

Issue: Draft for Consultation



REPUBLIC OF LEBANON  
TELECOMMUNICATIONS  
REGULATORY AUTHORITY

**SPECTRUM  
MANAGEMENT AND  
LICENSING  
REGULATION**

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## TABLE OF CONTENTS

<b>1</b>	<b>PURPOSE AND SCOPE OF THE REGULATION.....</b>	<b>3</b>
1.1	BACKGROUND .....	3
1.2	LEGAL BASIS .....	3
1.3	INTERPRETATION .....	4
1.4	PURPOSE OF THE REGULATION .....	4
<b>2</b>	<b>DEFINITIONS .....</b>	<b>5</b>
<b>3</b>	<b>RADIO FREQUENCY MANAGEMENT .....</b>	<b>7</b>
3.1	GENERAL PRINCIPLES.....	7
3.2	RADIO FREQUENCY SPECTRUM POLICY.....	7
3.3	RADIO FREQUENCY PLANS .....	7
3.4	COORDINATION WITH GOVERNMENTAL DEPARTMENTS.....	9
3.5	GOVERNMENTAL REQUESTS FOR RADIO FREQUENCIES .....	10
3.6	INTERNATIONAL MATTERS.....	11
<b>4</b>	<b>LICENSING OF RADIO FREQUENCIES.....</b>	<b>12</b>
4.1	REQUIREMENT OF A FREQUENCY LICENSE.....	12
4.2	LICENSING PROCEDURES.....	12
4.3	CONDITIONS OF FREQUENCY LICENSES.....	13
4.4	VARIATIONS AND AMENDMENTS .....	14
4.5	REVOCATION AND SUSPENSION OF FREQUENCY LICENSES .....	16
<b>5</b>	<b>TRANSFERS OF LICENSES AND NOTIFICATION OF OWNERSHIP .....</b>	<b>18</b>
5.1	TRANSFERS OF LICENSES .....	18
5.2	NOTIFICATIONS OF OWNERSHIP .....	18
<b>6</b>	<b>TYPES OF FREQUENCY LICENSE.....</b>	<b>19</b>
6.1	LICENSE CATEGORIES .....	19
<b>7</b>	<b>INTERFERENCE.....</b>	<b>20</b>
7.1	REQUIREMENT TO TAKE IMMEDIATE ACTION.....	20
7.2	INSPECTION TO DETERMINE CAUSE OF INTERFERENCE .....	20
7.3	INSTRUCTION TO ELIMINATE INTERFERENCE .....	20
7.4	COMPLAINTS AND DISPUTE RESOLUTION.....	21
	<b>SCHEDULE A: CERTAIN REQUIREMENTS APPLYING TO CERTAIN TYPES OF LICENSES.....</b>	<b>22</b>

# 1 Purpose and Scope of the Regulation

## 1.1 Background

1. This Regulation for Spectrum Management and Licensing (the Regulation) is issued by the Telecommunications Regulatory Authority of the Republic of Lebanon (the Authority). It is designed to provide potential and current stakeholders in the sector with clear and concise explanations of the Authority's actions relating to the management and licensing of the Radio Frequency Spectrum.
2. This Regulation is a binding document that states the official policies and procedures of the Authority during its period of validity. It may be subject to review and amendment following consultation and pursuant to promulgation processes. Such review and amendment may be undertaken periodically as deemed necessary by the Authority in light of the development of the Lebanese telecommunications markets, changes to Lebanese national laws affecting the telecommunications sector, or other factors.
3. The Authority was established under the Telecommunications Law No 431 dated 22 July 2002 (Telecommunications Law) and Decree No 14264 dated 4 March 2005.
4. The Authority issued a Consultation Process in May 2007 setting out how it will consult with and invite comments from Telecommunications Service Providers and other stakeholders. The Authority will consider submissions received in finalizing this Regulation.
5. The Authority wishes to establish a fair, effective, transparent and speedy procedure for the licensing of Radio Frequencies to Service Providers, for the Allocation of Radio Frequencies for various Governmental uses, and for other purposes.
6. In preparing this Regulation the Authority has had regard to international best practices for the management and licensing of Radio Frequency Spectrum, as well as the Lebanese Constitution, general principles of law and other applicable laws and regulations.

## 1.2 Legal Basis

### 1.2.1 Telecommunications Policy

7. The Government of Lebanon, having determined to transform the telecommunications sector in Lebanon from a state-owned monopoly to a competitive market, open to private participation, promulgated the Telecommunications Law to achieve this aim.

### 1.2.2 The Authority's Mandate and the Telecommunications Law

8. Article 15 of the Telecommunications Law confers on the Authority the exclusive authority to manage, allocate and monitor the use of Radio Frequencies Spectrum in Lebanon. It provides for the Authority to develop an annual plan for the Allocation of Radio Frequencies, and requires the Authority to consult with the Ministry of Information and other concerned governmental agencies for the TV and Radio broadcasting frequency usage.
9. Article 16 of the Telecommunications Law provides a framework for the licensing of Radio Frequencies by the Authority, and Article 17 addresses fees payable for use of

Radio Frequencies. Article 11 provides for the TRA to be funded from such fees, as well as from fees for Radio Frequency monitoring and management.

10. The Telecommunications Law provides for the Authority to issue regulations, including under Articles 5(1)(a) and 5(1)(i).
11. This Regulation is issued pursuant to the Authority's powers and responsibilities in the aforementioned provisions of the Telecommunications Law.

### **1.3 Interpretation**

12. Individual clauses containing the word 'shall' and 'will' are mandatory requirements and are binding on licensed providers of Telecommunications Services and applicants for such Licenses.
13. Individual clauses containing the word 'may' are permissions or recommendations (depending on the context) to providers but are not mandatory.
14. Individual clauses containing the word 'shall' and 'will', when applied to the Authority, refer to its current intention as to how it will approach the matter referred to.

### **1.4 Purpose of the Regulation**

15. The principal purpose of this Regulation is to provide information and guidance to all users of Radio Frequencies with respect to the approach the Authority will take to the management and licensing of Radio Frequencies.
16. This Regulation applies to all users of Radio Frequency Spectrum in Lebanon.
17. This Regulation will be published on the Authority's website and will enter into effect on the date of its publication in the Official Gazette.

## 2 Definitions

18. Terms defined in the Telecommunications Law shall have the same meaning when used in this Regulation. Unless otherwise defined and unless the context requires otherwise, any word, phrase or expression used in this Regulation (including capitalized terms) shall have the meaning given to it in the Telecommunications Law. In the event of conflict or ambiguity between the terms defined herein and the terms defined in a License or in the Telecommunications Law, the following order of precedence shall apply:

First, the Telecommunications Law,

Second, this Regulation, and

Third, any Frequency License.

19. In this Regulation, the following terms shall have the corresponding meanings:

**Amateur Radio Spectrum** shall mean a class of spectrum use defined by the International Telecommunications Union (ITU);

**Authorised Officer** shall mean any officer authorized by the TRA to act on its behalf;

**Control** shall mean the ability to effect legal or administrative control of the business and affairs of a Person or to direct or cause the direction of its management, whether by ownership, contract or otherwise, regardless of whether such Control is or is not in practice exercised, or of whether it may be exercised directly or indirectly through another Person;

**Decision** shall mean any decision or measure taken by the Authority in exercising its functions, powers, duties or obligations pursuant to the provisions of the Telecommunications Law or any regulation thereunder;

**Frequency License** shall mean a license to use Radio Frequencies and radio apparatus issued in accordance with this Regulation, and a **Frequency Licensee** shall be a holder of a Frequency License.

**Interference** shall mean interference to any form of radio-communication caused by either intentional or unintentional radiation of electromagnetic energy, to the extent that the purpose of the communication is severely compromised or not possible;

**ITU** shall mean the International Telecommunications Union;

**ITU Radio Regulations** shall mean the Radio Regulations annexed to the Convention of the International Telecommunications Union (ITU) and includes every revision or modification thereof which the Republic of Lebanon has ratified or accepted;

**Radio Frequency Spectrum Plan** shall mean a plan governing the use of the Radio Frequency Spectrum and dividing it into Radio Frequency Bands with specified purposes, and which may take the form of a Lebanese National Frequency Allocation Table or any other form as the Authority may consider appropriate.

**Radio Frequency Band** shall mean any contiguous range of Radio Frequencies;

**Radio Frequency Band Plan** shall mean a plan governing the use of a certain Radio Frequency Band;

**Working Day** shall mean any day other than a Saturday, a Sunday, or a day which is an official public holiday for the Government sector in Lebanon.

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### **3 RADIO FREQUENCY MANAGEMENT**

#### **3.1 General Principles**

20. In allocating and licensing the use of the Radio Frequency Spectrum, the Authority shall:
- a. Maximize the efficient Allocation and use of Radio Frequency Spectrum as public property of Lebanon;
  - b. Allocate and license Radio Frequencies to Persons based on market demand and with a view to promoting competition;
  - c. Ensure that Radio Frequencies are made available for new technologies and services, including preserving flexibility to adapt to new market needs;
  - d. Ensure that Radio Frequencies are available for important public benefits, such as for example safety, health, education, media, defense, national security and business; and
  - e. Ensure that Radio frequencies are available in case of emergency.

#### **3.2 Radio Frequency Spectrum Policy**

21. The Authority shall regularly review its policy regarding the use of the Radio Frequency Spectrum in Lebanon taking into account the general principles in section 3.1 and the following factors:
- a. Existing and projected usage of and demand for Radio Frequency Spectrum;
  - b. Policies adopted by international organizations and other countries with developed services using Radio Frequencies;
  - c. Existing and forthcoming available technologies using Radio Frequencies;
  - d. General policies adopted by the Council of Ministers; and
  - e. Such other factors as the Authority considers relevant.
22. The Authority shall publish on its website its Radio Frequency policy and provide a copy to the Council of Ministers.

#### **3.3 Radio Frequency Plans**

23. The Authority may prepare and publish on its website for information:
- a. a Radio Frequency Spectrum Plan in any form as it considers appropriate, dividing the Radio Frequency Spectrum into Radio Frequency Bands and allocating each of them to a general purpose for which it may be used; and
  - b. a Radio Frequency Band Plan relating to one or more Radio Frequency Bands in any form as it considers appropriate, dividing the Radio Frequency Spectrum Bands into channels and allocating each of them to a more specific purpose for which it may be used.
24. The Authority may allocate and authorize the use of:

- a. Radio Frequencies in any part of the Radio Frequency Spectrum used in Lebanon or on board a ship, aircraft or space object that is registered or licensed in Lebanon; and
  - b. Radio Frequencies setting satellite orbital positions and parameters for satellites registered or licensed in Lebanon.
25. All plans, Allocations and authorizations of Radio Frequencies and satellite orbital positions and parameters shall:
- a. Conform with the Telecommunications Law and this Regulation;
  - b. Comply with the general policy set out by the Council of Ministers as provided in Article 16(3) of the Telecommunications Law;
  - c. Conform with the ITU Radio Regulations applying to Region I as set out in Article 5 of such regulations (or as such may be revised from time to time); and
  - d. Have regard to any agreement, treaty or convention between Lebanon and any other country, in relation to Radio Frequency planning and radio emission.
26. The Authority shall keep a central register of Radio Frequencies, satellite orbital positions and allocated parameters authorized by it. Such register shall be publicly accessible except as it regards Allocation and authorization for use for defense, national security and other Governmental purposes appropriate for confidential treatment.
27. The Authority shall ensure under its Radio Frequency Spectrum Plan and, on an overall basis, its Radio Frequency Band Plans that Radio Frequencies are made available for:
- a. Commercial communications between Telecommunications Service Providers or between Service Providers and Users;
  - b. Businesses other than Telecommunications Service Providers which rely upon Radio Frequencies;
  - c. Radio and TV transmission and operations;
  - d. Public administrations and institutions which rely upon Radio Frequencies including without limitation:
    - i. defense, including army, air and naval forces;
    - ii. Internal, general and state security;
    - iii. emergency services, including police, civil defense ambulance, red cross, fire brigade and any other rescue and emergency services;
    - iv. civil aviation;
    - v. maritime;
    - vi. coast guard;
    - vii. education;
    - viii. scientific research
    - ix. health, such as hospital equipment and telemedicine; and
  - e. all other natural and legal Persons, including amateurs.
28. The Authority will review its Radio Spectrum Plan annually, and immediately before and after any ITU World Radio communication Conference (WRC).

29. The Authority may revoke or vary its Radio Frequency Spectrum Plan or any Radio Frequency Band Plan provided that any such revocation or variation shall be carried out pursuant to its public consultation process. Any variation, amendment, revocation or suspension of Frequency Licenses or Radio Frequencies authorized under them shall be carried out in accordance with sections 4.4 or 4.5, as applicable.
30. A Person shall not, in Lebanon or on board of any ship, aircraft or space object that is registered or licensed in Lebanon, use a Radio Frequency in any part of the Radio Frequency Spectrum unless the Radio Frequency is allocated to him or located within a band of frequencies allocated to him by the Authority and the use is for the purpose and in compliance with the conditions specified by the Authority.

### **3.4 Coordination with Governmental Departments**

#### **3.4.1 Radio and TV**

31. In determining which Radio Frequencies shall be available for radio and TV transmission and operations, the Authority shall consult with:
  - a. The Ministry of Information,
  - b. The National Council for Audiovisual Media,
  - c. The Minister of Telecommunications,
  - d. The Minister of Foreign Affairs,
  - e. Such other administration or council as may be involved in radio and TV according to applicable laws and regulations of Lebanon.
32. The Authority shall make itself available for consultation, and shall consult, with the Ministries and other bodies referred to in paragraph 31 regarding:
  - a. The coordination of licensing of Radio Frequencies and licensing of television and radio broadcast under Law No. 382 of 1994 Regarding Telecast and Radio Broadcast;
  - b. The variation of Radio Frequencies and other amendment of Frequency Licenses held by providers of television and radio broadcast; and
  - c. The coordination of revocation and suspension of any authorization to use Radio Frequencies and revocation or suspension of television or radio broadcast licenses.
33. The Authority shall:
  - a. Invite the Ministry of Information and the other bodies referred to in paragraph 31 to provide their comments on the Authority's proposals for use of Radio Frequencies for radio and TV transmission and operation in Lebanon; and
  - b. Arrange to meet with representatives of each of them to discuss such comments.
34. If any dispute shall arise between the Ministry of Information and the Authority regarding the Allocation of Radio Frequencies for radio or TV transmission and operation, the Authority shall submit to the Council of Ministers its reasons for its selected Allocation for resolution by the Council of Ministers in accordance with Article

15(2) of the Telecommunications Law. Until the Council of Ministers decides the matter, the Allocation determined by the Authority will apply.

#### **3.4.2 Other Governmental Departments**

35. The Authority shall, in a similar fashion to that described in section 3.4.1, consult with:
- a. The Ministry of Defense and the Lebanese defense forces, including army, air and naval forces;
  - b. The Lebanese national security services;
  - c. Emergency services, including police, ambulance, fire brigade and any other rescue and emergency services;
  - d. The Ministry of Transport, the Civil Aviation Authority and Division of Terrestrial and Maritime Transportation;
  - e. The Ministry of Education;
  - f. The Ministry of Health;
  - g. Council of Scientific Research; and
  - h. Such other Lebanese national, municipal or other Governmental administrations or councils as may use or seek to use Radio Frequencies.

#### **3.4.3 Radio Spectrum Committees**

36. In carrying out the consultations referred to in subsections 3.4.1 and 3.4.2, the Authority may establish and chair one or more committees including representatives from such Governmental administrations and councils as the Authority considers appropriate, which may include:
- a. One or more committees for technical matters;
  - b. One or more committees to deal with Radio Frequency matters arising in relation to bordering countries; and
  - c. Such other committees as the Authority considers appropriate to ensure that it may effectively carry out its responsibilities pursuant to its exclusive authority under Article 15 of the Telecommunications Law to manage, allocate and monitor the use of Radio Frequencies Spectrum in Lebanon.

### **3.5 Governmental Requests for Radio Frequencies**

37. Any Governmental administration or council may request the Authority to make Radio Frequencies available for it to use by:
- a. Submitting to the Authority a request for Radio Frequencies in a given Radio Frequency Band, along with relevant documentation relating to technical plans and specification of the equipment to be used; and
  - b. Setting out the purpose for which such Radio Frequencies will be used and when they are required.
38. The Authority shall review such requests from Governmental administrations or councils and, if they conform to the Authority's Radio Frequency Plans, shall authorize such Governmental administrations or councils to use such Radio Frequencies as the Authority designates. The Authority's authorization shall designate:

- a. The Radio Frequencies they may use;
  - b. The period of time during which they may use them; and
  - c. Any conditions that shall apply to such usage.
39. Any such usage of Radio Frequencies must comply with the conditions set by the Authority, which reserves the right to cancel any authorization in the event of non-compliance.
40. Nothing in this Regulation shall prevent the Authority, in case of national emergency or disaster and at the request of the Council of Ministers or such emergency committee as it may have established, from re-allocating Radio Frequencies to use by Governmental administrations and councils. In such circumstances, any Person who was previously authorized to use such Radio Frequencies shall cease using such Radio Frequencies and shall provide access to the licensed radio equipment in such manner and at such time as the Authority may instruct, which may be immediately without any prior notice.

### **3.6 International Matters**

41. The Authority shall advise the Minister of Telecommunications in carrying out his responsibilities in representing Lebanon in official meetings of international telecommunications organizations under Article 3(A)(2) of the Telecommunications Law.
42. The Authority shall recommend positions and provide background materials relevant to the Minister's activities in connection with Radio Frequency Spectrum relating to:
- a. Foreign administrations;
  - b. Regional bodies, such as the League of Arab States (LAS), the International Civil Aviation Organization (ICAO) Middle East Region, and international organizations, such as the ITU, ICAO and the International Maritime Organization (IMO); and
  - c. Coordination with neighboring countries on interference issues.

## **4 LICENSING OF RADIO FREQUENCIES**

### **4.1 Requirement of a Frequency License**

43. Subject to paragraph 45, no Person may use Radio Frequencies or operate a radio apparatus in Lebanon, or on board of any ship, aircraft or space object that is registered in Lebanon, unless authorized by a Frequency License of the Authority.
44. The Authority may license any Person to use such Radio Frequencies, for such period, and such radio apparatus as the Authority may specify.
45. The Authority may exempt from the licensing requirement in paragraph 43 the use of certain short-range apparatus for use of Radio Frequencies.
46. The Authority will publish and maintain an up-to-date list of such exempt radio apparatus.
47. The procedure for licensing the use of Radio Frequencies and the terms and conditions governing such licenses shall be determined by the Authority.

### **4.2 Licensing Procedures**

#### **4.2.1 Single Licensing Process Where Possible**

48. Where a prospective Licensee plans to use Radio Frequencies to provide Telecommunications Services, in accordance with Article 16.1, of the Telecommunications Law and section 8 of the Authority's Licensing Regulation, where possible:
  - a. Applications to use the Radio Frequencies will be filed at the same time as applications for Telecommunications Services Licenses; and
  - b. The Authority shall issue a single license for the use of Radio Frequencies and provision of Telecommunications Services.
49. Where it is not possible to have a single application process, the Authority shall issue separate Telecommunications Services Licenses and Frequency Licenses.

#### **4.2.2 Market-based and Administrative Licensing Procedures**

50. When the Authority considers that there is likely to be competing demand for Radio Frequencies, it shall determine the prices of licenses and the selection of Persons who will receive them pursuant to a market-based procedure such as an auction, tender or other market-based approach.
51. When the Authority considers that there is not likely to be competing demand for the Radio Frequencies, the prices of licenses shall be set as predetermined fees and Persons will be licensed pursuant to an administrative procedure on a "first-come-first-served" basis.
52. The Authority may, by publication in the Official Gazette, issue Class Frequency Licenses for use by any Person of Radio Frequencies under which a Person must only register with the Authority his intent to use the Radio Frequencies without requiring any further application to or Decision of the Authority and upon such registration shall be deemed to be licensed to use the Radio Frequencies.

