



*** Resolution No. (7) of 2008
Regarding the Licensing Regulations**

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Resolution No. (7) of 2008 Regarding the Licensing Regulations¹

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 Telecommunications Sector No. (3) of 2004 issuing the Executive Order of 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 Telecommunications 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 agreement 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 or the Authority from time to time including any revisions or amendments made to them.

“Regulated Activity” the operation of a Public Telecommunication Network or the supply of a Telecommunication Service to subscribers as

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

	described in the relevant resolutions issued by the Authority from time to time.
“Individual Licence”	a Licence as set out in Resolution No. (6) of 2008.
“Class Licence”	a Licence as set out in Resolution No. (6) of 2008.
“State”	the United Arab Emirates.
“Authority”	the General Authority for Regulating the Telecommunication Sector.

Article (2) **Individual Licence**

1. An entity shall be eligible for an Individual Licence if it is:
 - a. A company incorporated under the Commercial Companies Law (Federal Law No. (8) of 1984) and pursuant to Article 28 of the Federal Law by Decree No. (3) of 2003 Regarding the Organisation of the Telecommunication Sector and its amendments or any legal person approved by the Board of the Authority.
 - b. A company whose shareholding complies with the resolution in which that particular Regulated Activity has been approved to be licensed.
2. The applicant shall comply with the following:
 - a. Seek the approval for the establishment of the company to be Licensed, pursuant to Article 28 of Federal Law by Decree No. (3) of 2003 Regarding the Organisation of the Telecommunications Sector and its amendments. Approval for establishment shall not indicate approval for any Licence applied for thereafter.
 - b. If the applicant seeks an exemption from the provisions of the Commercial Companies Law (Federal Law No. (8) of 1984), it is required to submit an application to the Authority for such exemption which shall identify the range of exemptions from the provisions of the Commercial Companies Law and support this with justification.
 - c. An applicant shall submit the following information to the Authority:
 - i. Proof of fulfilment of the eligibility criteria for awarding the Licence;

- ii. Certified true copies of its memoranda and articles of association;
 - iii. Details of shareholding structure including information of any telecommunication licence held by any of the shareholders, whether in the State or elsewhere;
 - iv. Details of management team including qualifications and experience in the telecommunication field in the State and, if any, in other jurisdictions;
 - v. Business plan including without limitation:
 - 1. type of networks to be operated and services to be provided;
 - 2. roll out plan for network and services including network diagrams and relevant technical details;
 - 3. whether spectrum or numbers is/are required for the service and if so, details of the requirements;
 - 4. funding proposal;
 - vi. Benefits to the UAE economy of the proposal;
 - vii. Any other information supporting the application.
- d. Additional information may be sought by the Authority from the applicant; such information to be submitted within a specified time. If the deadline is not met it will be deemed that there is no wish on part of the applicant to pursue the procedures.
- e. Upon receipt of all required information, the applicant will be asked by the Authority to complete and submit the application form set out as Form A (Appendix 1) along with the required application fee.
- f. A recommendation will be made by the Authority to the Board of Directors within thirty days of receipt of the duly completed application form.

Article (3)

Class Licence

1. An entity shall be eligible for a Class Licence if it is:
 - a. A company incorporated under the Commercial Companies Law (Federal Law No. (8) of 1984) and pursuant to Article 28 of the Federal Law by Decree No. (3) of 2003 Regarding the Organisation of the Telecommunications Sector and its amendments or any legal person approved by the Board of the Authority.

- b. A company whose shareholding complies with the resolution in which that particular Regulated Activity has been approved to be Licensed.
2. The applicant shall comply with the following
- a. Seek the approval for the establishment of the company to be Licensed, pursuant to Article 28 of Federal Law by Decree No. (3) of 2003 Regarding the Organisation of the Telecommunications Sector and its amendments. Approval for establishment shall not indicate approval for any Licence applied for thereafter.
 - b. If the applicant seeks an exemption from the provisions of the Commercial Companies Law (Federal Law No. (8) of 1984), it is required to submit an application to the Authority for such exemption which shall identify the range of exemptions from the provisions of the Commercial Companies Law and support this with justification.
 - c. An applicant shall submit the following information to the Authority:
 - i. Proof of fulfilment of the eligibility criteria for awarding the Licence;
 - ii. Certified true copies of its memoranda and articles of association;
 - iii. Details of shareholding structure including information of any telecommunication licence held by any of the shareholders, whether in the State or elsewhere;
 - iv. Details of management team including qualifications and experience in the telecommunication field in the State and, if any, in other jurisdictions;
 - v. Type of networks to be operated and services to be provided;
 - vi. Any other information supporting the application.
 - d. Additional information may be sought by the Authority from the applicant; such information to be submitted within a specified time. If the deadline is not met it shall be deemed that there is no wish on part of the applicant to pursue the procedures.
 - e. Upon receipt of all required information, the applicant will be asked by the Authority to complete and submit the application form set out as Form B (Appendix 2) along with the required application fee.
 - f. A recommendation will be made by the Authority to the Board of Directors within thirty days of receipt of the duly completed application form.

