

**Issue: Draft for Consultation**



**REPUBLIC OF LEBANON  
TELECOMMUNICATIONS  
REGULATORY AUTHORITY**

# **LICENSING REGULATION**

**22 April, 2008**

**This document is issued by the Telecommunications Regulatory Authority of the Republic of Lebanon and is made publicly available via its web site to allow interested parties to provide their views on the issues that it raises. Anybody who wishes to do so should respond in writing to the Authority during the public consultation period. Responses must be received no later than 5.00pm on 31 May 2008.**

The address for responses to this Consultation is:

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**The TRA may publish the comments as received unless respondents explicitly ask that their responses be treated as confidential, in total or in part. If any party wishes to have the whole of its submission withheld, it should state that clearly at the beginning of the submission. If the respondent wishes to have some parts withheld, it should put them in separate annexes and clearly mark them as such.**

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# 1 Purpose and Scope of the Regulation

## 1.1 Background

1. This Licensing Regulation (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 licensing Service Providers and treatment of their Licenses.
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 Providers of Telecommunications Services and Stakeholders. The Authority gave notice on 31 May 2008 of its proposal to make this Regulation and invited comments from the Providers of Telecommunications Services and stakeholders. The Authority has considered submissions received in finalizing this Regulation.
5. The Authority wishes to establish a fair, effective, transparent and speedy procedure for the licensing of Service Providers to offer Telecommunications Services and in preparing this Regulation has had regard to international best practices for the regulation and management of Telecommunications Services, 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

6. 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

7. The provision of Telecommunications Services requires a License under the Telecommunications Law. The Telecommunications Law ensures that new Service Providers will be licensed to provide Telecommunications Services in order to bring

about an open, competitive market. Accordingly, the Authority is provided wide-ranging powers and responsibilities under the law relation to licensing.

8. Article 5(1)(d) of the Telecommunications Law confers upon the Authority the responsibility “to organize concessions, issue Licenses, ensure compliance with License terms and conditions, monitor, amend, suspend and withdraw Licenses in accordance with the provisions of the present Law and its implementing decrees.”
9. Article 19(1) of the Telecommunications Law provides that Licenses shall be awarded by decree issued by the Council of Ministers, upon the proposal of the Minister, after conducting an international public auction, and according to specifications and conditions prepared by the Authority, to providers of the following Public Telecommunications Services:
  - a. Basic Telephony Services,
  - b. Mobile telephone services,
  - c. International telephone services, and
  - d. New categories of Licenses for the provision of Public Telecommunications Services, including UMTS, at the national or international level.
10. Article 19(2) of the Telecommunications Law provides that the Authority shall License providers of the following Telecommunications Services:
  - a. Private Line Services,
  - b. Public telecommunications offices and payphones,
  - c. Leased line services,
  - d. National and international telex and telegraph services,
  - e. Internet services,
  - f. Data services, and
  - g. any other Telecommunications Services for which the Authority deems a License is necessary.
11. The Telecommunications Law provides measures to ensure that the licensing of Telecommunications Services will be transparent and non-discriminatory (Articles 18 and 20(1)). It provides a framework for the Authority to approve and set standards for equipment (Articles 20(2), 22 and 23), and for the Authority to set License terms and conditions, including fees, the provision of information to the Authority, the acceptance of inspection and conditions relating to termination and renewal (Article 20(3)). The law also addresses the assignment of Licenses and confers power on the Authority to suspend, revoke or terminate Licenses (Article 24). It also provides for the treatment of value added services (Article 21).
12. The Telecommunications Law provides for the Authority to issue regulations, including under Articles 5(1)(a) and 5(1)(i), and (without prejudice to Article 19 of the

Telecommunications Law) to create a procedure under Article 20 for the application and processing of Licenses.

13. This Regulation is issued pursuant to the Authority's powers and responsibilities in the aforementioned provisions of the Telecommunications Law.

### **1.3 Interpretation**

14. 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.
15. Individual clauses containing the word 'may' are permissions or recommendations (depending on the context) to providers but are not mandatory.
16. 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**

17. The principal purpose of this Regulation is to provide information and guidance to providers and applicants for Licenses with respect to the approach the Authority will take to licensing.
18. The Regulation describes processes designed to ensure that all providers and applicants for Licenses are treated fairly and in a non-discriminatory manner.
19. This Regulation applies to all providers of Telecommunications Services in Lebanon.
20. This Regulation will be posted on the Authority's website and shall enter into effect on the date of its publication in the Official Gazette

## 2 Definitions

21. 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 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, the Licensing Regulation, and

Third, the Service Provider License.

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

**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;

**RFA** shall mean a Request for Applications prepared and published by the Authority in connection with the offering of one or more Restricted Licenses (as referred to in section 3.1 of this Regulation) and setting forth the specifications and conditions that shall apply, among other things, to (i) the qualifications required for applicants for the Restricted Licenses and the Authority's evaluation of them, (ii) the competitive process to be conducted by the Authority to identify which of the qualified applicants will receive the Licenses, and (iii) the scope of services, rights, obligations and all other terms of the Licenses as determined by the Authority.

**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.

### 3 Types of Licenses

#### 3.1 Restricted, Individual and Class Licenses

23. The Authority will classify Licenses for provision of Telecommunications Services as Restricted Licenses, Individual Licenses, Class Licenses, each of which will be licensed pursuant to a different procedure under this Regulation according to the level of oversight required for the licensing, provision of the service and operation of facilities. The differences between the classifications set forth below are summarized in Schedule A.

24. Restricted Licenses:

- a. are limited in number;
- b. are awarded to Persons (subject to section 4.3 of this Regulation) who (i) satisfy particular qualifications designed specifically in relation to the services being licensed and scarce resources they require and (ii) succeed in a competitive process;
- c. are applied for by responding to a RFA after publication by the Authority;
- d. are awarded only by Decisions of the Authority pursuant to applications for such Licenses in accordance with the licensing procedure set forth in section 4.4 of this Regulation (and, in the particular case of services referred to in Article 19(1) of the Telecommunications Law, pursuant to the process described in paragraph 44 of this Regulation);
- e. permit the installation and operation of significant telecommunications facilities; and
- f. bear terms and conditions specific to the licensed services, such as roll-out and coverage obligations.

25. Individual Licenses:

- a. are unlimited in number;
- b. are awarded to any Person (subject to section 4.3 of this Regulation) who satisfies general qualifications relating to the provision of Telecommunications Services, and not pursuant to a competitive process;
- c. may be applied for at any time by submitting a completed application form as set forth in Schedule C to this Regulation;
- d. are awarded only by Decisions of the Authority pursuant to applications for such Licenses;

- e. typically permit the installation and operation of significant telecommunications facilities; and
- f. typically bear some terms and conditions relating to the services and facilities they permit, as well as generic terms and conditions applicable to all Licenses, but will typically not include roll-out and coverage obligations.

26. Class Licenses:

- a. are unlimited in number;
- b. are awarded to any Person (subject to section 4.3 of this Regulation);
- c. may be applied for at any time by submitting a completed application form as set forth in Schedule D to this Regulation;
- d. are awarded only by Decisions of the Authority pursuant to applications for such Licenses except that if the Authority has not issued a Decision rejecting an application within a specified time period as set forth section 4.6 of this Regulation, the applicant shall be deemed duly licensed to provide the services described in its application;
- e. typically do not permit the installation and operation of significant telecommunications facilities; and
- f. may bear some terms and conditions relating to the services they permit, as well as generic terms and conditions applicable to all Licenses, but will not include roll-out and coverage obligations.

### 3.2 Use of License Categories

27. The Authority will from time to time designate which services will be licensed under Restricted, Individual and Class Licenses. Schedule A to this Regulation sets forth the Authority's initial designation, and may be amended from time to time by Decision of the Authority. The use of the categories set out in this Regulation does not prevent the Authority in its discretion licensing a service pursuant to any process it considers appropriate (compliant with the Telecommunications Law). If the Authority decides to treat a service under a category different than that to which the factors outlined below would ordinarily be expected to lead, or follows a licensing process not set out in this Regulation (but compliant with the Telecommunications Law), the Authority will explain its reasons at such time. However, in order to ensure equal opportunity among service providers, if the TRA issues a license to one service provider; it shall issue the same type of license to all other service providers pursuant to the same process.

#### 3.2.1 Restricted Licenses

28. Services will be licensed under Restricted Licenses only when the number of such Licenses to be awarded is limited due to:
- a. the licensed services being required under Article 19(1) of the Telecommunications Law to be licensed by auction;

- b. a period of exclusivity being granted to a specific Licensee in accordance with Article 45 of the Telecommunications Law so that only one provider of such services will be licensed for a period of time;
  - c. requirements for the proper assignment and utilization of scarce Radio Frequency Spectrum; and/or
  - d. the impossibility of approving all applications because the Authority considers that to do so would result in the failure of the Licensees to comply with the specifications and conditions of the Licenses (such as for example roll-out and coverage obligations included pursuant to Article 25(2) of the Telecommunications Law and paragraph 82.a of this Regulation).
29. Where the number of Restricted Licenses is to be limited in accordance with section 3.2.1 of this Regulation, the Authority shall publish on its website a statement as to its proposals and reasons, and allow no less than 30 days for interested parties to respond.
30. Following such consultation the Authority shall issue a Decision setting out the number of Licenses to be granted and the period during which the limitation shall apply.
31. Where the number of Restricted Licenses is to be limited, the Authority may:
- a. Require, as it considers appropriate, additional information from applicants for such Licenses in light of the reasons for limiting the number of Licenses; and
  - b. Impose, as it considers appropriate, such additional specifications and conditions as part of the terms of the Licenses to be granted in light of the reasons for limiting the number of Licenses.
32. The License to be awarded to Liban Telecom under Article 45 of the Telecommunications Law when the fixed line network and the related assets, contracts, personnel and operations are transferred to Liban Telecom shall be treated under this Regulation as a Restricted License except for the method of its award which shall be carried out in accordance with Article 45 of the Telecommunications Law and section 4.4.3 of this Regulation.

### **3.2.2 Individual Licenses**

33. Individual Licenses will be used for services where the Authority considers it necessary to exercise greater oversight than for services to be provided under Class Licenses, for example in setting higher qualification criteria and applying more stringent specifications and conditions. Individual Licenses will generally be required where the provider is likely to have to operate significant telecommunications facilities, thereby raising regulatory issues such as interconnection, optimal use of frequency Spectrum, access to telecommunications facilities, access to public and private property, and environmental concerns.

### 3.2.3 Class Licenses

34. Class Licenses will be used for services for which the Authority considers the qualification requirements should be very low and require minimal review by the Authority, and may include without limitation:
- a. Services which do not require the provider to operate significant telecommunications facilities for the provision of the service; and
  - b. Services where use of allocated spectrum neither extends beyond the boundaries of private property nor risks causing interference with other allocated spectrum.

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## 4 Applications for Licenses

### 4.1 Sample Licenses

35. A sample of each type of Individual and Class License, including all relevant terms and conditions, shall be published by the Authority from time to time in the Official Gazette and shall be posted on its website. Restricted Licenses will be made available from time to time pursuant to RFAs, including the specifications and conditions of the Licenses, and will also be published in the Official Gazette and posted on the Authority's website.

### 4.2 Date of Acceptance of License Applications

36. Applications for Licenses may be submitted to the Authority:

- a. in the case of Restricted Licenses, from such day as the Authority shall specify in a RFA; or
- b. in the case of Individual and Class Licenses, upon publication of the terms and conditions of the Licenses in the Official Gazette and the Authority's website.

### 4.3 Applicants

37. Subject to the following paragraph and such eligibility and qualification requirements as may be set forth in any RFA:

- a. any legal entity duly registered in the Republic of Lebanon may apply for a Restricted, Individual or Class License; and
- b. any natural person having his or her residency in the Republic of Lebanon may apply for a Class License.

38. Where a License is for the provision of a Telecommunications Service that is a public service, as such term is used in Article 78 of the Lebanese Code of Commerce, the applicant must comply with such Article 78 so long as it is in force. Article 78 mandates that one-third of the share capital of any entity engaged in the provision of a public service in the Republic of Lebanon must be held by Lebanese nationals. The Authority will indicate from time to time which Licenses it views as including the provision of public services within the meaning of Article 78. Schedule B to this Regulation sets forth the Authority's initial indication. The Authority is not, however, a court having jurisdiction to determine authoritatively the application of Article 78 and accepts no responsibility for how any court may apply it, regardless of whether such application may be in accordance with the indication provided by the Authority in Schedule B.

