

Republic of Lebanon Telecommunications Regulatory Authority

Decision No: Spectrum Management and Licensing Regulations

The Telecommunications Regulatory Authority, during its meeting held on 27 April 2009

Pursuant to Law No. 431, dated 22/7/2002 (the Telecommunications Law) and in particular Article 16 thereof,

Pursuant to Decree No. 14264 dated 4/3/2005 (TRA Administrative and Financial Regulations),

Pursuant to Decree No. 1 dated 8/2/2007 (Appointment of the Chairman and Members of TRA),

And following consultation with the State Advisory Council (Opinion No. dated),

issued this Regulation as follows:

Chapter I Purpose and Scope of the Regulation

Article 1: Background

- 1. This Spectrum Management and Licensing Regulation (the Regulation) is issued by the Telecommunications Regulatory Authority of the Republic of Lebanon (the Authority) in accordance with the Telecommunications Law No. 431 dated 22 July 2002 (the Telecommunications Law). It is designed to provide potential and current stakeholders in the sector with clear and concise explanations of the principles to be applied, the factors to be considered, and the procedures to be followed and applied by the Authority in the management and licensing of the Radio Frequency Spectrum. The Authority addresses Service Provider licensing in a separate Service Provider Licensing Regulation.
- This Regulation is a binding document that states the official policies and procedures of the Authority. It may be subject to review and amendment 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. This Regulation is a companion to:
 - a. the Lebanese National Frequency allocation Table (LNFT) that has been issued by the Authority and will be updated from time to time consistent with the general Radio Frequency Spectrum policy set out by the Council of Ministers, and
 - b. the Type Approval regime for equipment established in the Type Approval Regulation.

The Authority will establish and update specific Radio Frequency Spectrum Allocation plans and will address specific Radio Frequency licensing issues in decisions to be rendered from time to time pursuant to this Regulation and the Telecommunications Law.

- 4. The Authority intends to establish a fair, effective, transparent and speedy procedure for the licensing of Radio Frequencies to Service Providers, for the Allocation and Assignment of Radio Frequencies for various Governmental uses, and for other purposes.
- 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.

Article 2: Legal Basis

- 1. The Telecommunications Law provides for the Authority to issue regulations related to spectrum management, competition, quality of service, interconnection, dispute resolution, pricing, consumer affairs and any other issues considered important by the Authority for the implementation of the Telecommunications Law.
- 2. Part III of the Telecommunications Law sets out the rules for management of Radio Frequency Spectrum.
- 3. Article 15 recognizes the Radio Frequency Spectrum to be public property, and confers on the Authority the exclusive authority to manage, allocate and monitor the use of Radio Frequency Spectrum in Lebanon, taking into consideration the general policy

established by the Council of Ministers, consistent with the requirements of the sectors using Radio Frequencies, previous commitments made by the Republic of Lebanon, the International Telecommunications Union (ITU) Radio Regulations and the regulations regarding Radio Frequencies of any other relevant international organizations of which the Republic of Lebanon is a member. Article 15 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 use of Radio Frequency Spectrum in connection with Radio and Television Broadcasting.

- 4. 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 Authority to be funded, in part, from such fees, as well as from fees for Radio Frequency monitoring and management.
- 5. This Regulation is issued pursuant to the Authority's powers and responsibilities in the aforementioned provisions of the Telecommunications Law.

Article 3: Interpretation

Individual clauses containing the word "will" are mandatory requirements and are binding on licensed providers of Telecommunications Services and applicants for such Licenses.

Individual clauses containing the word "may" are permissions or recommendations to providers but are not mandatory.

Individual clauses containing the word "will," when applied to the Authority, refer to its current intention as to how it will approach the matter referred to.

Article 4: Purpose of the Regulation

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.

Article 5: Scope of the Regulation

- 1. This Regulation applies to all users of Radio Frequency Spectrum in Lebanon.
- 2. The Schedule attached to this Regulation is considered an integral part of this Regulation.

Chapter II Definitions

Article 6: Definition rules

In the event of conflict or ambiguity between the terms defined herein and the terms defined in a Frequency License or in the Telecommunications Law, the following order of precedence will apply:

first, the Telecommunications Law,

second, the Spectrum Management and Licensing Regulation,

third, the Frequency License, and

fourth, any Service Provider License or Broadcast License.

Article 7: Definitions

In this Regulation, the following terms have the following meanings:

Allocation means allotment by the TRA of segments of the Radio Frequency Spectrum for various uses and services.

Assignment means designation by the TRA of specific Radio Frequencies that a Licensee has the right to use to provide a Telecommunication service.

Broadcast License means a license granted by the Council of Ministers that authorizes the licensee to engage in Radio Broadcasting or Television Broadcasting, and **Broadcast Licensee** means a holder of a Broadcast License.

Control means 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 means 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 means a license, issued by the Authority in accordance with this Regulation, to use specified Radio Frequencies and operate equipment, subject to compliance with the Type Approval regime, that emits Radio Frequencies within the permitted Radio Frequency Band, and **Frequency Licensee** means a holder of a Frequency License.

Interference means 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 significantly compromised or not possible.

ITU means the International Telecommunications Union.

ITU Radio Regulations means the Radio Regulations annexed to the Convention of the ITU and includes every revision or modification thereof which the Republic of Lebanon has ratified or accepted.

Radio Broadcasting means the dissemination of audio-only programming and other content to the general public by using Radio Frequency waves as a carrier for such programming and content.

Radio Frequencies means electromagnetic radiation with wavelengths between 0.1 centimeters and 30,000 meters, and **Radio Frequency Spectrum** means the entire range of Radio Frequencies.

Radio Frequency Spectrum Plan means 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 means any contiguous range of Radio Frequencies.

Radio Frequency Band Plan means a plan governing the use of a certain Radio Frequency Band.

Service Provider License means a license granted by the Authority to a Service Provider authorizing the provision of Telecommunications Services.

Television Broadcasting means the dissemination of audio and visual programming and other content to the general public by using Radio Frequency waves as a carrier for such programming and content.

Chapter III RADIO FREQUENCY MANAGEMENT

Article 8: General Principles

In allocating and licensing the use of the Radio Frequency Spectrum, the Authority will have due regard for the following principles:

- a. seeking the efficient Allocation and use of Radio Frequency Spectrum as public property of Lebanon;
- b. allocating and licensing Radio Frequencies to Persons based on market demand and with a view to promoting competition;
- c. seeking to make Radio Frequencies available for new technologies and services, including preserving flexibility to adapt to new market needs;
- d. seeking to make Radio Frequencies available for important public benefits, such as for example safety, health, education, media, defense, national security and business:
- e. ensuring that Radio Frequencies are available for emergency use, including in cases of military conflict, civil conflict and natural disaster; and
- f. striking an appropriate balance between making changes in the Allocation and use of Radio Frequency Spectrum that seek to achieve the preceding principles, while creating and maintaining a stable and just environment for private enterprise and the general public.

Article 9: Radio Frequency Spectrum Policy

- 1. The Authority will regularly review its plan regarding the use of the Radio Frequency Spectrum in Lebanon taking into account the general principles in Article 8 and the following factors:
 - a. existing and projected usage of and demand for Radio Frequency Spectrum;
 - b. Radio Frequency Spectrum policies adopted by international organizations and other countries;
 - c. existing and forthcoming available technologies using Radio Frequencies;
 - d. licensing terms and associated commitments, and license expiration conditions;
 - e. the commitments that were made to and by any Frequency Licensees or other holders of licenses to use Radio Frequencies at the time their licenses were issued compared with what actually ensued;
 - f. the impact on the relevant investments made by Frequency Licensees, other holders of licenses to use Radio Frequencies and their Customers and Users and the difficulties that any re-Allocation of the Radio Frequency Spectrum may impose on such Persons versus the other public benefits that may flow from such re-Allocation;
 - g. general policies adopted by the Council of Ministers; and
 - h. such other factors as the Authority considers relevant.

2. The Authority will publish on its website its Radio Frequency Plan and provide a copy to the Council of Ministers.

Article 10: Radio Frequency Plans

- 1. The Authority may prepare and publish on its website for information:
 - a. a Radio Frequency Spectrum Plan in such 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. Radio Frequency Band Plans relating to one or more Radio Frequency Bands in such form as it considers appropriate, dividing the Radio Frequency Spectrum Bands into channels and allocating each of them to a more specific purpose and conditions for which it may be used.
- 2. 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.
- 3. All plans, allocations and authorizations of Radio Frequencies and satellite orbital positions and parameters will:
 - 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 (RR) applying to Region I as set out in Article 5 of the RR (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.
- 4. The Authority will keep a central register of Radio Frequencies, satellite orbital positions and allocated parameters authorized by it. Such register will be publicly accessible except as it regards allocation and authorization for use for defense, national security and other Governmental purposes appropriate for confidential treatment.
- 5. The Authority will ensure under its Radio Frequency Spectrum Plan and, on an overall basis, under its Radio Frequency Band Plans that Radio Frequencies are made available for:
 - a. commercial Service Providers to support the broadest possible variety of communications between and among Service Providers and Users using the full array of technologies and media technically and commercially feasible from time to time;
 - b. businesses other than Service Providers which rely upon Radio Frequencies;
 - c. Radio and Television Broadcasting:
 - d. unlicensed uses by businesses and consumers for certain short-range apparatus that serve public convenience and necessity as contemplated in Article 14 (3);
 - e. public and private 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 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
- f. all other natural and legal Persons, including amateurs, for which there is demonstrable demand and capacity for spectrum.
- 6. The Authority will review its Radio Frequency Spectrum Plan annually and immediately before and after any ITU World Radio Communication Conference.
- 7. The Authority may from time to time establish, replace or modify its Radio Frequency Spectrum Plan or any Radio Frequency Band Plan provided that any such replacement or modification will be carried out pursuant to a public consultation process. The Authority will, in establishing, replacing or modifying its Radio Frequency Spectrum Plan and Radio Frequency Band Plans from time to time, have due regard for the general principles and factors set out in related sections of this Regulation. In addition, when the proposed establishment, replacement or modification of the Radio Frequency Spectrum Plan or any Radio Frequency Band Plan will require any existing Frequency Licensee or Service Provider issued a license to use Radio Frequencies prior to the effective date of this Regulation to migrate or change some or all of its Radio Frequency usage, the Authority will, to the extent it deems appropriate, endeavor to establish and implement transition measures intended to mitigate significant negative impacts consistent with the policy goals leading the Authority to establish, replace or modify the Radio Frequency Spectrum Plan or Radio Frequency Band Plan. Any variation, amendment, revocation or suspension of Frequency Licenses or Radio Frequencies authorized under them will be carried out in accordance with Article 15 and 16 of the Telecommunications Law.
- 8. A Person will not, in Lebanon or on board of any ship, aircraft or space object that is registered or licensed in Lebanon or enters Lebanese territorial seas, airspace or land, use a Radio Frequency in any part of the Radio Frequency Spectrum unless the Radio Frequency is allocated to him or to a class of Persons of which he is a part or located within a band of frequencies allocated to him or to a class of Persons of which he is a part by the Authority and the use is for the purpose and in compliance with the conditions specified by the Authority.

Article 11: Coordination with Governmental Departments

- 1. Radio and Television Broadcasting: In determining which Radio Frequencies will be available for Radio and Television Broadcasting
 - a. the Authority will consult with:
 - i. the Ministry of Information,
 - ii. the National Council for Audiovisual Media,

- iii. the Minister of Telecommunications,
- iv. such other administration or council as may be involved in Radio and Television Broadcasting according to applicable laws and regulations of Lebanon.
- b. The Authority will make itself available for consultation, and will consult, with the Ministries and other bodies referred to in Article 11 (1) (a) regarding:
 - i. the coordination of licensing of Radio Frequencies and licensing of Television and Radio Broadcasting under Law No. 382 of 1994 Regarding Television and Radio Broadcast;
 - ii. the variation of Radio Frequencies and other amendments of Frequency Licenses held by providers of Television and Radio Broadcasting; and
 - iii. the coordination of revocation and suspension of any authorization to use Radio Frequencies and revocation or suspension of Broadcast Licenses.

c. The Authority will:

- i. invite the Ministry of Information and the other bodies referred to in Article 11 (1) (a) to provide their comments on the Authority's proposals for use of Radio Frequencies for Radio and Television Broadcasting in Lebanon; and
- ii. arrange to meet with representatives of each of them to discuss such comments.
- d. If any dispute arises between the Ministry of Information and the Authority regarding the Allocation of Radio Frequencies for Radio or Television Broadcasting, the Authority will 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.

2. Other Governmental Departments

The Authority will, in a similar fashion to that described in Article 11 (1) (a), consult with:

- a. the Ministry of Defense and the Lebanese defense forces, including army, air and naval forces;
- b. the Ministry of Interior and Municipalities and the Lebanese security services including Internal Security and General Security;
- c. emergency services, including police, ambulance, fire brigade and any other rescue and emergency services;
- d. the Ministry of Public Works and Transport, the Civil Aviation Authority and Division of Terrestrial and Maritime Transportation:
- e. the Council of Scientific Research; and
- f. such other Lebanese national, municipal or other governmental administrations or councils as may use or seek to use Radio Frequencies.

3. Radio Spectrum Committees

In carrying out the consultations referred to in Articles 11 (1) and 11 (2), the Authority may establish and chair one or more committees including representatives from such Governmental administrations and councils, and such private sector and industry representatives (including representatives of Service Providers, Television Broadcasters,

Radio Broadcasters, Customers, Users, original equipment manufacturers and/or other stakeholders) 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.

Article 12: Governmental Requests for Radio Frequencies

- 1. Any Governmental administration or council may request the Authority to make Radio Frequencies available for its 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.
- 2. The Authority will review such requests from Governmental administrations or councils and, if they conform to the Authority's Radio Frequency Plans, will authorize such Governmental administrations or councils to use such Radio Frequencies as the Authority designates. The Authority's authorization will designate:
 - a. the Radio Frequencies they may use;
 - b. the period of time during which they may use them; and
 - c. any conditions that will apply to such usage.
- 3. 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.
- 4. Nothing in this Regulation will 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 will cease using such Radio Frequencies and will 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, and which must comply with any other applicable requirements of law.

Article 13: International Matters

- 1. The Authority will 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.
- 2. The Authority will 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), International Amateur Radio Union (IARU); and
- c. coordination with neighboring countries on interference issues.

Chapter IV LICENSING OF RADIO FREQUENCIES

Article 14: Requirement of a Frequency License

- 1. Subject to Article 14 (3), 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.
- 2. The Authority may license any Person to use such Radio Frequencies, for such period, and such radio apparatus as the Authority may specify.
- 3. The Authority may, from time to time, upon a finding in its discretion of public convenience or necessity, exempt from the licensing requirement in Article 14 (1) the use of certain Radio Frequency Bands and the operation of specified equipment that emits Radio Frequencies within the specified Radio Frequency Bands at or below specified power levels where such operation does not present any significant risk of Interference with the uses of Radio Frequency Spectrum reserved for Frequency Licensees or other Interference to any Person entitled to protection against the same. The Authority may also, from time to time, in its discretion modify or withdraw any exemption from licensing previously established under this Article 14 (3) as may be necessary or appropriate in its discretion.
- 4. The Authority will publish and maintain an up-to-date list of such exempt radio equipment and the Radio Frequency Bands within which and signal levels at which such equipment may be operated.
- 5. The procedure for licensing the use of Radio Frequencies and the terms and conditions governing such licenses will be determined by the Authority.

Article 15: Frequency Licensing Procedures

1. Single Licensing Process for Service Providers Where Possible

If a prospective Radio Frequency 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 Service Provider Licensing Regulation, then where possible:

- a. applications to use the Radio Frequencies will be filed at the same time as applications for Service Provider Licenses; and
- b. the Authority will issue a single license for the use of Radio Frequencies and provision of Telecommunications Services.

Where it is not possible to have a single application process, the Authority will issue separate Service Provider Licenses and Frequency Licenses.

2. Frequency Licensing Process for Radio and Television Broadcasters

If a prospective Broadcasting Licensee plans to use Radio Frequencies for Television or Radio Broadcasting, then the Authority will coordinate with the relevant government entity(ies) (currently the Ministry of Information, the National Council for Audiovisual Media, and the administrations concerned mentioned in Article 11) regarding the issuance of the Radio Frequency License upon a Broadcast license (media license) issued by the Mol/COM.

- 3. Market-based and Administrative Licensing Procedures
 - a. When the Authority considers that there is likely to be competing demand for Radio Frequencies, it will determine the prices of Frequency Licenses and the selection of Persons who will receive them pursuant to a market-based procedure such as an auction, a tender process, administrative incentive pricing or another market-based or comparable approach.
 - b. In managing the transition of Radio Frequency usage from the previous licensing regime to the licensing regime established in this Regulation, the Authority may at its discretion award Frequency Licenses and assign alternative Radio Frequencies to Persons who had received licenses to use Radio Frequencies prior to the effective date of this Regulation, with a market-based procedure (may or may not involve an auction) notwithstanding that there may be competing demand for such Radio Frequencies, but in accordance with and subject to the terms and conditions of the Authority's Radio Frequency Spectrum Plan and any applicable Radio Frequency Band Plan as then in effect, and such other terms and conditions, including the payment of fees, if applicable, as the Authority may determine in its discretion under the Telecommunications Law.
 - c. When the Authority considers that there is not likely to be competing demand for the Radio Frequencies, the prices of licenses will be set as predetermined fees and Persons will be licensed pursuant to an administrative procedure on a "firstcome-first-served" basis.
 - d. The Authority may, by publication in the Official Gazette and on its website, issue a specific 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 and file his Application request for Radio Frequency before the Authority. Upon such filing and registration and provided there is no objection from the Authority for such a request, the Person will be deemed to be licensed to use the requested Radio Frequencies according to the terms and conditions set out in the Application request as provided by the Authority. Registration of Radio stations and other details related to usage and users might be required to be provided periodically or as deemed necessary by the Authority.
 - e. The Authority may also make available for public use, without need for a Frequency License, certain Radio Frequency Bands as described in Article 14 (3).