### 4.2.3 Publication of Licenses and Applications

53. When the Authority has established its Radio Frequency Spectrum Plan and any Radio Frequency Band Plans, it shall prepare and publish drafts of Radio Frequency Licenses for various different uses of Radio Spectrum in the allocated Radio Frequency Bands.
54. Upon receiving any application for any Radio Frequency License, the Authority shall:
- a. At the expense of the applicant, publish the application in the Official Gazette and two local newspapers as required by Article 15(3) of the Telecommunications Law, and on its website, along with information regarding the manner in which and time by which interested Persons must submit their objections to the Authority, which shall be seven (7) days from the publishing date in the Official Gazette unless the Authority considers that a longer or shorter period is appropriate under the circumstances;
  - b. In case any objection is submitted, notify it to the applicant and allow the latter thirty (30) days to reply;
  - c. Consider any objections received and the relevant replies in deciding to issue a Frequency License to the applicant; and
  - d. Issue to the applicant an acceptance or refusal of the application, explaining in its Decision the material facts considered and the reasons for the Decision.
55. The Authority may require payment of a sum accompanying an application for Radio Frequencies to pay for the expense of publishing the application in accordance with paragraph 54.

### 4.2.4 Rejections and Exclusions

56. The Authority may refuse to issue a Frequency License to any Person if the Person does not meet such requirements as the Authority may determine.
57. The Authority may, by notice in writing, exclude any Person from applying for or receiving a Frequency License:
- a. If such Person has committed repeated infringements or serious violations of a Telecommunications Services License, a Frequency License, the Telecommunications Law or any regulation thereunder;
  - b. For the purpose of developing the telecommunications industry in Lebanon and maintaining effective competition between Persons engaged in the provision of telecommunications services; or
  - c. For the public interest.
58. Before excluding any Person from applying for or receiving a Frequency License, the Authority shall give the affected Person an opportunity to be heard.

### 4.3 Conditions of Frequency Licenses

59. A Frequency License shall be subject to such conditions as the Authority considers appropriate, including:
- a. conditions specifying the part or parts of the Radio Frequency Spectrum use of which is authorized;
  - b. conditions specifying the type of equipment which the licensee is authorized to use;

- c. conditions specifying the periods during which use of the licensed Radio Frequencies is authorized;
  - d. conditions specifying the maximum permitted level of radio emission that may be caused by use of the licensed Radio Frequencies;
  - e. conditions specifying the area within which the use of the licensed Radio Frequencies is authorized;
  - f. conditions specifying the maximum permitted level of radio emission outside the area referred to in paragraph (e) that may be caused by use of the licensed Radio Frequencies;
  - g. conditions requiring the payment of fees for the management and monitoring of Radio Frequencies by the Authority determined by such decree or decrees of the Council of Ministers as may be issued from time to time under Article 11(Second)(1)(b) of the Telecommunications Law;
  - h. conditions requiring the payment of fees for the right to use the licensed Radio Frequencies determined in accordance with such decree or decrees of the Council of Ministers as may be issued from time to time under Article 11(Second)(1)(c) and Article 17 of the Telecommunications Law;
  - i. conditions regarding changes of Control of the licensee;
  - j. conditions requiring the licensee to comply with the directions of the Authority concerning the use of the Radio Frequencies; and
  - k. such other conditions as the Authority considers appropriate.
60. A Frequency License shall authorize:
- a. the Frequency Licensee; and
  - b. if the conditions of the license permit, any Person authorized by the Frequency Licensee,
- to use the licensed Radio Frequencies in accordance with the conditions of the Frequency License.

## 4.4 Variations and Amendments

### 4.4.1 Process for Variations and Amendments

61. The Authority may vary Radio Frequencies the use of which is authorized in any License or otherwise amend a Frequency License:
- a. If the licensee consents in writing to such amendment; or
  - b. Subject to section 4.4.2, without the consent of the licensee:
    - i. If the laws or regulations of the Republic of Lebanon are amended in such a form or manner as require the variation or amendment of a license;
    - ii. If the licensee is in breach of the Telecommunications Law, regulations issued thereunder, any Decision of the Authority or the terms of its Frequency License;
    - iii. To conform to the Radio Frequency Spectrum plan or Radio Frequency Band Plan of the Authority, including pursuant to the re-Allocation or re-farming of the Radio Frequency Spectrum; or

- iv. To conform the license to any other regulations issued under the Telecommunications Law.
62. Before varying Radio Frequencies or otherwise amending a License, the Authority shall provide written notice (the "Variation Notice"):
- a. To the licensee; or
  - b. In the case of a Class Frequency License issued in accordance with paragraph 52, by publishing the Variation Notice on its website, in at least two national daily newspapers and in the Official Gazette.
63. The Variation Notice shall:
- a. State that the Authority proposes to make a variation of Radio Frequencies or other amendment to the license;
  - b. Set out the text and effect of such variation or amendment and specify its reasons for making such variation or amendment (or provide a reference to the Authority's website where the text and reasons may be found); and
  - c. State the time (being not less than thirty (30) days from the date of provision of the Variation Notice) during which representations or objections with respect to the proposed variation or amendment may be made.
64. In deciding whether to make any variation or amendment referred to in the Variation Notice, the Authority shall consider any representations or objections which are submitted in response to the Variation Notice.
65. No variation of Radio Frequencies or other amendment to any license shall be restricted to one licensee if the Authority considers that the justification for such variation or amendment applies also to licenses held by other licensees.
66. Variations of Radio Frequencies or other amendments to Frequency Licenses shall allow the licensee a reasonable time period within which to make any changes to its apparatus, facilities, operations, services or otherwise as necessary to comply with the variation or amendment.

#### **4.4.2 Additional Requirements Where Radio Frequencies are Used for Services**

67. With respect to Radio Frequencies the use of which is authorized in any license and which are used to provide services, the Authority may without the consent of the licensee vary such Radio Frequencies provided that:
- a. Such variation does not influence the quality and effectiveness of the service which uses such Radio Frequencies; and
  - b. The notice period referred to in paragraph 63.c shall be no less than ninety (90) days.
68. In determining whether a variation of Radio Frequencies will influence the quality and effectiveness of the service which uses them, the Authority shall take into consideration:
- a. The nature of the use of the Radio Frequencies in providing the service;
  - b. Alternative frequencies that may be used to provide the service;
  - c. Alternative technologies that may be used to provide the service;
  - d. Substitutable services that may offer the users a reasonably similar quality and effectiveness;

- e. The reasonable likelihood that the variation of the Radio Frequencies by the Authority will result in the availability of new services of better quality and effectiveness than the initial service; and
- f. Ways in which quality and effectiveness of a service are to be measured, including without limitation interruptions to the service, interference with the service, population coverage of the service, speed of the service, range of facilities provided by the service, social utility of the service, revenue from the service, return on investment in providing the service, the degree to which the service facilitates innovation in other services, and any other factor relevant under the circumstances of the case.

## **4.5 Revocation and Suspension of Frequency Licenses**

### **4.5.1 Revocation and Suspension**

69. The Authority may revoke or suspend a Frequency License or the authorization to use any Radio Frequencies under such a license in the event of:

- a. The license having been obtained by fraud or misrepresentation;
- b. The licensee contravening:
  - i. any of the provisions of the Telecommunications Law or regulations issued thereunder;
  - ii. any condition of the Frequency License;
  - iii. any condition of a Telecommunications Services License in connection with which the Licensee uses the Radio Frequencies; or
  - iv. any direction given to the licensee by the Authority under the Telecommunications Law or regulations thereunder;
- c. Revocation or suspension of a Telecommunications Service License in connection with which the licensed Radio Frequencies are used;
- d. The Frequency Licensee is using the authorized Radio Frequencies for any unlawful activity;
- e. Death of the Frequency Licensee where none of his legitimate heirs meets the requirements of the Frequency License; or
- f. Bankruptcy or liquidation of the Frequency Licensee.

70. When revoking or suspending a Frequency License or the authorization to use any Radio Frequencies under such a license, the Authority shall provide written notice to the licensee which must:

- a. State that the Authority intends to revoke or suspend the license or Radio Frequencies authorized under it and the time at which such revocation or suspension shall take effect;
- b. Specify its reasons for doing so; and
- c. State the time during which representations or objections in response to the notice may be made.

71. The Authority shall consider any representations or objections which are submitted in response to the notice.

72. The period of time required for the notice referred to in paragraph 70.c shall be reasonably proportional to the seriousness of situation. In cases causing or threatening harmful interference, personal safety or other harm, the Authority may, prior to providing the notice, immediately suspend the license or Radio Frequencies authorized under it.
73. Notwithstanding any other provision of this Regulation or the Authority's Licensing Regulation, the Authority may revoke or suspend any authorization to use any Radio Frequencies in any Frequency License (including any Telecommunications Services License or license for broadcast or rebroadcast) if the licensee has not used the Radio Frequencies for a period of six months during one calendar year.

#### **4.5.2 Frequencies Authorized in Connection with a Radio or TV License**

74. If a license for television or radio broadcast issued under Law 382 of 1994 is revoked or suspended, then any authorization of the use of Radio Frequencies for carrying out such television or radio broadcast shall concurrently and automatically also be revoked or suspended, as applicable, and, other than this paragraph 74 and paragraph 73, this section 4.5 shall not apply to such revocation or suspension.

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## 5 TRANSFERS OF LICENSES AND NOTIFICATION OF OWNERSHIP

### 5.1 Transfers of Licenses

75. Without the prior written approval of the Authority, a Frequency Licensee may not assign, pledge or otherwise transfer its Frequency License or any rights under it to any other Person.
76. The Authority may approve assignments, pledges and other transfers of Frequency Licenses if it is satisfied that:
- a. the assignee, pledgee or other transferee satisfies the conditions and requirements of the Frequency License;
  - b. if the Radio Frequencies are allocated for use in connection with any Telecommunications Services License or radio or TV broadcast license, the usage will be consistent with such Allocation; and
  - c. the assignee, pledgee or other transferee assumes all of the responsibilities and obligations under the Frequency License.
77. Notwithstanding any other provision of this section, the Authority may refuse any application for assignment, pledge or other transfer of a Frequency License on grounds it considers appropriate.
78. The Authority shall provide an expeditious process for consideration and approvals or rejections of applications for such assignments, pledges or other transfers.
79. A change of name of a Frequency Licensee shall not constitute a transfer of its Frequency License.
80. The *pro forma* transfer of the legal entity holding a Frequency License, i.e., when such transfer is made together with a transfer of all or substantially all of the assets of a Frequency Licensee and all or substantially all of its contracts with its customers to another Person under the same (direct or indirect) share ownership as the original holder, shall not constitute a transfer of a Frequency License for the purposes of the Telecommunications Law or this section.

### 5.2 Notifications of Ownership

81. Subject to paragraph 83, all Frequency Licensees shall notify the Authority of the name, address and contact information of any Person Controlling the Frequency Licensee, directly or indirectly and any change in the names or ownership levels of such Person within seven (7) days of such change.
82. All Frequency Licensees must adopt reasonably effective procedures to monitor the information to be notified to the Authority under paragraph 81, regardless of whether the information concerns Persons having direct or indirect interests in the Licensee.
83. If the Frequency Licensee is already required under the Authority's Licensing Regulation in connection with a Telecommunications Services License to provide the information required under paragraph 82 to the Authority, such Person shall not be required to do so twice by virtue of this Regulation.

## 6 TYPES OF FREQUENCY LICENSE

### 6.1 License Categories

84. Frequency Licenses and uses of Radio Frequencies shall follow the categories to be determined by the Authority which may include the following categories:
- a. Use of Radio Frequencies in connection with the provision of Telecommunications Services;
  - b. Use of Radio Frequencies in connection with a license for radio or TV broadcasting issued under Law 382 of 1994;
  - c. For Satellite Communication;
  - d. For Professional Mobile Radio (PMR);
  - e. A Fixed Point-to-Point Frequency License;
  - f. Aeronautical Radio Equipment License;
  - g. Maritime Radio Equipment License;
  - h. Military and other Government agencies;
  - i. Media and Public Events License;
  - j. A Radio Experiment License;
  - k. An Amateur Radio or Citizen's Band License; or
  - l. Any other category the Authority considers appropriate.
85. The Authority may from time to time change the categories above or create additional categories of Frequency License. Before doing so, the Authority shall:
- a. By notice in the Official Gazette and the Authority's website invite members of the public who are interested to make representations by a date not less than twenty one (21) days after the notice is published and as specified in the notice; and
  - b. Consider the representations received by the date.
86. The Authority may issue Frequency Licenses on a national basis or on the basis of a specified geographical area within Lebanon.
87. The Authority shall establish the terms and conditions of Frequency Licenses under the categories in section 6.1 or any other categories it considers appropriate and shall publish such terms and conditions in accordance with section 4.2.3. Schedule A to this Regulation lists certain key licensing requirements relating to the licenses mentioned in paragraphs 84.c through 84.k and the Authority reserves the right to amend, supplement or revoke such requirements at any time in connection with its Radio Frequency licensing process. Further terms applicable to the Frequency Licenses will be included in the terms of the Frequency Licenses themselves.

## **7 INTERFERENCE**

### **7.1 Requirement to take Immediate Action**

88. Any Person or other entity authorized to use Radio Frequencies shall take any immediate action which the Authority stipulates as soon as such Person or entity observes, or when it has been informed by the Authority, that the working of its station or network causes interference to radio-communication.

### **7.2 Inspection to Determine Cause of Interference**

89. As per article 37 of the Telecom Law, the Authority will comprise a special unit for control and inspection, with members considered as special police force specialized in telecommunications sector considered to be Judicial Police.

90. As per article 36 of the Telecom Law, the Authority will establish the Control and Inspection Regulation setting procedures and imposing penalties which, upon the Approval of the minister, will be used in the inspection and control activities, among which is the inspection to determine and cease Interference.

91. Any owner or user of electrical, electronic or radio-communication equipment causing or suspected of causing electrical or radiated interference or disturbance to telecommunication equipment, stations, networks or systems belonging to or authorized or approved by the Authority shall permit an authorized officer of the Authority to inspect his equipment in order to determine whether the interference is in fact caused by the equipment.

### **7.3 Instruction to Eliminate Interference**

92. Where the Authority determines that interference or disturbance to telecommunications equipment, stations, networks or systems is or may be caused by any particular electrical, electronic or radio-communication equipment, the Authority may, by notice in writing, direct the owner or user of that electrical, electronic or radio-communication equipment to do, at his own expense, any one or more of the following:

- a. Take suitable measures to eliminate or reduce the interference or disturbance;
- b. Remedy the fault or improper operation of the equipment;
- c. Disconnect the equipment; or
- d. Take such other measure as the Authority considers necessary to eliminate the interference.

93. The Authority may require any action required to be taken under paragraph 92 to be effected within such period of time as the Authority may determine having due regard to the circumstances of each case.

94. In addition to any action the Authority may take under this Regulation, the Authority may:

- a. by notice in writing, prohibit the installation or use of that electrical, electronic or radio-communication equipment unless and until the directions under paragraphs 92 and 93 are complied with;

- b. where it considers it necessary, seal or remove the equipment or any part referred to in paragraph 92; and
- c. where it considers it necessary, cease the operation of the equipment.

#### **7.4 Complaints and Dispute Resolution**

95. Any Person who uses Radio Frequencies and suffers interference from another Person using unauthorized Radio Frequencies or using Radio Frequencies in an unauthorized manner may submit a complaint to the Authority regarding such interference including all available information supporting his claim or the presence and direction of the Interference.

96. The Authority shall take appropriate action to investigate complaints and resolve any disputes under paragraph 95 in accordance with its procedures for monitoring, enforcement and dispute resolution procedures.

Draft for Consultation

## **SCHEDULE A: CERTAIN REQUIREMENTS APPLYING TO CERTAIN TYPES OF LICENSES**

This Schedule A lists certain requirements that apply to certain types of Frequency Licenses. It is subject to amendment, supplement or revocation by the Authority in its Radio Frequency licensing process. Frequency Licenses will themselves contain additional terms to those listed in this Schedule A.

### **Licenses for Satellite Communication**

1. The Authority may grant the following categories of Satellite Communication License to enable the licensee to transmit, receive or transmit and receive communications by satellite for purposes as authorized by the Authority:
  - i. Very Small Aperture Terminal (VSAT) Earth Station License;
  - ii. Large Earth Station License;
  - iii. Transportable Earth Station License;
  - iv. Portable Satellite Communication Terminal License; and
  - v. Such other satellite use as the Authority considers appropriate.
2. It is a condition of every Satellite Communication License that the Licensee:
  - i. Must obtain the Authority's approval for access to any space segment and shall comply with the rules, regulations and procedures of the satellite network operator/provider for station access booking and fees;
  - ii. May only use the Radio Frequencies authorized by the Authority; and
  - iii. May not, without permission of the Authority, use any satellite equipment to provide Telecommunications Services to the public unless it holds a Telecommunications Services License permitting it to do so.

### **License for Business Mobile Radio**

3. The Authority may grant Business Mobile Radio Licenses for communications among base stations and mobile units concerning the business of the Frequency Licensee.
4. The Authority may grant the following classes of Business Mobile Radio Licenses:
  - a. Private Trunked Mobile Radio License;
  - b. Private Business Mobile Radio License;
  - c. Third party (community repeater) Business Radio License; and
  - d. Such other business mobile radio use as the Authority considers appropriate.
  - e. Business Mobile Radio Licenses shall have assignments for single and dual frequency operation, with provision of open channels for mobile-to-mobile communication.
5. A Business Mobile Radio Licensees may not provide Telecommunications Services unless it holds a Telecommunications Services License permitting it to do so.

### **Fixed Point-to-Point Frequency License**

6. A Fixed Point-to-Point Frequency License shall only be for radio-communications between the geographical links specified in the License.

7. The applicant shall comply with:
  - a. The Authority's link planning requirements;
  - b. The Frequency Band Plans and any channel plans specified by the Authority for such links; and
  - c. The Authority's equipment requirements for such links.

#### **Aeronautical Radio License**

8. An Aeronautical Radio License shall only be granted in respect of ground stations in Lebanon or equipment on a commercial or privately-owned aircraft registered in The Republic of Lebanon.
9. All equipment comprised on board any aircraft must be approved by the Civil Aviation Authority of the Republic of Lebanon and a certificate approved by TRA to this effect shall accompany the application for the license.
10. An Aeronautical Radio Licensee shall observe the provisions of the ITU Radio Regulations and any other local or international rules and regulations applicable to equipment on board of an aircraft.
11. Radio communications Operator on the plane should be certified and/or approved by TRA.

#### **Maritime Radio License**

12. A Maritime Radio License shall only be granted in respect of a ship or any water vessel which is registered or licensed according to the requirements of the Division of Terrestrial and Maritime Transportation in the Republic of Lebanon.
13. A Maritime Radio Licensee shall:
  - a. provide on board of the ship all documents either considered necessary by the Authority or required under the ITU Radio Regulations for the efficient operation of the radio apparatus carried on board of the ship; and
  - b. comply with the working procedures set out in the ITU Radio Regulations and with such other requirements as the Authority may determine.
  - c. Radio communications Operator on the ship should be certified and/or approved by TRA.

#### **License for Media and Public Events**

14. A Media and Public Events License shall be for frequencies required in connection with the making of radio and TV programs, and for the conduct of public events, including organization and safety.
15. Transmission of radio and TV programming content between the Licensee's radio-stations shall not be permitted to be broadcasted except under the terms of a separate radio or TV broadcast license.

#### **Radio Experiment License**

16. The Authority may grant a Radio Experiment License to:
  - a. Educational institutions, training establishments or such qualified Persons as the Authority may determine for the purpose of conducting research and developmental activities, experiments or demonstrations in radio-communications; or

- b. Licensed dealers in, or manufacturers or importers of radio-communications equipment for the purpose of testing, demonstration, or conducting research and development in radio-communication equipment.
17. The Authority may limit the maximum power of a station in accordance with the purpose for which the license is required.

#### **Amateur Radio License**

18. The Authority may grant Amateur Radio Licenses to qualified or authorized Persons interested in the operation of radio-communication equipment solely for the purpose of self-training, intercommunication and technical investigations carried out by amateurs, that is, duly authorized persons interested in radio technique solely with a personal aim and without pecuniary interest.
19. An Amateur Radio License may only be granted to a natural Person and shall not authorize the use of radio-communication equipment by an unlicensed Person, including, without limitation, employees and family members.
20. An applicant for an Amateur Radio License must be qualified to a level acceptable to the Authority taking into account the risks relating to the use of the Radio Frequencies and the equipment.
21. It is a condition of every Amateur Radio License that the licensee may not make use of encryption devices or equipment in the operation or use of any radio equipment.
22. It is a condition of every Amateur Radio License that:
- a. Communication through amateur radio equipment shall be for personal and not for business use; and
  - b. Except with the written permission of the Authority, no Amateur Radio Licensee shall transmit to any radio-communication station other than another Amateur Radio Licensee's radio-communication station.
  - c. Each licensee must give priority to stations providing emergency communications
  - d. An amateur station shall not communicate in any manner with persons, institutions or States in countries not recognized by the Republic of Lebanon.