



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

N\$4.00

WINDHOEK - 26 June 2015

No. 5765

### CONTENTS

*Page*

#### GENERAL NOTICES

No. 265	Communications Regulatory Authority of Namibia: Amendment of Regulations in respect of Type Approval and Technical Standards for Telecommunications Equipment: Communications Act, 2009	1
No. 266	Communications Regulatory Authority of Namibia: Notice in terms of the Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences .....	2
No. 267	Communications Regulatory Authority of Namibia: Notice in terms of the Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences .....	4
No. 268	Communications Regulatory Authority of Namibia: Notice in terms of the Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences .....	6

## General Notices

### COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 265

2015

#### AMENDMENT OF REGULATIONS IN RESPECT OF TYPE APPROVAL AND TECHNICAL STANDARDS FOR TELECOMMUNICATIONS EQUIPMENT: COMMUNICATIONS ACT, 2009

The Communications Regulatory Authority, in terms of section 80 read with section 129 of the Communications Act, 2009 (Act No. 8 of 2009), amends the Regulations in respect of Type Approval and Technical Standards for Telecommunications Equipment published in General Notice No. 22 of 30 January 2015 by substituting the preamble thereof as follows:

“The Communications Regulatory Authority of Namibia, in terms of section 80 read with section 129 of the Communications Act, 2009 (Act No. 8 of 2009) and the “Regulations Regarding Rule-Making Procedures: Communications Act, 2009” published as a General Notice No. 334 in Government Gazette No. 4630 dated 17 December 2010, hereby publishes these Regulations in respect of Type Approval and Technical Standards for Telecommunications Equipment which will be in force and effective from date of publication of this Notice in the Gazette. There will be a transitional period within which applicants must obtain approval from the Authority in respect of telecommunications equipment, which transition period shall commence from the date of publication hereof and shall lapse on **30 November 2015.**”

**L.N. JACOBS**

**CHAIRPERSON OF THE BOARD OF DIRECTORS**

**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

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**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

No. 266

2015

**NOTICE IN TERMS OF THE REGULATIONS REGARDING LICENSING PROCEDURES  
FOR TELECOMMUNICATIONS AND BROADCASTING SERVICE LICENCES AND  
SPECTRUM USE LICENCES**

The Communications Regulatory Authority of Namibia, in terms of Sections 38 and 101 of the Communications Act, 2009 (Act No. 8 of 2009), read together with regulations 4, 6 and 11 of the “Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences”, in Government Gazette No. 4785, General Notice No. 272, dated 29 August 2011 (as amended), herewith gives notice that the person referred to in the table below has submitted the following applications to the Authority:

**(a) Application for Class Comprehensive Telecommunications Service Licence (ECS/ECNS)**

<b>Applicant</b>	<b>Applicant's citizenship or place of incorporation;</b>	<b>Percentage of Stock owned by Namibian Citizens or Namibian Companies Controlled by Namibian Citizens;</b>	<b>Category of class telecommunications service licence applied for;</b>	<b>Telecommunication services intended to be provided by applicant;</b>	<b>Proof of Licence Application Fees Paid Up to Date Submitted;</b>
Integrated Communication Systems CC	Namibia	100%	Class Comprehensive Telecommunications Service Licence (ECS/ECNS)	Electronic Communications	Yes

**(b) Spectrum Use Licence Application**

Applicant's Name;	Applicant's citizenship or place of incorporation;	Percentage of Stock owned by Namibian Citizens or Namibian Companies controlled by Namibian Citizens;	List of radio frequencies or groups of radio frequencies applied for	List of radio frequencies or groups of radio frequencies being considered by the Authority;	Description of geographic coverage area(s);			License Fees Outstanding?	Service to be provided using frequency applied for;	Party Providing Signal Distribution
					Period	District	Town			
Integrated Communication System CC	Namibian	100%	Uplink 6245.6809 MHz / Downlink 3920.681 MHz	Uplink 6245.6809 MHz / Downlink 3920.681 MHz	Within the Republic of Namibia or any part thereof	Within the Republic of Namibia or any part thereof	Within the Republic of Namibia or any part thereof	Telephony, Fax & Internet Services	Own	

The public may submit comments to the Authority within fourteen (14) days from the date of publication of this notice in the *Gazette*.

The applicant may submit written reply comments within fourteen (14) days from the due date of the written public comments.

All written submissions must contain the name and contact details of the person making the written submissions and the name and contact details of the person for whom the written submission is made, if different and be clear and concise.

All written submissions and reply comments must be made either physically or electronically –

- (1) By hand to the head offices of the Authority, namely Communication House, 56 Robert Mugabe Avenue, Windhoek;
- (2) By post to the head offices of the Authority, namely Private Bag 13309, Windhoek 9000;
- (3) By electronic mail to the following address: legal@cran.na;
- (4) By facsimile to the following facsimile number: +264 61 222790; or
- (5) By fax to e-mail to: 0886550852.

**L.N. JACOBS**  
**CHAIRPERSON OF THE BOARD OF DIRECTORS**  
**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

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**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

No. 267

2015

**NOTICE IN TERMS OF THE REGULATIONS REGARDING LICENSING PROCEDURES  
FOR TELECOMMUNICATIONS AND BROADCASTING SERVICE LICENCES AND  
SPECTRUM USE LICENCES**

The Communications Regulatory Authority of Namibia, in terms of sections 85 and 101 of the Communications Act, 2009 (Act No. 8 of 2009), read with regulations 5, 6 and 11 of the “Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences”, in Government Gazette No. 4785, General Notice No. 272, dated 29 August 2011 (as amended), herewith gives notice that the Applicant referred to in the table below have submitted the following applications to the Authority:

(a) **Broadcasting Service Licence Application:**

Applicants Name;	Applicant's citizenship or place of incorporation;	Percentage of Stock owned by Namibian Citizens or Namibian Companies Controlled by Namibian Citizens;	Category of Broadcasting service licence as contemplated in the Regulations Setting out Broadcastings and Telecommunications Service Licence categories;	Provision of signal distribution;	Whether applicant intends to use spectrum in the provision of broadcasting services intended to be provided;	Proof of Application fees paid up to date submitted?
Adventist Development & Relief Agency Namibia (ADRA Namibia)	Namibian	Welfare Organisation established in terms of section 19 of the National Welfare Act (Act 79 of 1965)	Community Broadcasting Service Licence	Own	Yes, application is contained in part (b) below.	Yes

(b) **Spectrum Use Licence Application**

Applicant's Name;	Applicant's citizenship or place of incorporation;	Percentage of Stock owned by Namibian Citizens or Namibian Companies controlled by Namibian Citizens;	List of radio frequencies or groups of radio frequencies applied for;	List of radio frequencies or groups of radio frequencies being considered for assignment by the Authority;	Description of geographic coverage area(s)			Maximum Output power & Co-ordinates;	License Fees Outstanding;	Service to be provided using frequency applied for;	Party providing Signal Distribution;
					Region;	District;	City/Town;				
Adventist Development & Relief Agency Namibia (ADRA Namibia)	Namibia	Welfare organisation established in terms of section 19 of the National Welfare Act (Act 79 of 1965)	88 – 108 MHz	89.2 MHz	Omaheke	Gobabis	Gobabis	500.000 W	Yes	Broadcasting	Yes
			88 – 108 MHz	97.4 MHz	Otjozondjupa	Otjiwarongo	Otjiwarongo	500.000 W			
			88 – 108 MHz	98.3 MHz	Kavango-East	Rundu	Rundu	500.000 W			
			88 – 108 MHz	92.9 MHz	//Karas	Keetmanshoop	Keetmanshoop	500.000 W			

The public may submit comments in writing to the Authority within a period of fourteen (14) days from the date of publication of this notice in the *Gazette*.

The applicant may submit written reply comments within fourteen (14) days from date of notification of the written public comments.

All written submissions must contain the name and contact details of the person making the written submissions and the name and contact details of the person for whom the written submission is made, if different and be clear and concise.

All written submissions and reply comments must be made either physically or electronically –

- (1) By hand to the head offices of the Authority, namely Communication House, 56 Robert Mugabe Avenue, Windhoek;
- (2) By post to the head offices of the Authority, namely Private Bag 13309, Windhoek 9000;
- (3) By electronic mail to the following address: [legal@cran.na](mailto:legal@cran.na);
- (4) By facsimile to the following facsimile number: +264 61 222790; or
- (5) By fax to e-mail to: 0886550852.