Article 4

Suspension of Licence

1. An Individual Licence and a Class Licence may be suspended for the following reasons:
 - a. The Licensee has provided incorrect, false or misleading information at the time of application for the Licence;
 - b. The Licensee has failed to pay the annual Licence fee;
 - c. The Licensee is in breach of the Licence conditions and has failed to remedy the breach despite the Authority requiring it to do so;
 - d. In the national interest.
2. Every suspension of a Licence shall mean the suspension of any resources associated with that Licensed network or service and authorised for use by that Licensee including without limitation spectrum and numbers.

Article (5)

Revocation of Licence

1. An Individual Licence and a Class Licence may be revoked for the following reasons:
 - a. The Licensee has provided incorrect, false or misleading information at the time of application for the Licence;
 - b. The Licensee has failed to pay the annual Licence fee;
 - c. The Licensee is in breach of the Licence conditions and has failed to remedy the breach despite the Authority requiring it to do so;
 - d. In the national interest.
2. Every revocation of a Licence shall mean the revocation of any resources associated with that Licensed network or service and authorised for use by that Licensee including without limitation spectrum and numbers.

Article (6)

Renewal of Licence

1. Every application for renewal of a Licence shall be made in the relevant form not less than six months before the expiry of the Licence and the Licensee shall be granted a renewal of the Licence for a specified term unless:

- a. The Licensee has failed to comply with the terms and conditions of the Licence;
 - b. The Licensee has failed to comply with the law or the Regulatory Framework;
 - c. It is not in the national interest to do so.
2. The Authority shall consider the application and may seek further information if necessary before deciding:
- a. to grant the renewal of the Licence;
 - b. not to grant the renewal of the Licence.

Article (7) Registers

Information on the Licences will be set out in the register established for it pursuant to the Executive Order and extracts including required information may be requested by entities from the Authority.

Article (8) Power to Extend Time

Whenever a time period is specified in these Regulations or in a Licence for an act to be done or a condition to be fulfilled, the person affected may request for an extension of such time in writing and the Authority, as the case may be, may grant or refuse such extension of time as it deems fit in its absolute discretion.

Article (9) Publication

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.

Appendix 1

FORM A

Application Form for Individual Licence

(If space is insufficient please attach information as Appendices)

1. Name of Applicant:

2. Registration Number¹:

3. Address:

PO Box No: _____

Floor: _____

Building: _____

Street: _____

Emirate: _____

4. Names and details of shareholders (up to and including actual shareholders)²:
(Please attach as Appendix)

5. Details of capital of applicant:

6. Contact person (Name and Designation):

¹ Please attach certified true copies of incorporation documents.

² Please include chart showing all shareholders of the applicant.

- Telephone:

- Fax:

- Mobile Phone No.:

- Email address:

7. Applicant website address, if any:

8. Nature of facilities/services to be offered³:

9. Business Plan including⁴:

- Roll out Plan for networks/services
- Funding proposal

10. Details of key management personnel⁵ including details of:

- Qualifications;
- Experience;
- Previous experience in telecommunications sector (with name of company, country and period of employment)

11. Will spectrum be required? If so, which frequencies?

³ Please include network diagram.

⁴ Please attach details as Appendix.

⁵ Please attach details as Appendix.

12. Will numbers be required? If so, what numbers?

13. Has the applicant or any of its shareholders any interest in any telecommunications entity licensed in the UAE or any other country?

14. If so, please provide details of name of licensee, licences held, nature of facilities and services provided and details of any fines, charges, and penalties levied by other regulatory bodies⁶.

15. Additional information in support of application, if any:

16. Declaration:

I am the duly authorised representative of _____ and I hereby confirm that all the information submitted in this and all related documents for the purpose of this application for an Individual Licence under the Federal Law by Decree No. (3) of 2003 and its amendments, is correct and true.

Signature: _____

Name: _____

Designation: _____

Date: _____

Stamp:

⁶ Please attach details as Appendix

Appendix 2

FORM B

Application Form for Class Licence

(If space is insufficient please attach information as Appendices)

1. Name of Applicant:

2. Registration Number¹:

3. Address:

PO Box No: _____

Floor: _____

Building: _____

Street: _____

Emirate: _____

4. Names and details of shareholders (up to and including actual shareholders)²:
(Please attach as Appendix)

5. Details of capital of applicant:

6. Contact person (Name and Designation):

¹ Please attach certified true copies of incorporation documents.

² Please include chart showing all shareholders of the applicant.

- Telephone:

- Fax:

- Mobile Phone No.:

- Email address:

7. Applicant website address, if any:

8. Nature of services to be offered³:

9. Details of key management personnel⁴ including details of:

- Qualifications;
- Experience;
- Previous experience in telecommunications sector (with name of company, country and period of employment)

10. Has the applicant or any of its shareholders any interest in any telecommunications entity licensed in the UAE or any other country?

11. If so, please provide details of name of licensee, licences held, nature of facilities and services provided and details of any fines, charges, and penalties levied by other regulatory bodies⁵.

³ Please include network diagram.

⁴ Please attach details as Appendix.

⁵ Please attach details as Appendix

12. Additional information in support of application, if any:

13. Declaration:

I am the duly authorised representative of _____ and I hereby confirm that all the information submitted in this and all related documents for the purpose of this application for a Class Licence under the Federal Law by Decree No. (3) of 2003 and its amendments, is correct and true.

Signature: _____

Name: _____

Designation: _____

Date: _____

Stamp: