



*** Resolution No. (6) of 2008
Regarding the Licensing Framework**

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Resolution No. (6) of 2008 Regarding the Licensing Framework¹

The General Authority for Regulating the Telecommunication Sector

In cognizance of the Federal Law by Decree No. (3) of 2003 Regarding the Organisation of the Telecommunication Sector and the amending laws thereof; and the

Decision of the Supreme Committee for the Supervision of the Telecommunication Sector No. (3) of 2004 Issuing the Executive Order of the Federal Law by Decree No. (3) of 2003 Regarding the Organisation of the Telecommunication Sector and the amending laws thereof; and the

Cabinet Resolution No. (42/23) of 2008 Session No. (3), Regarding the Abolition of the Supreme Committee for the Supervision of the Telecommunication Sector and delegating its functions to the Board of Directors of the General Authority for Regulating the Telecommunication Sector; and

On the basis of the proposal of the Director General of the General Authority for Regulating the Telecommunication Sector and the approval of the Board of Directors of the Authority,

Have issued the following:

Article (1) Definitions

Unless the context requires otherwise, the terms and expressions appearing in Federal Law by Decree No. (3) of 2003 Regarding the Organisation of the Telecommunication Sector and its amendments shall have the same meanings in this resolution The following terms shall have the following meanings:

“Regulatory Framework” the regulations, decisions, directives, regulatory policies, guidelines, recommendations and procedures made by the Supreme Committee and the Authority including any revisions or amendments made to them from time to time.

“Regulated Activity” the operation of a Public Telecommunication Network or the provision of Telecommunication Services to subscribers.

¹ This is an English translation of the official document which is in Arabic. Only the Arabic version may be relied upon for legal purposes.

“State” the United Arab Emirates

“The Authority” the General Authority for Regulating the Telecommunication Sector.

Article (2) Regulated Activities

1. All Regulated Activities in the State are Licensable by the Authority.
2. The introduction of competition will be done gradually. New Licences for networks and services will be introduced gradually as well.
3. The number and scope of such Licences can be restricted due to the scarce resources used (e.g. spectrum and numbers) or the implementation of any technical restrictions to guide the use of these resources and to maximize their utilization for the public interest.
4. The Authority may grant Licences by the following two methods, without limitation:
 - a. considering the merits of the application; or
 - b. proposals submitted by way of beauty contests or auctions.
5. The Authority shall create a balance between ease of market entry, merits of competition among different service providers, technical efficiency and consumer protection. As such, the Authority can choose between Licensing methods like, beauty contests, auctions or others in determining the number of new Licensees in a particular market regardless of there being no restrictions due to scarce resources. Where scarce resources are not restricted, the Licences shall be granted based on the merits of the application.
6. The Authority shall evaluate all applications objectively based on clear criteria.

Article (3) Award Procedures

1. The Authority shall determine the networks and services yet to be Licensed through resolutions issued from time to time.
2. The Authority shall also announce the kind of procedures to be followed in awarding the Licence at the relevant time.

3. The Authority shall enforce all processes required to disclose the true shareholding structure of the applicant including investors. The Authority may require these entities to demonstrate that they have not been found to be materially or repeatedly in breach of the applicable rules and regulations in the State or other jurisdictions.

Article (4)

Individual and Class Licences

1. The Authority shall issue two categories of licences:
 - a. individual Licence; and
 - b. class Licence.
2. The general rules followed to determine which activity will fall under the individual Licence and which will fall under the class Licence include the following:
 - a. Individual Licences are issued where scarce resources (e.g. spectrum and numbers) are used or due to the nature of the activity or the significance of the resources to the public more regulatory supervision is required.
 - b. Class Licences are issued where there is no need to use scarce resources (e.g. spectrum and numbers) or due to the nature of the activity or the insignificance of the activity to the public, less regulatory supervision is required. Competition in these activities will provide the consumer with a greater choice of service providers.
3. The Authority shall in its resolutions issued from time to time indicating which Regulated Activities shall be Licensed, also indicate whether the activities will have an individual Licence or a class Licence.
4. The Licences will have generic conditions which apply to all types of Licensees as well as special conditions on the network, service or service provider. Thus, the draft Licence articles attached to the relevant resolutions announcing new Licences, may be modified to suit issues relating to the network, service or service provider.
5. The Licence conditions shall make reference to the Regulatory Framework that include issues on spectrum or technical approvals, interconnection, access and consumer protection. In case of significant amendments to the Regulatory Framework, due consultation will take place with the relevant parties in accordance with the Authority's consultation procedures.

6. As obtaining the Licence shall not mean the automatic approval to utilize or for the allocation of any scarce resource (e.g. spectrum and numbers), the Licensees shall apply to the Authority in order to be granted authorization to use spectrum or numbers in accordance with the Regulatory Framework.

Article 5

Term of Licence

1. Subject to the Article 5(2), the term of Licences shall be as follows:
 - a. individual Licences: 10 years; and
 - b. class Licenses: 10 years
2. Where the award of the Licence is made by way of a beauty contest or auction; the term shall be made clear in the relevant documentation.

Article 6

General

This resolution shall come into force from the date of its publication and shall be published in the Official Gazette.

Mohammed Ahmed Al Qamzi
Chairman of Board

Issued in Abu Dhabi on 23 July 2008.

Published in the Official Gazette on 31 August 2008.