



United Arab Emirates



Instructions

Mobile Site Sharing

Version 1.0

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Mobile Site Sharing Instructions

1. Legal Reference

- 1.1 Article 12 of Federal Law by Decree No. 3 of 2003, as amended, stipulates that the TRA, "...is the competent body to oversee the telecommunications sector in the State and all Licensees in accordance with this Federal Law by Decree, its Executive Order and the instructions of the Supreme Committee."
- 1.2 Article 49 of the Executive Order to Federal Law by Decree No. 3 of 2003, as amended, specifically states that, "...[i]n performing its obligations under the Federal Law by Decree and this Executive Order in relation to network Interconnection, co-location and sharing of sites, the Authority may take any of the following procedures:
 - 1.3 *1. issue the instructions and guidelines it deems appropriate.*"
- 1.4 Article 10.1.4 of Etisalat's Telecommunications License No. 1/2006 as well as Article 10.1.4 of EITC's Telecommunications License No. 2/2006, respectively, specifically require that Etisalat and EITC accommodate all site sharing requests which are made by another Licensed Operator.

2. Instructions

- 2.1 For the purposes of these Instructions, any Licensee which initiates the development of any mobile site shall be referred to as the "lead Licensee".
- 2.2 Furthermore, for the avoidance of doubt, a new mobile site shall be any mobile site which is not fully developed and operational as of the date of issuance of these Instructions.
- 2.3 The Licensees shall cooperate to share any relevant information with respect to the sharing of any mobile site.
- 2.4 Licensees developing any new outdoor mobile site shall develop that new outdoor mobile site in accordance with the joint specifications which are to be agreed between the Licensees in order to ensure that the new outdoor mobile site is capable of accommodating the requirements of both Licensees.
- 2.5 Additionally, the lead Licensee shall endeavor to facilitate prompt and reasonable access to the respective new outdoor mobile site for the other Licensee to conduct an independent assessment of the new outdoor mobile site.
 - 2.5.1. If the demand exists for a presence at the respective new outdoor mobile site, all reasonable demand shall be reasonably

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accommodated and neither Licensee shall be permitted to unreasonably hinder or delay the activities of the other Licensee.

- 2.6 With respect to new indoor mobile sites, prior to commencing development of a new indoor mobile site, the lead Licensee shall, within a reasonable period of time in advance of commencement, provide written notification of its intentions to the other Licensee for the purpose of promptly ascertaining if the other Licensee requests to share the new mobile site.
- 2.7 If an intention to share a new indoor mobile site is expressed within a reasonable time, the lead Licensee may not commercially activate its equipment at the respective new mobile site until the other Licensee is also capable of commercially activating its facilities. However, the Licensee that is requesting to share the new indoor mobile site must employ its best endeavors to install its facilities in a reasonably prompt and timely fashion.
- 2.8 If an intention to occupy a new mobile site is appropriately expressed and subsequently withdrawn, the Licensee requesting to share the new mobile site shall bear any relevant costs incurred by the lead Licensee (in excess of those attributable to adhering to any relevant technical specifications) in reliance on the request and prior to the delivery of the withdrawal of the request. The lead Licensee shall, however, be required to use all reasonable and efficient means to mitigate such costs.
- 2.9 The TRA also considers that existing mobile sites may similarly be made available for site sharing. Accordingly, a Licensee may request to share an existing mobile site of another Licensee. In this regard, the Licensees shall endeavor to cooperate in order to facilitate the prompt and efficient completion of all tasks related to establishing a joint presence at the existing mobile site.
- 2.10 Additionally, the Licensee which developed the existing mobile site shall endeavor to facilitate prompt and reasonable access to the respective existing mobile site for the other Licensee to conduct an independent assessment of the existing mobile site.
- 2.11 For the avoidance of doubt, an existing mobile site shall be any mobile site which is fully developed and operational as of the date of issuance of these Instructions.
- 2.12 The cost of adapting an existing mobile site to accommodate another Licensees' facilities shall be borne by the Licensee which is requesting to share the existing mobile site.

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- 2.13 In outdoor areas where one Licensee maintains an existing outdoor mobile site which is within approximately 200 meters of an existing outdoor mobile site occupied by the other Licensee, the Licensees may cooperate to merge their separate facilities into a single, shared outdoor mobile site.
- 2.13.1 The 200 meter threshold is an approximation and the TRA may, in its discretion, mandate the merging of outdoor mobile sites that are more than 200 meters apart or authorize the development and/or maintenance of independent outdoor mobile sites which are less than 200 meters apart.
- 2.14 In respect to the merging of both indoor and outdoor existing mobile sites, the Licensees shall cooperate to identify and employ the most cost effective manner of merging the existing sites and such costs shall be borne equally by the Licensees.
- 2.15 In all cases and irrespective of the circumstances underpinning mobile site sharing, all charges between Licensees shall be based on reasonable and efficiently incurred costs.
- 2.16 Notwithstanding the foregoing, the TRA, in its discretion, reserves the right to mandate the merger of any indoor or outdoor mobile site and, in its discretion, determine which Licensee will migrate its facilities or lead the development of a new site.

3. Reporting

- 3.1 The TRA may, at its discretion, require information with respect to these Instructions.