**Public Consultation**

**TRA Radiocommunications Policy**

**Commencement Date: 04 September 2018**

**Response Date: 03 October 2018**

**Preface and Notes to Potential Respondents**

In keeping with its values of transparency and sector engagement, the TRA wishes to review and study the impact of regulatory instruments issued by it to keep abreast of developments to better involve all stakeholders. The TRA strives to meet the needs of the sector and seeks the views and feedback from the sector for the revision of the regulations. The purpose of this document is to invite comments from stakeholders regarding the TRA’s intention to revise TRA Radiocommunication Policy in accordance with the Telecom Law.

Stakeholders who wish to respond to this consultation should do so in writing to the TRA on or before the response date stated on the front cover of this document.

The comments which are contained in any response to this consultation should be clearly identified with respect to the specific question in this consultation to which such comments refer. Any comments which are of a general nature and not in response to a particular question should be clearly identified as such.

Responses to this consultation should be made in writing and provided electronically in MS Word format and Adobe PDF format, on or before the response date stated on the front cover of this document. Responses must be accompanied by the full contacts details (contact name, e-mail address and phone and fax numbers) of the respondent to:

[**spectrumconsultation@tra.gov.ae**](mailto:spectrumconsultation@tra.gov.ae);

Executive Director Spectrum Affairs

Telecommunications Regulatory Authority

P.O. Box 26662

Abu Dhabi, UAE

Respondents are advised that it will be the general intention of the TRA to publish in full the responses received to this consultation. Additionally, the TRA may, at its discretion generate and publish a “Summary of Responses” document at the conclusion of this consultation. Accordingly, the Summary of Responses may include references to and citations (in whole or in part) of comments which have been received. The TRA recognizes that certain responses may include commercially sensitive and confidential information which the respondent may not wish to be published. In the event that a response contains confidential information, it shall be the responsibility of the respondent to clearly mark any information which is considered to be of a confidential nature.

In any event the respondent shall be required to submit two versions of its response to the TRA as follows:

* A full copy of its response in MS Word format with any confidential information clearly marked. The TRA will not publish the Word document and will only use it for internal purposes.
* A publishable copy of its response in Adobe PDF format. The TRA will publish the PDF version in its entirety. Thus, the respondent should take care to redact any commercially sensitive and confidential information in the PDF version of its response.

By participating in this consultation and by providing a PDF version of its response the respondent expressly authorizes the TRA to publish the submitted PDF version of its response in full.

It should be noted that none of the ideas expressed or comments made in this consultation document will necessarily result in formal decisions by the TRA and nothing contained herein shall limit or otherwise restrict the TRA’s powers to regulate the telecommunications sector at any time.

If any person or entity seeks to clarify or discuss any part of this Policy can request for a meeting in writing again to the above E-mail and then TRA will set the meetings in the period from **04 September 2018 to 03 October 2018** so that formal comments can still be received by **15.00 noon on 03 October 2018.**

**Consultation Schedule**

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| **Milestone** | **Due Date** | **Notes** |
| |  | | --- | | Closing Date for Initial Responses | | 03 October 2018 | |  | | --- | | All responses to this consultation should be properly received by no later than 15.00 noon on the closing date. Responses are to be submitted in electronic format as set out in this consultation document. | |
| |  | | --- | | Latest date for requests for extension to the due date for Initial Responses. | | 26 September 2018 | |  | | --- | | Stakeholders wishing to secure an extension to the Closing Date for Initial Responses may apply in writing to the TRA for such an extension. The request should set out the rationale for the request.  Requests for extension should be submitted by e-mail to the e-mail address shown above.  The TRA will not consider any requests for extension which the TRA receives after 15.00 noon on the date stated here.  The TRA will consider requests to extend the Closing Date for Initial Responses and will take into account such factors as:  the number of such requests received; the rationale for such requests; and the effect on the overall time-scale of the particular project in question. In the event that the TRA extends the Closing Date for Initial Responses, the TRA will publish the revised closing date on its website. | |

**Table of Contents**

**1 Introduction ...................................................................................................... 6**

**2 Matters for Discussion and Consultation ....................................................... 7-10**

**Article (1) Scope of Document ..…………………….……………………… 7**

**Article (2) Definitions ………………………………………………………... 7**

**Article (3) Objectives ………………………………………………………. 8**

**Article (4) Frequency Spectrum Rights…………………………………… 9**

**Article (5) Powers of the Authority regarding Frequency Spectrum**

**Access and Use……………………………………………………. 9**

**Article (6) Principles of Frequency Spectrum Management…………… 10**

**3 General comments ........................................................................................... 10**

1. **Introduction**

1.1 The TRA intend to revise its Radiocommunications Policy. As such, all readers are informed that this document outlines the draft version of this policy in order to give this document context and to enable the TRA to ask pertinent questions. All text in this consultation document should be read and interpreted as text and not as recording decisions of the TRA.

* 1. The TRA notes that according to a benchmark study, the best practices in leading countries show that Policy documents are issued as a navigational chart to define the objectives and principles by which the regulators are guided in their decision making process. Therefore, the content of these documents trace a framework for further regulations to be issued, and include less detail than the document in force today in the UAE. For these reasons, it is pertinent to update the Radiocommunications Policy to align its content and reflect the current situation in the regulatory framework of the TRA, in line with international best practices.

1.3 As such, the TRA seeks to consider inputs of all industry stakeholders regarding these changes, which are increasingly relevant and valuable in the TRA’s exercise of its duties and legal mandates.

1.4 Additionally, the TRA strives to follow the principles of transparency, fairness and openness in dealings with customers, partners and other stakeholders and, therefore considers that it is important to take into account the views of those who have a legitimate interest in the outcomes of the TRA’s regulation.

1.5 The ensuing text is the new proposed draft of the Radiocommunications Policy. Changes are substantial and a significant number of provisions are proposed to be moved to other regulations.

1. **Matters for Discussion and Consultation**

Article (1)

Scope of Document

* 1. This document establishes the frequency spectrum management policy of the UAE. It presents the objectives and principles that guide decision making process of the Telecommunications Regulatory Authority - TRA when managing frequency spectrum, in accordance with the provisions of the UAE Federal Law by Decree No 3 of 2003 (Telecom Law) as amended and its Executive Order. The Radiocommunications Policy therefore supports the frequency spectrum management process by issuance of the national frequency table and the technical regulations of frequency spectrum management through which Authorized Users or potential users of frequency spectrum may anticipate and understand decisions taken by the TRA.

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| Question 1: Do you have any comments concerning the Scope of the Document? |

Article (2)

Definitions

2.1. The terms, words and phrases used in this Policy shall have the same meaning as is ascribed to them in the Telecom Law and its Executive Order as amended (Federal Law by Decree No. 3 of 2003 as amended its Executive Order) unless this Policy expressly provide otherwise for, or the context in which those terms, words and phrases are used in this Policy indicates otherwise. The following terms and words shall have the meanings ascribed to them below:

* + 1. **“Allocation”** means the entry of a designated frequency or frequency band in the National Frequency Plan for use by one or more users for a terrestrial or space radiocommunication service in the UAE.
    2. **“Authorization”** or **“Frequency Spectrum Authorization”** means a valid frequency spectrum authorization issued by the TRA and permits the use of radio frequency subject to terms and conditions as stipulated by the TRA.
    3. **“Authorized User”** means a Person that has been granted an Authorization by the TRA.
    4. **“Harmful Interference”** means interference which impairs the functioning of a radiocommunication service or which materially degrades or obstructs or repeatedly interrupts radiocommunication.
    5. **“National Frequency Plan”** means frequency Allocation plan for the UAE.
    6. **“Radiocommunication Service”** means the transmitting or receiving of radio frequency which may be used for the conveyance of data, or messages or voice or visual images, or for the operation or control of machinery or apparatus.
    7. **“Station”** means an installation operated by an Authorized User, for carrying on a Radiocommunication Service.
    8. **“Authority”** or **“TRA”** means the General Authority for Regulating the Telecommunication Sector known as Telecommunications Regulatory Authority (TRA) established pursuant to the provisions of Article 6 of Federal Law by Decree No. 3 of 2003.
    9. **“UAE”** means the United Arab Emirates including its territorial waters and the airspace above.

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| Question 2: Do you have any comments regarding the amendments to the definitions, or any other suggestions for modifications or updates |

Article (3)

Objectives

* 1. The Authority’s objectives for frequency spectrum management are to:
     1. Work collaboratively with other stakeholders towards achieving Authority’s vision on the goals to build future shaping, customer happiness and to support innovation for a knowledge-based economy and a cohesive society.
     2. Fulfil its roles and responsibilities as established by Federal Law by Decree No 3 of 2003 (Telecom Law) as amended and its Executive Order.
     3. Procure the efficient use of frequency spectrum and orbital resources, maximizing the benefits of frequency spectrum use, independent of the type of service for which it may be allocated.
     4. Protect the UAE interests on frequency spectrum and wireless Stations through coordination, registration and international participation.
     5. Innovate and adopt best practices for frequency spectrum management which intend to maximize the efficient use of this resource.
     6. Promote future shaping and conduct research and planning activities for new wireless technologies and services.
     7. Enable investment from the private and public sector for the deployment of wireless infrastructure to enhance wireless services in the UAE for customer happiness.
     8. Establish a global leadership position of UAE in the ICT sector.

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| Question 3: Do you have any comments regarding the Radiocommunications Policy objectives, additions or suggestions? |

Article (4)

Frequency Spectrum Rights

* 1. Frequency spectrum is a national resource and shall remain the property of the UAE.
  2. The Authority regulates and manages the frequency spectrum in accordance with the provisions of Federal Law by Decree No 3 of 2003 (Telecom Law) as amended and its Executive Order.
  3. The right to use the frequency spectrum is authorized by the Authority subject to terms and conditions set in applicable regulations.

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| Question 4: Do you have any comments regarding the scope defined for Frequency spectrum rights in this proposed Article 4? |

Article (5)

Powers of the Authority regarding Frequency Spectrum Access and Use

* 1. The Authority will exercise the powers granted to it under Federal Law by Decree No 3 of 2003 (Telecom Law) as amended and its Executive Order to carry out the following:
     1. Plan, coordinate and implement strategy in order to define and defend the interests of the UAE in international and regional organizations where frequency spectrum management policy is decided.
     2. Define and issue the National Frequency Plan.
     3. Issue and manage frequency spectrum Authorizations.
     4. Study, plan and implement measures required to avoid Harmful Interference, which may include conducting compatibility and technical studies.
     5. Impose and collect fees in accordance with TRA’s Spectrum Fees Regulations.
     6. Monitor the use and control the misuse of frequency spectrum in the UAE.

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| Question 5: Do you have any comments, additions or suggestions regarding the Powers of the Authority in relation to spectrum management proposed in Article 5? |

Article (6)

Principles of Frequency Spectrum Management

* 1. The following are the principles that the Authority takes into account in the decision making process when managing frequency spectrum:
     1. Achieve transparency and fairness in decision making.
     2. Observe the principle of supply and demand.
     3. Adopt technology and service neutral decisions.
     4. When appropriate, undertake a regulatory impact assessment.
     5. Prioritise national security and the defence needs of the UAE.
     6. Seek the engagement of stakeholders when the decision making process allows it.
     7. Balance the demands of existing and future users.

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| Question 6: Do you have any comments, additions or suggestions to suggested text of Article 6? |
| Question 7: Do you have any comments to the structure of the proposed regulations? Is there any other topic that you would recommend to include in the Radiocommunications Policy document, in line with the objective and scope proposed? |

**3. General comments**

3.1 Further to the specific matters discussed, and questions asked above, please identify any additional issues which you feel are relevant for consideration in this consultation. Please provide specific support and/or explanation of your viewpoints as well as recommendations regarding how such issues might be resolved.