipt of the Authority's decision.

A. APPLICANT

APPLICANT: _____
Physical Address _____
Postal Address: _____
Telephone number(s): _____
Facsimile number(s): _____
Electronic mail address(es): _____

B. CONTACT PERSON (IF DIFFERENT FROM APPLICANT)

Contact Person: _____
Physical Address _____
Postal Address: _____
Telephone number(s): _____
Facsimile number(s): _____
Electronic mail address(es): _____

C. RESPONDENT

Respondent: _____
Contact Person: _____
Physical Address _____
Postal Address: _____
Telephone number(s): _____
Facsimile number(s): _____
Electronic mail address(es): _____

D. SUMMARY OF GROUNDS FOR RECONSIDERATION

Provide an accurate and concise statement of the grounds illustrating why the Authority should reconsider its decision.

E. RELIEF SOUGHT

Provide a clear and concise statement of the specific relief or remedy sought.

F. LIST OF DOCUMENTS SUPPORTING REQUEST FOR RECONSIDERATION

Provide a detailed list of the documents you wish to use in support of your request for reconsideration. Please further ensure that the listed documents are attached to this form.

G. ANY OTHER INFORMATION

Provide any other relevant information.

Signed by _____ at _____ in his/her/its capacity as _____, duly authorised and warranting such authority and warranting that the information provided herein is true and correct, on the _____ day of _____, 20__.

Signature

ACKNOWLEDGEMENT OF RECEIPT BY CRAN:

1. Name:	
2. Date:	
3. Place:	
4. Signature:	

ANNEXURE B**RADIO APPARATUS EXEMPT FROM SPECTRUM USE LICENSE****Explanation:**

1. The use or possession of the radio apparatus listed in Column B below, in accordance with the specifications listed in Columns A, C, D and E of the Table below does not require a spectrum license.
2. Use and possession of all radio apparatus exempt in terms of the table below must comply with the following:
 - 2.1. All radio apparatus must be type-approved by the Authority.
 - 2.2. The frequencies, transmitting power and external high-gain antenna of the radio apparatus must not be altered without a new type-approved certificate issued by the Authority.
 - 2.3. The radio apparatus must be operated within, and not exceed, the technical parameters set out in each of the applicable Columns C and D of the Table with respect to the frequency band, maximum radiated power or field strength limits and channel spacing, relevant standards and duty cycles and antennas to be used and contained in Column E.
 - 2.4. The antenna of the radio apparatus must not be higher or above average ground level than the lowest point of the place where the radio apparatus operates effectively.
 - 2.5. The radio apparatus may not cause interference with any licensed radio frequency spectrum.
 - 2.6. The user of the radio apparatus in the license-exempt frequency spectrum operates on a non-interference and zero protection basis from interference.

Column A Frequency Bands K=kHz M=MHz G=GHz	Column B Type of Device	Column C Maximum Radiated Power or Field Strength Limits & Channel spacing	Column D Relevant Standard	Column E Additional Requirements
9-59.75K	Inductive loop system	72 dB μ A/m @ 10 m. No duty cycle restriction. No channel spacing.	EN 300 330 EN 301 489-1,3 EN 60950	CEPT/ERC/REC 70-03
9 – 315K	Ultra low power medical implants	30 dB μ A/m at 10 m	EN 302 195	CEPT/ERC/REC 70-03
59.75-60.25K	Inductive loop system, including RFID	42 dB μ A/m @ 10 m. No restrictions on duty cycle No channel spacing.	EN 300 330 EN 301 489-1,3 EN 60950 ISO/ IEC 18047-2	CEPT/ERC/REC 70-03 ASK, FSK, & PSK
60.25-70K	Inductive loop system	72 dB μ A/m @ 10 m. No restrictions on duty cycle No channel spacing.	EN 300 330 EN 301 489-1,3 EN 60950	CEPT/ERC/REC 70-03
70-119K	Inductive loop system, including RFID	42 dB μ A/m @ 10 m. No restrictions on duty cycle No channel spacing.	N 300 330 EN 301 489-1,3 EN 60950	CEPT/ERC/REC 70-03 ASK, FSK, & PSK

			ISO/ IEC 18047-2	
119-135K	Inductive loop system, including RFID	72 dB μ A/m @ 10 m. No restrictions on duty cycle No channel spacing.	EN 300 330 EN 301 489-1,3 EN 60950 ISO/ IEC 18047-2	CEPT/ERC/REC 70-03 ASK, FSK, & PSK
315 -600K	Active medical implants	-5 dB μ A/m at 10 m	EN 302 536	CEPT/ERC/REC 70-03
7400-8800K	Inductive loop system	9 dB μ A/m @ 10 m. No restrictions on duty cycle No channel spacing.	EN 300 330 EN 301 489-1,3 EN 60950	CEPT/ERC/REC 70-03
6.765-6.795M	Inductive loop system	42 dB μ A/m @ 10 m. No restrictions on duty cycle No channel spacing.	EN 300 330 EN 301 489-1,3 EN 60950	CEPT/ERC/REC 70-03
13.553-13.567M	Inductive loop system, including RFID	42 dB μ A/m @ 10 m. No restrictions on duty cycle No channel spacing.	EN 300 330 EN 301 489-1,3 EN 60950	CEPT/ERC/REC 70-03 ASK, FSK, & PSK
13.553-13.567M	RFID and EAS systems only	60 dB μ A/m @ 10 m.	EN 300 330 EN 301 489-1,3 EN 60950	CEPT/ERC/REC 70-03
26.957-27.283M	Inductive loop system	42 dB μ A/m @ 10 m. No restrictions on duty cycle No channel spacing.	EN 300 330 EN 301 489-1,3 EN 60950	CEPT/ERC/REC 70-03
26.957-27.283M	Non-specific SRDs	10 mW ERP	EN 300 220	CEPT/ERC/REC 70-03

		No restrictions on duty cycle. No channel spacing.	EN 301 489-1,3 EN 60950	
26.995; 27.045; 27.095; 27,145; 27.195M	Surface model control	100 mW ERP No restrictions on duty cycle. 10 kHz channel spacing.	EN 300 220 EN 301 489-1,3 EN 60950	CEPT/ERC/REC 70-03
35.00 – 35.25M	Aircraft model control	100 mW ERP No restrictions on duty cycle. 10 kHz channel spacing.	EN 300 220 EN 301 489-1,3 EN 60950	CEPT/ERC/REC 70-03
36.65 – 36.75M	Wireless microphones	100 mW ERP 100% duty cycle No channel spacing.	EN 300 422 EN 301 489-9 EN 60950	CEPT/ERC/REC 70-03
40.65 – 40.70M	Wireless microphones	100 mW ERP 100% duty cycle No channel spacing.	EN 300 422 EN 301 489-9 EN 60950	CEPT/ERC/REC 70-03
40.665M 40.675M 40.685M 40.695M	Surface model control	100mW ERP No restriction on duty cycle. 10 kHz channel spacing.	EN 300 220 EN 301 489-1,3 EN 60950	CEPT/ERC/REC 70-03
40.66 – 40.7M	Non-specific SRDs	10 mW ERP No duty cycle restriction. No channel spacing.	EN 300 220 EN 301 489-1,3 EN 60950	CEPT/ERC/REC 70-03

46.61 – 46.97M 49.67 – 49.97M	CT0 cordless phones.	10 mW e.i.r.p.	The Authority TE-013	Government Gazette 22443 of 4 July 2001
53 – 54M	Wireless microphones	50 mW ERP for class 1 equipment 100 mW ERP 100% duty cycle No channel spacing	EN 300 422 EN 301 489-1,9 EN 60950	CEPT/ERC/REC 70-03
54.4500; 54.4625; 54.4750; 54.4875; 54.500; 54.5125; 54.5250; 54.5375; 54.5500M	Model control	5W ERP 12.5 kHz channel spacing	EN 300 220 EN 301 489-1,3 EN 60950	CEPT/ERC/REC 70-03
141 – 142M	Remote control industrial apparatus	100 mW ERP	EN 300 220 EN 301 489-1,3 EN 60950	
148 – 152M	Wildlife telemetry tracking	25 mW ERP	EN 300 220 EN 301 489-1,3 EN 60950	The use of this band is restricted to national game parks.
169.4 – 169.475M	Meter reading	500 mW ERP 50 kHz channel spacing < 10% duty cycle	EN 300 220 EN 301 489-1,3 EN 60950	CEPT/ERC/REC 70-03 ECC/DEC (05)02
173.2125 – 173.2375M	Non-specific SRDs –	10 mW ERP	EN 300 220	

	telecommand only	25 kHz channel spacing	EN 301 489-1,3 EN 60950	
173.2375 – 173.2875M	Non-specific SRDs	10 mW ERP 25 kHz channel spacing.	EN 300 220 EN 301 489-1,3 EN 60950	
173.965 – 174.015M	Wireless microphones and assistive listening devices	2 mW e.i.r.p. 100% duty cycle. No channel spacing.	EN 300 220 EN 301 489-9 EN 60950	CEPT/ERC/REC 70-03
401 – 406M	Medical implants	25 μ W ERP No duty cycle restriction for devices with LBT $\leq 1\%$. duty cycle for all other devices 25 kHz channel spacing.	EN 300 839 EN 301 489-1,3 EN 60950	ITU-R RS.1346 CEPT/ERC/DEC (01)17
402 – 406M	Doppler shift movement detectors, wireless microphones, garage door openers and motor car alarm systems	10 mW ERP No channel spacing. 100% duty cycle.	EN 300 422 EN 300 220 EN 301 489-1,3 EN 60950	
433.04 – 434.79M	Non-specific SRDs, including RFID	1 mW ERP No channel spacing. 100% duty cycle	EN 300 220 EN 301 489-1,3 EN 60950	CEPT/ERC/REC 70-03 ASK, FSK, PSK, & FHSS
433.04 –	Non-specific	10 mW ERP	EN 300 220	CEPT/ERC/REC 70-03

434.79M	SRDs, including RFID	duty cycle < 10% No channel spacing	EN 301 489-1,3 EN 60950	ASK, FSK, PSK, & FHSS
433.04 – 434.79M	Non-specific SRDs	10 mW ERP 100% duty cycle Up to 25 kHz channel spacing.	EN 300 220 EN 301 489-3 EN 60950	CEPT/ERC/REC 70-03
433.04 – 434.79M	Non-specific SRDs	100 mW ERP No duty cycle restriction No channel spacing	EN 300 220 EN 301 489-3 EN 60950	CEPT/ERC/REC 70-03
446 - 446.1 M Includes the following eight channels. 446.00625M; 446.01875M; 446.03125M; 446.04375M; 446.05625M; 446.06875M; 446.08125M; 446.09375M;	Public mobile radio (PMR)	500 mW 12,5 kHz channel spacing	EN 300 296 EN 301 489-5 EN 60950	
464.5375M	Security systems	1 W 25 kHz channel spacing.	EN 300 296 EN 301 489-5 EN 60950	

464.500 – 464.5875	Non-specific SRDs	100 mW No channel spacing	EN 300 220 EN 301 489-3 EN 60950	
463.975M; 464.125M; 464.175M; 464.325M; 464.375M;	Low power radio	500 mW. 12.5 kHz channel spacing	EN 300 296 EN 301 489-5 EN 60950	
863 – 865M	Wireless audio systems	10 mW ERP 100 % duty cycle. No channel spacing.	EN 300 357 EN 301 489-9 EN 60950	CEPT/ERC/REC 70-03 CEPT/ERC/DEC (01)18
863 – 865M	Wireless microphones	10 mW ERP 100 % duty cycle. No channel spacing.	EN 300 422 EN 301 489-9 EN 60950	CEPT/ERC/REC 70-03
865 -868 M	RFID	Channels 1, 2 and 3 100 mW ERP 200 kHz channel spacing	EN 302 208-2 EN 301 489-1,3 EN60950 ISO/IEC 18047-6	CEPT/ERC/REC 70-03 Listen Before Talk (LBT) is mandatory FHSS or other spread spectrum techniques shall not be used
865 – 868 M	RFID	Channels 4,7,10 and 13 2 W ERP 200 kHz channel spacing	EN 302 208-2 EN 301 489-1,3 EN60950 ISO/IEC 18047-6	CEPT/ERC/REC 70-03 Listen Before Talk (LBT) is mandatory FHSS or other spread spectrum techniques shall not be used

865 – 868 M	RFID	Channels 5,6,8,9,11,12,14 and 15 500 mW ERP 200 kHz channel spacing	EN 302 208-2 EN 301 489-1,3 EN60950 ISO/IEC 18047-6	CEPT/ERC/REC 70-03 Listen Before Talk (LBT) is mandatory FHSS or other spread spectrum techniques shall not be used
864.1 – 868.1M	CT2 cordless phones	10 mW e.i.r.p.	EN 301 797 EN 301 489-1,10 The Authority TE - 012	CEPT/ERC/REC 70-03
868 – 868.6M	Non-specific SRDs	25 mW ERP < 1% duty cycle or LBT.	EN 300 220 EN 301 489-1,3 EN 60950	CEPT/ERC/REC 70-03 CEPT/ERC/DEC (01) 04
868.6 – 868.7M	Alarms	10 mW ERP < 1 % duty cycle. 25 kHz channel spacing.	EN 300 220 EN 301 489-1,3 EN 60950	CEPT/ERC/REC 70-03 CEPT/ERC/REC (01) 09
868.7 – 869.2M	Non-specific SRDs	25 mW ERP < 0.1 % duty cycle or LBT. No channel spacing.	EN 300 220 EN 301 489-1,3 EN 60950	CEPT/ERC/REC 70-03 CEPT/ERC/REC (01) 04
869.25 – 869.3M	Alarms	10 mW ERP < 0.1 % duty cycle. 25 kHz channel spacing.	EN 300 220 EN 301 489-1,3 EN 60950	CEPT/ERC/REC 70-03
869.4 – 869.65M	Non-specific SRDs,	500 mW ERP	EN 300 220	CEPT/ERC/REC 70-03

	including RFID	< 10% duty cycle or LBT. 25 kHz channel spacing.	EN 301 489-1,3 EN 60950	
869.65 – 869.7M	Alarms	25 mW ERP 10 % duty cycle. 25 kHz channel spacing.	EN 300 220 EN 301 489-1,3 EN 60950	CEPT/ERC/REC 70-03
869.7 – 870 M	Non-specific SRDs	5 mW ERP 100% duty cycle. No channel spacing.	EN 300 220 EN 301 489-1,3 EN 60950	CEPT/ERC/REC 70-03
915.1 -915.2 M	Real time location systems (RTLS)	25 mW ERP	EN 300 086 EN 301 489-1,3 EN 60950	
915.2 – 915.4 M	Passive tags	100 mW ERP 10 x 20 kHz wide channels		
915.4-919 M	Modulating RFID systems (FHSS)	4 W e.i.r.p.	FCC CFR 47 Part 15.247 CISPR 16 EN 60950	200 kHz channel spacing
919 -919.2 M	Tag backscatter systems Guard band			
919.2 – 921	Non-	4 W e.i.r.p.; CW only	Spectral masks as in	

M	modulating backscatter RFID systems	@ 920 MHz (± 1.5 kHz frequency stability)	EN 302 208 – 2 EN 301 489 -1,3 EN 60950	
1880 – 1900M	DECT cordless phones	250 mW e.i.r.p. (peak). 1.728 MHz channel spacing.	EN 300 406 EN 301 489-1,6 EN 60950 The Authority TE 001	
2400 – 2483.5M	Non-specific SRDs	10 mW e.i.r.p. No duty cycle. No channel spacing.	EN 300 440 EN 301 489-1,3 EN 60950	CEPT/ERC/REC 70-03
2400 - 2483.5M	Wideband wireless systems WLAN Wideband data transmission applications (WBDTS) Model control	100 mW e.i.r.p. No duty cycle. No channel spacing. For wide band modulations other than FHSS, the maximum e.i.r.p. density is limited to 10 mW/MHz. Adequate spectrum sharing mechanisms shall be implemented by the equipment (e.g. Listen-before-Talk, Detect-and-Avoid)	EN 300 328 EN 301 489 -1,3 EN 60950	CEPT/ERC/REC 70-03 For wide band modulations other than FHSS, the maximum e.i.r.p. density is limited to 10 mW/MHz
2400 – 2483.5M	FDDA	25 mW e.i.r.p. No duty cycle. No channel spacing.	EN 300 440 EN 301 489-1,3 EN 60950	CEPT/ERC/REC 70-03

2400 – 2483.5M	Low power video surveillance	100 mW e.i.r.p. No duty cycle. No channel spacing.	EN 300 440 EN 301 489-1,3 EN 60950	CEPT/ERC/REC 70-03
2446-2454 MHz	RFID	500 mW e.i.r.p. No duty cycle 4 W e.i.r.p. < 15% duty cycle FHSS should be used	EN 300 440 EN 301 489 – 1,3 EN 60950	CEPT/ERC/REC 70-03
5150 – 5350M	Wireless access systems & radio local access networks (WAS & RLAN) – indoor use only	200 mW e.i.r.p. Dynamic frequency selection (DFS) & transmitter power control (TPC) obligatory.	EN 301 893 EN 301 489-1,17 EN 60950	ITU-R M.1625
5470 – 5725M	Wireless access systems & radio local access networks (WAS & RLAN)	1 W e.i.r.p.	EN 301 893 EN 301 489-1,17 EN 60950	ITU-R M.1625
5725 - 5875 M	Wireless access systems and radio local access networks (WAS & RLAN)	<ul style="list-style-type: none"> • A maximum of 4 watts e.i.r.p. • A maximum of 1 watt transmitter output power • A maximum transmitter output spectral density of 8 dBmW in any 3 kHz band • Digital modulation only 	FCC 15.247 FCC 15.249	<ul style="list-style-type: none"> • Fixed point-to-multipoint systems and point-to-point links. In any 100 kHz outside the band, the e.i.r.p. shall be at least 30 dB below the 100 kHz within the band that contains the highest level of desired power. <p><i>Note 1</i> Transmission towards the</p>