## 4.4 Restricted Licenses

### 4.4.1 Application for a Restricted License

39. Applications for Restricted Licenses shall be made pursuant to RFAs published by the Authority from time to time.
40. Any Person wishing to apply for a Restricted License must do so in writing by submitting the information and documents specified in the RFA.
41. The application must be delivered to the offices of the Authority in such form and number of copies as are specified in the RFA issued by the Authority.

### 4.4.2 Procedure for Processing of a Restricted License Application

42. Restricted Licenses shall be awarded within the period specified in the RFA in accordance with the procedure set forth in the RFA and the provisions of the Telecommunications Law and this Regulation.
43. Unless otherwise determined by the Authority, all Restricted Licenses shall be awarded pursuant to the following procedure, and the Authority shall ensure that the specifications and conditions of all RFAs shall be consistent with this procedure:
  - a. The Authority shall prepare and publish the RFA;
  - b. Applications for the Licenses offered under the RFA shall be submitted to the Authority;
  - c. The Authority shall review and assess applications submitted on a timely basis in a fair, objective and non-discriminatory manner;
  - d. The Authority shall determine which applicants are qualified in accordance with the requirements of the RFA and shall publish on its website the names of such qualified applicants;
  - e. The Authority shall conduct a competitive process to identify which of the qualified applicants are to receive the Licenses (the competitive process may be conducted on the basis of information and bids submitted either in the applications or after the identification of qualified applicants);
  - f. The Authority shall publish on its website and in the Official Gazette the names of the applicants which succeed in the competitive process; and
  - g. All Restricted Licenses must be signed by the Authority before becoming effective.
44. Where a Restricted License includes the right to provide services referred to in Article 19(1) of the Telecommunications Law (Basic Telephony, mobile telephone services, international telephone services and new categories of Licenses for the provision of Public Telecommunications Services, including UMTS, at the national or international level), the following requirements shall apply in addition to the procedure set forth in

paragraph 43, and the Authority shall ensure that the RFA is consistent with both paragraph 43 and this paragraph 44:

- a. The competitive process to identify which of the qualified applicants are to receive the Licenses must be an international public auction;
- b. The Authority shall, a reasonable period in advance of the auction, prepare and publish on its website (whether in the RFA or not) the specifications and conditions for the conduct of the auction;
- c. The Authority shall conduct the auction in an organized and transparent manner;
- d. The Authority shall forward to the Minister, and shall publish on the Authority's website, the names, bid amounts and other relevant information about the successful applicants who won the auction for the Minister to propose to the Council of Ministers in accordance with the specifications and conditions in the RFA;
- e. The RFA will provide that the Minister will send a written recommendation to the Council of Ministers within a certain period of days with respect to the approval or rejection of the successful applicants to receive the Licenses;
- f. The RFA will provide that the Council of Ministers will either (i) reject the award or (ii) issue a decree approving the award of Licenses to the successful applicants in accordance with the RFA, which decree shall be published on the Authority's website and in the Official Gazette; and
- g. Within three days after the publication of the decree of the Council of Ministers in the Official Gazette, if such decision is favorable, the Authority will send a confirmation letter to the successful applicants, and will thereafter sign the Licenses in favor of the successful applicants.

#### **4.4.3 Award of Liban Telecom's License**

45. Instead of the procedures set forth in section 4.4.2 of this Regulation, the TRA shall apply the following procedure in the award of Liban Telecom's License in accordance with Article 45 of the Telecommunications Law and Council of Ministers Decree no. 13944 of 4 January 2005, published in the Official Gazette on 13 January 2005:

- a. The Authority shall on a timely basis prepare the specifications and conditions for Liban Telecom's License, which shall include rights to provide the services listed in Article 45(1) of the Telecommunications Law, and may include exclusive rights referred to in Article 45(2) of the Telecommunications Law, and shall publish such document on its website;
- b. The Authority shall forward the specifications and conditions of Liban Telecom's License to the Minister and the Council of Ministers for approval by decree;
- c. The Authority shall publish the Council of Ministers decree on its website; and

- d. Upon issuance of the decree, and immediately when the fixed line network and the related assets, contracts, personnel and operations are transferred to Liban Telecom, the Authority shall sign and deliver to Liban Telecom its License and publish the signed License in the Official Gazette and on its website.

## **4.5 Individual Licenses**

### **4.5.1 Application for an Individual License**

46. Any Person wishing to apply for an Individual License must do so in writing by submitting the information and documents specified in Schedule C of this Regulation.
47. The application must be delivered to the offices of the Authority in one (1) original and one (1) copy, together with proof of payment of the application processing fees, in an envelope marked "Confidential – Individual License Application – For the attention of the Chairman of the Authority".

### **4.5.2 Procedure for Processing an Individual License Application**

48. The Authority shall grant Individual Licenses in accordance with the Telecommunications Law and this Regulation within sixty (60) days after a complete application has been filed in accordance with this section and provided that there is no reason for rejecting the application.
49. The application must specify in detail the services intended to be offered, the geographical areas to be served as well as organizational and financial and technical information relating to the provision of the intended services. The Authority shall, within thirty (30) days from the date of the submission of the application, confirm that the application includes all the relevant documents and information required by Schedule C to this Regulation, or shall specify any missing document or information and shall request these in writing from the applicant.
50. The Person applying for the Individual License must file the missing documents with the Authority within fifteen (15) days from the notification date. The application shall be rejected by the Authority if the applicant does not submit the documents or information on time unless the applicant provides to the Authority evidence that such documents or information is not available within such time period.
51. The Authority shall, within fifteen (15) days from the filing of a complete application, ask for any necessary clarification regarding the application.
52. Rejection of an application shall not prevent a Person from applying again at another time.

## **4.6 Class Licenses**

### **4.6.1 Application for a Class License**

53. Any Person wishing to apply for a Class License must do so in writing by submitting the information specified in Schedule D of this Regulation.
54. The application must be delivered to the offices of the Authority in one (1) original and one (1) copy, together with proof of payment of the application processing fees, in an envelope marked "Confidential – Class License Application – For the attention of the Chairman of the Authority".

### **4.6.2 Procedure for Processing a Class License Application**

55. The Authority shall grant Class Licenses in accordance with the Telecommunications Law and this Regulation within thirty (45) days after a complete application has been filed in accordance with this section and provided that there is no reason for rejecting the application.
56. The applicant must complete all sections of the application form to be submitted to the Authority. The Authority shall, within fifteen (15) days from the date of the submission of the application, confirm that the application is correctly completed, or shall specify any missing document or information that it may require and shall demand these in writing from the applicant.
57. The applicant must file the missing documents or information with the Authority within seven (7) days from the notification date. The application shall be rejected by the Authority if the applicant does not submit the documents or information in time.
58. If within thirty (45) days after an application has been filed the Authority does not issue a Decision rejecting the application or provide notice to the applicant that its application is incomplete or incorrect, the applicant shall be deemed duly licensed to provide the specified Telecommunications Services described in its application and may commence to offer these services.
59. Rejection of an application shall not prevent a Person from applying again.

## **4.7 Grounds for Rejecting any License Application**

60. The Authority may reject an application for any License for any of the following reasons based on the information available:
- a. Where the applicant does not provide the required information and or documents to the Authority according to the RFA (in the case of a Restricted License) or the forms in Schedules C and D to the present Regulation (in the case of Individual and Class Licenses, respectively);

- b. Where it appears to the Authority that the granting of the License to the applicant is likely to prevent, restrict or distort competition in a telecommunications market; or
  - c. Where the application infringes the Telecommunications Law or any regulation issued thereunder, or any other law or regulation of the Republic of Lebanon.
61. In the case of an application for a Restricted or Individual License, the Authority may reject an application for any of the following reasons (in addition to the reasons in the previous paragraph) based on the information available:
- a. Where it appears to the Authority that the applicant does not possess the reliability, the minimum required capital or the financial competence for the proposed investment, or the experience and the relevant know-how to conduct the business in accordance with the License, the Telecommunications Law and regulations issued thereunder;
  - b. Where it appears to the Authority that public order, safety or health may be endangered by the award of the License to the applicant or that the environment would be significantly adversely affected;
  - c. Where the application proposes to provide a service that is not provided for in the License applied for; or
  - d. Where the Radio Frequencies required to provide the requested services are not available.
62. The Authority shall provide reasons in writing to an applicant for rejecting its application.

## 5 Provisions Applicable to Licenses

### 5.1 Validity Period

63. All Licenses shall be granted for a period of up to twenty (20) years or such shorter period as the Authority provides in the terms of the License.
64. In determining the periods of Licenses, the Authority shall take into account the benefits to Licensees of certainty as to their license rights. The Authority shall only provide for a period of less than twenty (20) years in an Individual or a Class License in exceptional cases pursuant to a justified decision, after giving an opportunity to the applicant to present its case as to whether the limitation should be imposed or not.

### 5.2 Renewal of Licenses

#### 5.2.1 Public Telecommunications Service Providers

65. In accordance with Article 25(1) of the Telecommunications Law, a Public Telecommunications Services provider wishing to renew its License shall be subject to the following procedure:
- a. The provider must notify the Authority at least two (2) years prior to the expiration of the License of its desire to renew its License;
  - b. The Authority shall consider the request and shall submit the request and the Authority's recommendation (which may include any proposed amendments to the terms of the License if it recommends renewal) and reasons for such recommendation to the Council of Ministers by filing it with the Secretariat of the Council of Ministers;
  - c. The Council of Ministers shall issue a decision within six months of the date on which the Authority filed the request with the Secretariat of the Council of Ministers;
  - d. If the Council of Ministers issues a decree authorizing renewal of the License, the Authority shall sign and deliver to the Licensee a notice of renewal (or such amended terms as may have been approved by the Council of Ministers); and
  - e. The absence of a decree authorizing the renewal of the License within the aforementioned six month period shall be deemed an implicit refusal to renew the License.

#### 5.2.2 Providers Other Than Public Telecommunications Service Providers

66. The Authority may renew Licenses of providers of services that are not Public Telecommunications Services for a similar or different period of time by way of a

Decision upon the written application of a Licensee at least ninety (90) days prior to expiration of the term of its License. The Authority shall provide its Decision, or request further information, within thirty (30) days of receiving the application, and the Licensee shall respond to any such request for information within fifteen (15) days. The Authority shall endeavour to provide its Decision within fifteen (15) days of receiving complete information. Reasons for which the Authority may decide not to renew Licenses include, but are not limited to, the following cases:

- a. The necessary spectrum required for the provision of the relevant services is no longer available;
- b. The Licensee has failed to provide the Authority with the information necessary to satisfy the Authority that it is appropriate to renew the License;
- c. It appears to the Authority that the Licensee no longer has the necessary funds, credibility, staff or expertise to comply with its License obligations, the Telecommunications Law or regulations issued thereunder;
- d. It appears to the Authority that the renewal would be against public order or would endanger public health or the environment; and
- e. The Licensee has in the past repeatedly failed to comply with the terms of its License, the Telecommunications Law, regulations issued thereunder or any Decision of the Authority, and has failed to take steps to ensure that such breaches would not be repeated, or has committed in the past a serious violation thereto.

### 5.3 Amendment of Licenses

67. Pursuant to Article 5(1)(d) of the Telecommunications Law, the Authority may amend the terms of any License by way of a Decision, in accordance with the principle of proportionality, and on condition that the result of the amendment does not introduce any unfair discrimination among Service Providers.

68. Provisions in Licenses may be amended:

- a. If the Licensee consents in writing to such amendment; or
- b. By the Authority 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 amendment of a License;
  - ii. If the Licensee is in breach of the Telecommunication Law, regulations issued thereunder, any Decision of the Authority or the terms of its License, and where the amendment is intended to ensure elimination of the infringement and compliance with the Telecommunications Law, regulations, Decision and License;
  - iii. To protect fair competition or impose conditions on Public Telecommunications Providers in accordance with Article 30(4) of the Telecommunications Law; or

- iv. To conform the License to any other regulations issued under the Telecommunications Law.
69. Before amending a License pursuant to paragraphs 68.b.iii or 68.b.iv above, the Authority shall provide written notice (the "Amendment Notice"):
  - a. In the case of a Restricted or Individual License, to the Licensee; and
  - b. In the case of a Class License, by publishing the Amendment Notice on its website, in at least two national daily newspapers and in the Official Gazette.
70. The Amendment Notice shall:
  - a. State that the Authority proposes to make an amendment to the License;
  - b. Set out the text and effect of such amendment and specify its reasons for making such 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 Amendment Notice) during which representations or objections with respect to the proposed amendment may be made.
71. In deciding whether to make any amendment referred to in the Amendment Notice, the Authority shall consider any representations or objections which are submitted in response to the Amendment Notice.
72. No amendment to any License shall be restricted to that License if the Authority considers that the justification for such amendment applies also to Licenses held by other Licensees.
73. Amendments to a License shall allow the Licensee a reasonable time period within which to make any changes to its facilities, operations, services or otherwise as necessary to comply with the amendment.
74. Variation of Radio Frequencies the use of which is authorized in a Telecommunications Service License shall be subject to the provisions of the Authority's Spectrum Management and Licensing Regulation as it applies to variation of Radio Frequencies.