Article 16: Publication of Licenses and Applications

- 1. When the Authority has established its Radio Frequency Spectrum Plan and any Radio Frequency Band Plans, it will prepare and publish drafts of Radio Frequency Licenses for various different uses of Radio Spectrum in the allocated Radio Frequency Bands.
- 2. Upon receiving any application for any Radio Frequency License, the Authority will:
 - 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 will 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.
- e. the publication of any application will not be considered in any case an authorization for the applicant to use the frequencies
- 3. The Authority will require payment in advance of a sum accompanying an application for Radio Frequencies to cover 1) the processing of the application; and 2) the expense of publishing the application in accordance with Article 16 (2). The processing fee will be set by the Authority and published on its website.

Article 17: Rejections and Exclusions

- 1. 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.
- 2. 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 Service Provider License, a Frequency License, the Telecommunications Law or any regulation thereunder;
 - 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.
- 3. Before excluding any Person from applying for or receiving a Frequency License, the Authority will give the affected Person an opportunity to be heard.

Article 18: Conditions of Frequency Licenses

- 1. A Frequency License will be subject to such conditions as the Authority considers appropriate, including, without limitation:
 - 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 Frequency emissions 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 Frequency Licensee;
- j. conditions requiring the Frequency 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.
- 2. A Frequency License will authorize:
 - a. the Frequency Licensee; and
 - b. if the conditions of the license permit, any Person authorized by the Frequency Licensee (such as an employee, Customer or other User),

to use the licensed Radio Frequencies in accordance with the conditions of the Frequency License.

Article 19: Variations and Amendments

- 1. The Authority may vary Radio Frequencies the use of which is authorized in any Frequency License or otherwise amend a Frequency License:
 - a. If the Frequency Licensee consents in writing to such amendment; or
 - b. Subject to Article 19 (7) and (8), without the consent of the Frequency Licensee:
 - i. if the laws or regulations of the Republic of Lebanon are amended in such a form or manner as to require the variation or amendment of a Frequency License;
 - ii. if the Frequency 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 any replacement or modification thereof that involves re-Allocation or re-farming of the Radio Frequency Spectrum; or

- iv. to conform the Frequency License to any other regulations issued under the Telecommunications Law.
- 2. Before varying Radio Frequencies or otherwise amending a License, the Authority will provide written notice (the Variation Notice):
 - a. to the Frequency Licensee; or
 - b. in the case of a class Frequency License issued in accordance with Article 15 (3)(d), by publishing the Variation Notice on its website and in the Official Gazette.

3. The Variation Notice will:

- a. state that the Authority proposes to make a variation of Radio Frequencies or other amendment to the Frequency 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 after the date of provision of the Variation Notice) during which representations or objections with respect to the proposed variation or amendment may be made.
- 4. In deciding whether to make any variation or amendment referred to in the Variation Notice, the Authority will consider any representations or objections which are submitted in response to the Variation Notice.
- 5. No variation of Radio Frequencies or other amendment to any Frequency License will be restricted to one Frequency Licensee if the Authority considers that the justification for such variation or amendment applies also to Frequency Licenses held by other Frequency Licensees.
- 6. Variations of Radio Frequencies or other amendments to Frequency Licenses will allow the affected Frequency Licensees and their Customers and Users what the Authority in its discretion considers to be a reasonable time period within which to make any changes to their apparatus, facilities, operations, services or otherwise as necessary to comply with the variation or amendment, taking into account the purpose of the variation or amendment and the impact of any delay. In general, where the variation or amendment is required as a result of a change in the Radio Frequency Spectrum Plan or any Radio Frequency Band Plan, the Authority will assess what constitutes a reasonable time period for making changes in connection with the consultation process described in Article 10.
- 7. The Authority may, without the consent of the Frequency Licensee, vary the authorized Radio Frequencies under a Frequency License used to provide Telecommunications Services pursuant to the conditions and procedures set out in Article 19(1) provided that:
 - a. the Frequency Licensee's use of the Radio Frequencies covered by the Frequency Licensee after giving effect to the variation, assuming the Frequency Licensee makes reasonable modifications to its equipment used for the transmission, reception, modulation and demodulation of Radio Frequencies using technology and equipment commercially available at the time of implementation of the change, does not, in the Authority's judgment, cause a material degradation in the quality and effectiveness of the Telecommunications Service provided under the Frequency License from that which was possible using the Radio Frequencies covered by the Frequency License prior to the variation:

- b. the notice period referred to in Article 19(3)(c) is no less than ninety (90) days; and
- c. if the variation results from a replacement or modification of the Radio Frequency Spectrum Plan or any Radio Frequency Band Plan, the Authority has, pursuant to Article 10(7), considered, and, if the Authority deems it appropriate, established and implemented, transition measures to mitigate the negative impact of the variation.
- 8. In determining whether a variation of Radio Frequencies will influence the quality and effectiveness of the Telecommunications Service which uses them, the Authority will take into consideration:
 - a. the nature of the use of the Radio Frequencies in providing the Telecommunications Service;
 - b. alternative Radio Frequencies that may be used to provide the Telecommunications Service;
 - c. alternative technologies that may be used to provide the Telecommunications Service;
 - d. substitutable Telecommunications 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 Telecommunications Services of better quality and effectiveness than the initial Telecommunications Service; and
 - f. ways in which quality and effectiveness of a Telecommunications Service are to be measured, including, without limitation, interruptions, interference, population coverage, speed, range of facilities provided, social utility, revenue, return on investment, facilitation of innovation, and any other factor relevant under the circumstances of the case.

Article 20: Revocation and Suspension of Frequency Licenses

- 1. The Authority may revoke or suspend a Frequency License or the authorization to use any Radio Frequencies under a Frequency License in the event of:
 - a. the Frequency License having been obtained by fraud or misrepresentation;
 - b. the Frequency 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 Service Provider License or Broadcast License in connection with which the Frequency Licensee uses the Radio Frequencies; or
 - iv. any direction given to the licensee by the Authority under the Telecommunications Law or regulations thereunder;
 - v. payment of related fees and charges.
 - c. revocation or suspension of a Service Provider License or Broadcast 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.
- 2. When revoking or suspending a Frequency License or the authorization to use any Radio Frequencies under a Frequency License, the Authority will 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 will 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.
- 3. The Authority will consider any representations or objections which are submitted in response to the notice.
- 4. The period of time required for the notice referred to in Article 20(2) will 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 Frequency License or Radio Frequencies authorized under it.
- 5. 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 Service Provider License or Broadcast License) if the Frequency Licensee has not used the Radio Frequencies for a period of six months during one calendar year.
- 6. If a Broadcasting License 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 Broadcasting will concurrently and automatically also be revoked or suspended, as applicable, and, other than this paragraph 6 and paragraph 5, this Article 20 will not apply to such revocation or suspension.

Chapter V TRANSFERS OF LICENSES AND NOTIFICATION OF OWNERSHIP

Article 21: Transfers of Licenses

- 1. 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.
- 2. 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 Service Provider License or 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.
- 3. 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.
- 4. The Authority will provide an expeditious process for consideration and approvals or rejections of applications for such assignments, pledges or other transfers.
- 5. A change of name of a Frequency Licensee would be considered "ONLY" a modification of the licensee name without constituting a transfer of the license.
- 6. The transfer of a Frequency License together with 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, will not constitute a transfer of a Frequency License for the purposes of the Telecommunications Law or this Regulation.

Article 22: Notifications of Ownership

- 1. Subject to Article 22(3), all Frequency Licensees must 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 after such change.
- 2. All Frequency Licensees must adopt reasonably effective procedures to monitor the information to be notified to the Authority under Article 22(1), regardless of whether the information concerns Persons having direct or indirect interests in the Licensee.
- 3. If the Frequency Licensee is already required under the Authority's Service Provider Licensing Regulation to provide the information required under Article 22(1) to the Authority, such Person will not be required to do so twice by virtue of this Regulation unless so required by the Authority.

Chapter VI TYPES OF FREQUENCY LICENSE

Article 23: License Categories

- Frequency Licenses and uses of Radio Frequencies will follow the categories to be determined by the Authority, from time to time, 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 Television Broadcasting issued under Law 382 of 1994;
 - c. for Satellite Communication;
 - d. for Private Mobile Radio (PMR);
 - e. for Fixed Point-to-Point Frequency;
 - f. for Aeronautical Radio Equipment;
 - g. for Maritime Radio Equipment;
 - h. for Military and other Government agencies;
 - i. for Media and Public Events:
 - for Radio Experiment;
 - k. for Amateur Radio or Citizen's Band; or
 - I. any other category the Authority considers appropriate.
- 2. The Authority may from time to time change the categories above or create additional categories of Frequency License. Before doing so, the Authority will:
 - 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.
- 3. The Authority may issue Frequency Licenses on a national basis or on the basis of a specified geographical area within Lebanon.
- 4. The Authority will establish the terms and conditions of Frequency Licenses under the categories in Article 23(1) or any other categories it considers appropriate and will publish such terms and conditions in accordance with Article 15(3). Schedule A to this Regulation lists certain key licensing requirements relating to the Frequency Licenses mentioned in Article 23(1) 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.

Chapter VII INTERFERENCE AND UNLAWFUL EMISSIONS

Article 24: Requirement to take Immediate Action

Any Person or other entity authorized to use Radio Frequencies, whether pursuant to a
Frequency License or otherwise, must 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 radiocommunication or unlawful emissions.

Article 25: Inspection to Determine Cause of Interference or Unlawful Emissions

- 1. In accordance with Article 37 of the Telecommunications Law, the Authority will establish a special unit for control and inspection composed of personnel who have the status of a special judicial police force for the Telecommunications sector, and whose reports will have the same status of evidence as reports made by the judicial police.
- 2. In accordance with Article 38 of the Telecommunications Law, the Authority will establish control and inspection regulations and procedures that, upon approval of the Minister, will govern its inspection and control activities, including inspection to identify and stop Interference and other unlawful emissions, including intentional or unintentional unlawful transmissions of Radio Frequencies by any Person.
- 3. Any owner or user of electrical, electronic or radio-communication equipment causing or suspected of causing electrical or radiated Interference or disturbance to Telecommunications equipment, stations, Networks or systems belonging to or authorized or approved by the Authority, or causing or suspected of causing the intentional or unintentional unlawful emission of Radio Frequencies, will permit an authorized officer or representative of the Authority to inspect his equipment in order to determine whether the interference is in fact caused by the equipment.

Article 26: Instruction to Eliminate Interference or Unlawful Emissions

- 1. Where the Authority determines that Interference or disturbance to Telecommunications equipment, stations, networks or systems, or the unlawful emission of Radio Frequencies, 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 mitigate 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.
- 2. The Authority may require any action required to be taken under Article 26(1) to be effected within such period of time as the Authority may determine having due regard to the circumstances of each case.

- 3. 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 the electrical, electronic or radio-communication equipment unless and until the directions under Article 26(1) and (2) are complied with;
 - b. where it considers it necessary, take measures that will lead to the sealing or removal of the equipment or any part referred to in Article 26(1); and
 - c. where it considers it necessary, take measures that will lead to the ceasing of the operation of the equipment causing the Interference or unlawful emissions.
- 4. The Authority finds that the problem of Interference can be reduced by reasonable cooperation among all Frequency Licensees, and that, in some circumstances, it may be less expensive and more technically feasible for the recipient of potentially interfering Radio Frequencies to take measures to mitigate the impact of such emissions on the operation of its equipment than for the transmitter of such emissions to completely eliminate them. Accordingly, in establishing the terms and conditions of Frequency Licenses, including the maximum permissible emission limits within licensed Radio Frequencies and outside of Licensed Radio Frequencies, and the permissible equipment for transmission and reception of Radio Frequencies by Frequency Licensees, the Authority will have due regard for both a Frequency Licensee's duty not to cause Interference, its responsibility to coordinate with other Frequency Licensees as instructed by the Authority, and its responsibility to accept a reasonable amount of potential Interference from other Frequency Licensees without suffering any actual Interference.

Article 27: Complaints and Dispute Resolution

- 1. Any Frequency Licensee or other Person who uses Radio Frequencies reserved for such Person's use 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.
- 2. The Authority will take appropriate action to investigate complaints and resolve any disputes under Article 27(1) in accordance with its procedures for monitoring, enforcement and dispute resolution procedures.

Article 28: Sanctions and Penalties

- 1. In case of interference or unlawful emissions caused by any person, the Authority will impose one or more of the penalties as mentioned in article 41 of the Telecommunications Law depending on the seriousness of the infringement and the circumstances of each case.
- 2. The Authority will, therefore, apply the enforcement procedures as mentioned in the Telecommunications Law and related regulations.
- 3. The TRA may also suspend, revoke or terminate any License in case of repeated failure to comply with a binding order concerning interference or unlawful emissions pursuant to Article 24(2) of the Telecommunications law.

Article 29:

This Regulation will be published and will enter into effect on the date of its publication in the Official Gazette.

Beirut, 27 April 2009

Signed: Kamal S. Shehadi,

Chairman and CEO

For and by authority of the Telecommunications Regulatory Authority

SCHEDULE A: REQUIREMENTS FOR CERTAIN TYPES OF FREQUENCY 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:
 - a. Very Small Aperture Terminal (VSAT) Earth Station License;
 - b. Large Earth Station License;
 - c. Transportable Earth Station License;
 - d. Satellite News Gathering (SNG) station;
 - e. Portable Satellite Communication Terminal License; and
 - f. Such other satellite use as the Authority considers appropriate.
- 2. It is a condition of every Satellite Communication License that the Licensee:
 - a. must obtain the Authority's approval for access to any space segment and must comply with the rules, regulations and procedures of the satellite network operator/provider for station access booking and fees;
 - b. may only use the Radio Frequencies authorized by the Authority; and
 - c. may not, without permission of the Authority, use any satellite equipment to provide Telecommunications Services to the public unless it holds a Service Provider License permitting it to do so.

License for Private 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 will have assignments for single and dual frequency operation, with provision of open channels for mobile-to-mobile communication.
- 5. A Business Mobile Radio Licensee may not provide Telecommunications Services unless it holds a Service Provider License permitting it to do so.

Fixed Point-to-Multipoint Frequency License

- 6. A Fixed Point-to-Multipoint Frequency License will be for radio-communications links between a main fixed station and a set of remote fixed or nomadic stations serving a specified geographical area.
- 7. The Frequency Licensee must comply with:

- a. the Authority's planning requirements;
- b. the Frequency Band Plans and any channel plans specified by the Authority for such transmission;
- c. the Authority's equipment requirements for such a service.

Fixed Point-to-Point Frequency License

- 8. A Fixed Point-to-Point Frequency License will only be for radio-communications between the geographical links specified in the License.
- 9. The Frequency Licensee must 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

- 10. An Aeronautical Radio License will 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.
- 11. All equipment comprised on board any aircraft must be approved by the Civil Aviation Authority of the Republic of Lebanon and a certificate in form and substance acceptable to the Authority to this effect will accompany the application for the Aeronautical Radio License.
- 12. An Aeronautical Radio Licensee will 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.
- 13. Each aircraft operating equipment under an Aeronautical Radio License must have on board at all times of operation a certification that has been certified or approved by the Authority.

Maritime Radio License

- 14. A Maritime Radio License will 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.
- 15. A Maritime Radio Licensee will:
 - 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.
- 16. Each ship or water vessel operating equipment under a Maritime Radio License must have on board at all times of operation a communications officer who has been certified or approved by the Authority.

License for Media and Public Events

- 17. A Media and Public Events License will be for Radio Frequencies required in connection with the making of radio and television programming, and for the conduct of public events, including organization and safety.
- 18. Transmission of radio and television programming content between a Frequency Licensee's radio stations will not be permitted except under the terms of a separate Radio or Television Broadcasting License.

Radio Experiment License

- 19. The Authority may grant a Radio Experiment License to:
 - 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 radiocommunications; 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.
- 20. The Authority may limit the maximum power of a station in accordance with the purpose for which the license is required.
- 21. If an application for a Radio Experiment License relates to an activity requiring a Test and Development License under the Service Provider Licensing Regulation, the applicant must also obtain such a License.

Amateur Radio License

- 22. 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.
- 23. An Amateur Radio License may only be granted to a natural Person and will not authorize the use of radio-communication equipment by an unlicensed Person, including, without limitation, employees and family members.
- 24. 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.
- 25. 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.
- 26. It is a condition of every Amateur Radio License that:
 - a. communication through amateur radio equipment will be for personal purposes or community volunteer purposes and not for business use or purposes; and
 - b. except with the written permission of the Authority, no Amateur Radio Licensee will transmit to any radio-communication station other than another Amateur Radio Licensee's radio-communication station.

- c. Each Amateur Radio Licensee must give priority to stations providing emergency communications
- d. An amateur station will not communicate in any manner with persons, institutions or governmental bodies in countries not recognized by the Republic of Lebanon.

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