		<ul style="list-style-type: none"> Nominal bandwidth of transmissions must not be less than 1 MHz 		common node of a point-to-multipoint is regarded as point-to-point node
5725 – 5875 M	BFWA	<ul style="list-style-type: none"> A maximum of 200 watts e.i.r.p. A maximum of 1 watt transmitter output power A maximum transmitter output spectral density of 8 dBmW in any 3 kHz band Digital modulation only Nominal bandwidth of transmissions must not be less than 1 MHz 	FCC 15.247 FCC 15.249	<ul style="list-style-type: none"> Fixed point-to-point links only Point-to-multipoint systems, omnidirectional applications, and multiple co-located transmitters transmitting the same information are not permitted. (see note 1) In any 100 kHz outside the band, the e.i.r.p. shall be at least 30 dB below the 100 kHz within the band that contains the highest level of desired power. <p><i>Note 1: Transmission towards the common node of a point-to-multipoint system is regarded as point-to-point mode.</i></p>
5795 – 5805M	RTTT data	<p>2 W e.i.r.p.</p> <p>No duty cycle restriction.</p> <p>No channel spacing.</p>	<p>EN 300 674</p> <p>EN 301 489-1,3</p> <p>EN 60950</p>	<p>ITU-R M.1453</p> <p>CEPT/ERC/DEC (92)02</p>
5805 – 5815M	RTTT data	<p>2 W e.i.r.p.</p> <p>No duty cycle restriction.</p>	<p>EN 300 674</p> <p>EN 301 489-1,3</p>	<p>ITU-R M.1453</p> <p>CEPT/ERC/DEC (92)02</p> <p>CEPT/ERC/REC 70-03</p>

		No channel spacing.	EN 60950	
9200 – 9500M	FDDA	25 mW e.i.r.p. No duty cycle restriction. No channel spacing.	EN 300 440 EN 301 489-1,3 EN 60950	CEPT/ERC/REC 70-03
9500 – 9975M	FDDA	25 mW e.i.r.p. No duty cycle restriction. No channel spacing.	EN 300 440 EN 301 489-1,3 EN 60950	CEPT/ERC/REC 70-03
10.025 – 10.145 G	Low power video surveillance	1W e.i.r.p. 8 MHz channel spacing, with first channel on 10.029 GHz.	ETS 300 440	
10.5 – 10.6G	FDDA	500 mW e.i.r.p. No duty cycle restriction. No channel spacing.	EN 300 440 EN 301 489-1,3 EN 60950	CEPT/ERC/REC 70-03
13.4 – 14G	FDDA	25 mW e.i.r.p. No duty cycle restriction. No channel spacing.	EN 300 440 EN 301 489-1,3 EN 60950	CEPT/ERC/REC 70-03
17.1 – 17.3G	HiperLAN	100 mW e.i.r.p.	EN 301 489-1,3 EN 60950	
24.00 – 24.25G	Non-specific SRDs	100 mW e.i.r.p.	EN 300 440	CEPT/ERC/REC 70-03

		No duty cycle restriction. No channel spacing.	EN 301 489-1,3 EN 60950	
24.05 – 24.25G	FDDA	100 mW e.i.r.p. No duty cycle restriction. No channel spacing.	EN 300 440 EN 301 489-1,3 EN 60950	CEPT/ERC/REC 70-03
57 – 64G	Point-to-point links	55 dBm e.i.r.p.	EN 305 550	The maximum transmitter output power is 10 dBm. The minimum antenna gain is 30 dBi
57 -66G	Multi-gigabit wireless systems (MGWS)	40 dBm e.i.r.p.	EN 302 567	The use of these systems is as described in ITU-R Report ITU-R M.2227 and Recommendation ITU-R M.2003. Fixed outdoor installations are not allowed.
76-77G	RTTT radar	55 dBm peak No duty cycle restriction No channel spacing	EN 300 091 EN 301 489-1,3 EN 60950	CEPT/ERC/REC 70-03