#### **5.4 Revocation and Suspension of Licenses**

75. In accordance with Articles 5(1)(d), 24(2) and 41(2) of the Telecommunications Law, the Authority may suspend or revoke any License in the event of:
  - a. The License having been obtained by fraud or misrepresentation;
  - b. Repeated failure of the Licensee to comply with a binding order, including without limitation an order of the Authority under the Telecommunications Law or any regulation issued thereunder;
  - c. Willful and repeated breach of licensing conditions, the provisions of the Telecommunications Law or regulations issued thereunder;

- d. Death of the Licensee where none of his legitimate heirs meets the requirements of the License;
  - e. Bankruptcy or liquidation of the licensed Person; or
  - f. The commission, as evaluated by the Authority, of a serious violation of the Telecommunications Law, regulations issued thereunder, Decision of the Authority or a License.
76. When revoking or suspending 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 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 can be submitted.
77. The Authority shall consider any representations or objections which are submitted in response to the notice.
78. The period of time required for the notice referred to in paragraph 76.c shall be reasonably proportional to the seriousness of the situation. In cases causing or threatening harmful Radio Frequency interference, personal safety or other harm, the Authority may, prior to providing the notice, immediately suspend the License.

## **5.5 Conditions in Licenses**

79. Licenses may be granted subject to conditions. Any condition must be in accordance with the existing legislation especially with regard to the protection of competition and consumers. Conditions must be subject to the principle of proportionality.

### **5.5.1 Provisions in All Licenses**

80. All Restricted, Individual and Class Licenses may include, without limitation, conditions concerning, where relevant to the services licensed:
- a. Terms intended to ensure compliance with the essential requirements of the License;
  - b. Terms with regard to the provision of information that is reasonably required by the Authority in carrying out its duties;
  - c. Conditions regarding the protection of Users or Customers including but not limited to the provision of detailed and accurate information, especially about the quality of services, and the provision of a procedure for complaints and disputes, publication and adequate notice of any change in access conditions, including tariffs, quality and availability of services;

- d. Make contributions to a universal service fund in accordance with the Telecommunications Law and any regulations issued thereunder;
- e. Provide Customer information necessary for the provision of directory services;
- f. Provisions relating to equipment to be used;
- g. Comply with specific conditions relating to Interconnection;
- h. Comply with specific conditions, which may be imposed on Service Providers with significant market power; and
- i. Any other provision which, according to the Telecommunications Law or regulations issued thereunder, is justified to be included in the License.

### **5.5.2 Provisions in Restricted and Individual Licenses Only**

81. In addition to the provisions listed in section 5.5.1, Restricted and Individual Licenses may include, without limitation, provisions concerning, where relevant to the services licensed:

- a. Specific provisions concerning the effective use and the adequate management of Radio Frequency Spectrum;
- b. Requirements relating to the quality, availability and performance, of the service or network;
- c. Provisions intended to prevent anti-competitive behaviour in telecommunications markets, including measures relating to tariffs;
- d. Provisions relating to the effective and adequate use of numbering;
- e. Provisions relating to emergency services;
- f. Specific environmental and town-planning and country-planning requirements, including provisions concerning the access to public or private property; and
- g. Provisions relating to Interconnection with, access to and sharing of the Licensee's facilities and services by other Service Providers.

### **5.5.3 Provisions in Restricted Licenses Only**

82. In addition to the provisions listed in sections 5.5.1 and 5.5.2, Restricted Licenses may include, without limitation, provisions concerning, where relevant to the services licensed:

- a. Requirements relating to the geographical roll-out and coverage, , of the service or network;
- b. Requirements relating to the financial, administrative and technical competence of the applicant;

- c. Conditions setting a minimum period of operation including, where appropriate, the mandatory provision of Telecommunications Services of universal service;
  - d. Provisions for the continuity of service upon termination;
  - e. Provisions relating to public order and assistance in case of national emergencies;
  - f. Special arrangements for disabled people; and
  - g. Provisions relating to the deposit of a guarantee letter by the operator in order to ensure fulfilment of its obligations under its License.
83. The provisions listed in this section 5.5 may be added to a License even after it has been granted, subject to the amendment provisions of the License and of this Regulation.

Draft for Consultation

## 6 TEST AND DEVELOPMENT LICENSES

84. The Authority may grant Test and Development Licenses for testing purposes under the following conditions, all of which must be met:
- a. The Test and Development License is required for testing purposes, namely:
    - i. Where the technical framework for the provision of specific services is not yet fully developed, or
    - ii. Where the experimental application of new technical methods is required for the provision of specific Telecommunications Services, or
    - iii. For the commercial exhibition of telecommunications equipment,

and
  - b. The Test and Development License is not to be used for the provision of Telecommunications Services to the public,  
and
  - c. The applicant for a Test and Development License does not already possess a Restricted, Individual or Class License within the framework of which the aforementioned activities can be carried out.
85. A Test and Development Licenses shall be granted by way of a Decision by the Authority for the time period required to carry out the testing and development, which shall be no more than twelve (12) months.
86. The duration of a Test and Development License may be extended for up to six (6) more months by the Authority upon request of the Licensee, which shall be submitted at least one (1) month prior to the expiry date of the initially defined duration of the Test and Development License.
87. Applicants for a Test and Development License or an extension shall submit to the Authority all the necessary documents which, according to the provisions of this section, justify the award of the Test and Development License or its extension.

## 7 TRANSFERS OF LICENSES AND CHANGES OF OWNERSHIP

### 7.1 Generally Applicable Restrictions

#### 7.1.1 Transfers of Licenses

88. Without the prior written approval of the Authority, a Licensee may not assign, pledge or otherwise transfer its License or any rights under it to any other Person.

89. A change of name of a Licensee shall not constitute a transfer of its License.

90. Paragraph 88 shall not prevent a Licensee:

- a. Sharing use of its, or commonly owned, telecommunications facilities with other Licensees for the provision of Telecommunications Services; or
- b. Exercising its rights to provide Telecommunications Services and install and operate telecommunications facilities by subcontracting parts of such activities to other Persons.

91. Notwithstanding any arrangement for sharing of facilities or subcontracting:

- a. The Licensee shall remain subject to, and shall retain full responsibility and liability for the fulfilment of, all of the obligations set forth in its License and the Telecommunications Law, regulations issued thereunder and Decisions of the Authority; and
- b. The Authority may provide notice to holders of Licenses concerning any activities which it considers to be inappropriate for facilities sharing or subcontracting together with the grounds for its view, in which case the Licensee shall not enter into any new facilities sharing or subcontracting arrangement for such activities or continue any existing such arrangement beyond a reasonable period required to terminate it.

92. The *pro forma* transfer of the legal entity holding a License, i.e., when such transfer is made together with a transfer of all or substantially all of the assets of a 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 License for the purposes of the Telecommunications Law or this section.

#### 7.1.2 Notifications of Ownership

93. All Restricted and Individual Licensees shall notify the Authority of:

- a. The name, address and contact information of:
  - i. any Person holding five per cent (5%) or more of the voting or economic interest in the Licensee;

- ii. any Person being party to a management or similar agreement with the Licensee; and
    - iii. any Person having ultimate Control over any such Persons; and
  - b. Any change in the names or ownership levels of any Persons mentioned in subparagraph (a) above within five (5) working days of such change.
94. Licensees must adopt reasonably effective procedures to monitor the information to be notified to the Authority under paragraph 93, regardless of whether the information concerns Persons having direct or indirect interests in the Licensee.
95. At the written request of the Authority, a Class Licensee shall notify the Authority of the information described in paragraph 93 with respect to such Class Licensee.

### **7.1.3 Approvals of Changes of Ownership**

96. Without the prior written approval of the Authority, a Licensee may not engage in an issuance, or provide support for the sale, pledge or other transfer of shares in the Licensee or enter into a management agreement or other transaction which would have the effect (directly or indirectly) of causing a Person to acquire or increase (directly or indirectly) Control of the Licensee or a holding of over twenty five per cent (25%) of the shares then in issue having voting or economic interests in the Licensee.
97. Requests for approval of such a transaction should be submitted at least thirty (30) days prior to the planned effective date of the transaction. In such requests, Licensees should provide information about the transaction, the parties, their services and the market in such services and any supporting document that would assist the Authority in assessing the effect of the transaction on the competitiveness of the market.
98. Upon the occurrence of any such transaction without its approval, the Authority may:
- a. Suspend the License until Control and the shares reverts to the previous holders; or
  - b. Apply any other remedy under the Telecommunications Law or regulations issued thereunder, including without limitation revocation or amendment of the License or imposition of fines.
99. The Authority shall not withhold its approval of a transaction except on the following grounds:
- a. The transfer of shares or change of Control will result in a Licensee having or increasing significant market power;
  - b. The existence of common ownership interests in competing Licensees is reasonably likely to substantially lessen competition in any telecommunications market;
  - c. National security or compliance with national security laws or any other laws or regulations of the Republic of Lebanon; or

- d. The transfer of shares or change of Control would be inconsistent with the Telecommunications Law, regulations issued thereunder, the terms of the License, any Decision of the Authority or the specifications and conditions pursuant to which the License was awarded.
100. The approval of the Authority will not be required for *pro forma* transfers of shares in a Licensee, i.e., transfers for reorganization or restructuring purposes from one Person to a second Person where one has Control of the other or both are under the same ownership and Control of one or more other Persons.
101. Any Person is at liberty to request the Authority to confirm how these provisions will be applied to a particular situation.

## 7.2 Changes of Ownership in Restricted Licensees

102. With respect to Restricted Licenses only (and without prejudice to section 7.1), no direct or indirect sale, pledge or other transfer of shares in the holder of a Restricted License (or any of its direct or indirect shareholders) shall be made without the prior written approval of the Authority if the sale, pledge or other transfer is made to a shareholder already holding, or who as a result of such sale or transfer would hold (directly or indirectly) ten per cent (10%) or more of the shares then in issue having voting or economic rights in the Licensee.
103. The Authority shall be notified of the material terms of such a transaction, as well as of the identity of the proposed transferee and of any other information that may be reasonably requested by the Authority. The Authority shall approve, reject or place conditions upon, any such transaction within ten (10) working days of being so notified, or may request further information before doing so. Any such sale, pledge or other transfer of shares without the prior written approval of the Authority shall be deemed an unlawful transfer and breach of the Restricted License.
104. Holders of Restricted Licenses shall notify the Authority no later than thirty (30) days before an agreement to sell any of their shares on any stock exchange in the Republic of Lebanon or elsewhere takes effect.
105. The Authority may provide additional restrictions on transfers of Restricted Licenses in such Licenses.

## 8 FREQUENCY LICENSE

106. An application for a License for Radio Frequency Spectrum shall where possible be filed at the same time as the application for a License to provide the services or install and operate facilities which will use such Radio Frequency Spectrum, and shall specify the License to which it relates. The application for a spectrum License shall be considered by the Authority in accordance with the Telecommunications Law and the regulations thereunder relating to spectrum licensing, including the Regulation on Management and Licensing of Spectrum.
107. Telecommunications Service License applications relying for the provision of their services on spectrum use specified by the Authority as not requiring a Restricted License, shall specify in their application:
- a. The specific ranges of spectrum that they will be utilising;
  - b. Information and commitments meeting any legal and financial requirements set by the Authority;
  - c. The full radio frequency characteristics of the system proposed to be used so that the Authority can be satisfied that the system fully complies with any emission standards and technical specifications or requirements that the Authority has imposed for the use of the spectrum; and
  - d. Such other information and commitments as may be specified by the Authority including, without limitation, matters referred to in the Regulation on Management and Licensing of Spectrum.
108. Whenever possible, and where the provision of a Telecommunications Service necessitates the use of Radio Frequency Spectrum, the Authority shall issue a single License covering both the provision of the Telecommunications Service and the use of the required Radio Frequency Spectrum.
109. The Authority may decide that it is not possible to issue a single license covering both the provision of a Telecommunications Service and the use of the required Radio Frequency Spectrum in circumstances including, without limitation:
- a. Where the Authority plans to make Radio Frequency Spectrum bands available to existing holders of Licenses for Telecommunications Services;
  - b. Where the Authority plans to make Radio Frequency Spectrum bands available to holders of Licenses for Telecommunications Services the terms of which permit the Licensees to provide their services using wireline and/or wireless facilities at their discretion; and
  - c. Where the Authority considers that the efficient utilization of the Radio Frequency Spectrum would be better served if it is not included in a single License covering both the provision of the Telecommunications Services and the use of the required Radio Frequency Spectrum.

## **9 FEES**

### **9.1 Processing Fees**

110. An application for a License shall be accompanied by a payment of a processing fee payable to the Authority. The processing fee shall be determined by way of a regulation or Decision of the Authority, shall be set to cover the cost of processing License applications, and shall be published by the Authority in the Official Gazette and posted on its web site. The Processing Fee may be modified by means of a regulation or Decision of the Authority.
111. An application not accompanied by the fees shall be considered invalid and the Authority shall not process it, nor will any relevant time deadlines in this Regulation for processing applications count unless the fees have been paid.
112. Where an application for a License is refused, for any reason, the processing fee shall be retained by the Authority.

### **9.2 Annual Fees**

113. Annual License fees shall be paid for each License as determined by way of a regulation or Decision of the Authority which shall be published in the Official Gazette and posted on the Authority's web site.
114. The initial annual License fees payable by a Licensee shall be those in force on the date of the award of the License and shall be prorated accordingly for the period of the calendar year remaining after the License enters into effect.
115. Annual License fees shall be payable on the first working day of every year in accordance with the Decision of the Authority in force at the time or such later date as the Authority may specify if required to allow for the completion and auditing of a Licensee's financial results for the previous year if such results form the basis of any License fees.

## 10 GENERAL PROVISIONS

### 10.1 Register of Licenses

116. The Authority shall maintain a Register at its principal office containing:
- a. Each Restricted, Individual and Class License, Test and Development License and frequency and numbering assignment; and
  - b. The names, registered office and or principal place of business of each Person licensed.
117. The Register shall be open to public inspection, without charge, at the offices of the Authority and, as determined by the Authority, made available electronically through the Internet by posting it on the Authority's website.
118. The Authority shall make copies of entries in the Register available to members of the public on payment of a fee reflecting the cost of providing such copies to be determined by Decision of the Authority.

### 10.2 Confidentiality

119. Subject to the provisions of the Telecommunications Law and this and any under regulations issued thereunder, the Authority shall treat information received as part of an application for a License, including the fact that such an application has been made, as confidential and shall not disclose it when such disclosure jeopardizes commercial confidentiality or the principle of competition as provided for by Article 12 of the Telecommunications Law.

### 10.3 Right of Review

120. Any decision taken by the Authority concerning an application for a License may be challenged in accordance with the provisions of any law or regulation pertaining to the review of decisions of the Authority.

Beirut, 22 April 2008

Signed: Kamal S. Shehadi,

Chairman and CEO

For and by authority of the Telecommunications Regulatory Authority

Draft for Consultation

## SCHEDULE A: TYPES OF LICENSES

### FEATURES OF RESTRICTED, INDIVIDUAL AND CLASS LICENSES

	Restricted Licenses	Individual Licenses	Class Licenses
<b>Number</b>	Limited	Unlimited	
<b>Qualifications</b>	Legal entity registered in Lebanon and satisfying specific qualifications designed for the Licenses	Legal entity registered in Lebanon and satisfying non-competitive, minimum eligibility criteria	Lebanese resident or legal entity registered in Lebanon
<b>Applications</b>	Pursuant to RFA prepared and published by the Authority	Applications at any time	
<b>Competitive process</b>	Yes	No	
<b>Authority approval</b>	Yes (and in the case of services to which Article 19(1) applies, proposal of the Minister and decree of the Council of Ministers)	Yes	License is deemed issued if application is not rejected within 30 days
<b>Significant telecommunications facilities</b>	Typically included		Not included
<b>Roll-out and coverage obligations</b>	May be included	Not included	

## TYPES OF LICENSES USED FOR VARIOUS TELECOMMUNICATIONS SERVICES

	SIGNIFICANT QUALIFICATIONS	NO QUALIFICATIONS
RESTRICTED NUMBER	<p><b><u>Restricted licenses</u></b></p> <ol style="list-style-type: none"> <li>1. National Broadband Licenses</li> <li>2. Broadband Access Licenses with spectrum</li> <li>3. Mobile Licenses</li> <li>4. Any other license including an Article 19(1) service, i.e., basic telephony, international telephone or mobile (including UMTS)</li> <li>5. Any other service license bundled with scarce spectrum (e.g., any license including frequencies for terrestrial broadcasting)</li> </ol>	None at this time
UNRESTRICTED NUMBER	<p><b><u>Individual licenses</u></b></p> <ol style="list-style-type: none"> <li>1. Broadband Access Licenses without spectrum</li> <li>2. MVNOs and FVNOs</li> <li>3. Public Access Mobile Radio</li> <li>4. Pagers</li> <li>5. Satellite telephony provider</li> <li>6. Fixed Satellite Earth Station (send/receive)</li> <li>7. VSAT</li> </ol>	<p><b><u>Class licenses</u></b></p> <ol style="list-style-type: none"> <li>1. ISP</li> <li>2. Value Added Services</li> <li>3. Resale of any services</li> <li>4. Wireless zone Internet access</li> <li>5. Satellite telephony user</li> <li>6. Wireless fixed closed user group license</li> <li>7. Private mobile radio</li> <li>8. Citizens band radio</li> <li>9. Amateur frequency license</li> <li>10. Maritime, distress, public safety, radio navigation frequency license</li> <li>11. Low power wireless networks</li> <li>12. Satellite News Gathering (SNG)</li> <li>13. Fixed Earth Station (receive only)</li> </ol>

## **SCHEDULE B: PUBLIC SERVICES**

The Authority views the following to be public services within the meaning of Article 78 of the Lebanese Code of Commerce due to their nationwide provision and availability and dependence on them by the population upon the individual Licensees:

1. Basic telephony, international telephone and mobile telephone services provided by Liban Telecom under its License, when issued (note that in accordance with Article 44(1) of the Telecommunications Law, Liban Telecom is exempt from Article 78 of the Code of Commerce); and
2. Mobile telephone services provided under the Mobile Licenses to be issued pursuant to the Request for Applications to participate in a tender process for twenty year licenses together with the acquisition of the businesses of two existing mobile network operators, dated 2 November 2007, as such may be amended or reissued from time to time.

Draft for Consultation

## **SCHEDULE C: INDIVIDUAL LICENSE APPLICATION**

### **Contents of an application and documents to be attached**

#### **I. License applied for**

1. Name of the License applied for.

#### **II. The Applicant**

1. Name and Address of the applicant.
2. Legal form of the applicant.
3. Nomination of the authorized representative of the applicant in Lebanon (including telephone and fax numbers and e-mail).
4. Commercial circular or, in case the applicant is a branch of a non-Lebanese company, the Power of Attorney or decision appointing the authorized representative
- 5- Company's full address (including telephone and fax numbers and e-mail).
4. An official copy of the company registration document.
5. Applicant's Tax Registration Certificate.

#### **III. Ownership documents**

1. The name, address and contact information of any person or entity holding five per cent (5%) or more of the voting or economic interest in or management or similar agreements with the applicant, as well as any person or entity having ultimate Control over such person or entity.<sup>1</sup>

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<sup>1</sup> For these purposes, "Control" has the meaning provided in the Licensing Regulation, i.e., 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 or indirectly through another Person.

2. Current official certificate from the Commercial Registry showing the current shareholders/partners.
3. Details of shareholdings in other companies that provide Telecommunications Services in Lebanon or overseas.

#### **IV. Description of Technical characteristics**

1. Description of the services the applicant intends to provide.
2. Description of the facilities that will be deployed.
3. Characteristics of the services to be offered.
4. Availability of the network and services that will be followed.
5. Any requirements for Radio Frequency Spectrum.
6. Any requirements for numbering.
7. Timetable for the implementation of the services and an expected date of commencement of public operation.

#### **V. Evidence of Competence, Efficiency and Reliability**

1. Evidence of financial efficiency:
    - (a) Evidence of the requested and submitted share-capital of the company.
    - (b) Balance sheets or equivalent documents of the last one (1) year. In case of a newly established company, the equivalent documents of the shareholders are sufficient.
    - (c) the plan for financing the company as well as a written statement from a bank regarding the creditworthiness of the applicant or, if it is a newly established company, its shareholders.
    - (d) Other equivalent means that prove, according to the applicant's judgment, its financial ability.
  2. Evidence of technical competence:
-

(a) Reference to the know-how, experience and abilities of the staff assigned to the administration of the service provision.

(b) References or certificates with regard to the establishment and operation of similar projects.

3. Evidence of reliability:

(a) A notarized certificate signed by the applicant itself certifying that during the past three (3) years none of the following facts has occurred against the applicant or against a company under his control, or against an individual who is to be appointed as a director of the company:

(i) Revocation or suspension of a telecommunications license in any country;

(ii) Imposition of penalties or other sanctions because of a contravention of obligations arising from a telecommunications license or from telecommunications related legislation in any country;  
or

(iii) Bankruptcy, settlement or forced management.

## VI. Declaration

All Applicants shall complete this declaration<sup>2</sup>:

Name of Applicant

Full name of Signatory

Position held in Applicant Organisation

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<sup>2</sup> This must be signed by

(i) in the case of an individual, by the person in whose name the application is made;

(ii) in the case of a partnership, by each of the partners;

(iii) in the case of a company or other body corporate, by the authorized representative.

On behalf of the Applicant, I declare that:

- (a) This application is made in accordance with the Telecommunications Law and the Regulations issued thereunder;
- (b) The information provided in respect of this application is true, accurate and complete in all respects and is not misleading;
- (c) All information that may be relevant to this application has been fully and properly disclosed to the Authority; and
- (d) I am authorised to make this declaration on behalf of the Applicant named above.

**Signed:**

**Date:**

Draft for Consultation

## **SCHEDULE D: CLASS LICENSE APPLICATION**

### **Contents of an application and documents to be attached**

#### **I. License applied for**

1. Name of the License applied for.

#### **II. The Applicant**

1. Name and Address of the applicant.
2. Legal form of the applicant.
3. Nomination of the authorized representative of the applicant in Lebanon (including telephone and fax numbers and e-mail).
4. Commercial circular or, in case the applicant is a branch of a non-Lebanese company, the Power of Attorney or decision appointing the authorized representative
5. Company's full address (including telephone and fax numbers and e-mail).
4. An official copy of the company registration document.
5. Applicant's Tax Registration Certificate.

#### **III. Ownership documents**

1. Current official certificate from the Commercial Registry showing the current shareholders/partners.
2. Details of shareholdings in other companies that provide Telecommunication Services in Lebanon or overseas.

#### **IV. Geographic Coverage**

1. Do you plan to provide services across all of Lebanon? If not please specify areas.

**V. Infrastructure**

1. Do you own your own infrastructure? If not, please specify the network provider that you plan to rely upon to offer your services.

**VI. Services**

1. Please state the services you plan to offer.
2. Please specify the planned date of commencement of commercial operation.

**VI. Any Other comments you wish to make**

1. Please provide any other information relevant or useful and in accordance with the Licensing Regulation of the Authority.

**IV. Declaration**

All Applicants shall complete this declaration<sup>3</sup>:

Name of Applicant

Full name of Signatory

Position held in Applicant Organisation

On behalf of the Applicant, I declare that:

(a) This application is made in accordance with the Telecommunications Law and the Regulations issued by the Authority;

(b) the information provided in respect of this application is true, accurate and complete in all respects and is not misleading;

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<sup>3</sup>This must be signed by

- (i) in the case of an individual, by the person in whose name the application is made;
- (ii) in the case of a partnership, by each of the partners;
- (iii) in the case of a company or other body corporate, by the authorized representative.

(c) All information that may be relevant to this application has been fully and properly disclosed to the Authority; and

(d) I am authorised to make this declaration on behalf of the Applicant named above.

**Signed:**

**Date:**

Draft for Consultation