**L.N. JACOBS**  
**CHAIRPERSON OF THE BOARD OF DIRECTORS**  
**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

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**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

No. 268

2015

**NOTICE IN TERMS OF THE REGULATIONS REGARDING LICENSING PROCEDURES  
FOR TELECOMMUNICATIONS AND BROADCASTING SERVICE LICENCES AND  
SPECTRUM USE LICENCES**

The Communications Regulatory Authority of Namibia, in terms of section 101 of the Communications Act (No. 8 of 2009) and regulations 6 and 11 of the “Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences”, published in Government Gazette No. 4785, Notice No. 272, dated 29 August 2011 as amended, herewith gives notice that the person referred to in the table below, has been awarded with additional spectrum use licence effective from date of publication in the *Gazette*:

Licensee;	Licensee's citizenship or place of incorporation;	Percentage of Stock owned by Namibian Citizens or Namibian companies controlled by Namibian Citizens;	Services Intended to be provided using the spectrum being applied for (type of Service licences)	Description of Geographic coverage area(s)	Site Name	Latitude	Longitude	Multi-plex Number	Frequency (MHz)	Channel Number	TX Power (W)	TX Power (dBd)	Antenna Peak Gain (dBd)	Polarisation	Antenna Height (m)	Region
Namibian Broadcasting Corporation (NBC)	Established in terms of section 2 of the Namibian Broadcasting Act (Act No. 9 of 1991)	State Owned Enterprise	N/A <sup>1</sup>	Republic of Namibia	Tsumeb	19 16 44.0 S	17 41 24.8 E	1	626 MHz	40	20	13.01	7.5	Horizontal	92.42	Ojozon- djupa

<sup>1</sup> The radio frequencies applied for require a broadcasting service licence. Note, however that as per section 93 of the Act, until a date determined by the Minister, Chapter IV on broadcasting services is not applicable to the NBC or to any broadcasting activities carried on by the NBC.

The licence is issued subject to the Communications Act, 2009 (Act No. 8 of 2009) and the Regulations Regarding Licence Conditions for Spectrum Use Licence as published in Government Gazette No. 5354, General Notice No. 469, dated 2 December 2013.

**Reasons for the decision are as follows:**

The Namibian Broadcasting Corporation submitted a further request on 13 March 2015 for the issuance of a spectrum use licence at Tsumeb for Digital Terrestrial Television (DTT) services.

Section 93 of the Act provides that Chapter IV of the Act is not applicable to the Namibian Broadcasting Corporation until such date as determined by the Minister of Information Communications and Technology. As such, although the spectrum applied for requires a service licence, the Authority has not issued a broadcasting service licence to the Namibian Broadcasting Corporation to date. Please note that the spectrum applied for by the Namibian Broadcasting Corporation is not deemed to be service licence exempt and therefore require spectrum use licences to be issued by the Authority after due consideration of the applications submitted.

Following due process in terms of Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences, the Authority published a notice in the Government Gazette No. 5148, General Notice No. 72, dated 13 March 2013, allowing fourteen (14) days for public comment.

No comments were received within the stated timeframe and subsequently no reply comments were required from the Namibian Broadcasting Corporation.

The Authority published the final notice related to the Regulations Setting Out the Frequency Channelling for Digital Terrestrial Television in Government Gazette No. 5201, General Notice No. 166 dated 29 May 2013 after following a rulemaking process that commenced with the first notice published for public comment on 28 September 2012 and concluded with a public hearing on 8 April 2013. The Namibian Broadcasting Corporation also attended the public hearing.

The ITU approved the proposed Frequency Channelling Plan for Namibia submitted by the Authority.

The issuance of spectrum use licences by the Authority is guided by-

- i. Section 101 of the Communications Act, 2009;
- ii. International Telecommunications Union Regulations and subsequent international agreements signed by Namibia as a member state of the International Telecommunications Union;
- iii. Regulations Setting Out the Frequency Band Plan for Namibia as published in Government Gazette No. 5214, General Notice No. 191 dated 31 May 2013; and
- iv. Regulations Setting Out the Frequency Channelling Plan for Digital Terrestrial Television as published in Government Gazette No. 5201, General Notice No. 166 dated 29 May 2013.

The Authority thus recommends that a spectrum use licence be awarded to the Namibian Broadcasting Corporation for implementation of DTT at Tsumeb in accordance with the frequencies and power outputs specified in the Regulations Setting Out the Frequency Channeling Plan for Digital Terrestrial Television as published in Government Gazette No. 5201, General Notice No. 166 dated 29 May 2013.

The Namibian Broadcasting Corporation should thus be awarded with spectrum use licences in accordance with the frequencies and power outputs specified in the Regulations Setting Out the



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Frequency Channeling Plan for Digital Terrestrial Television as published in Government Gazette No. 5201, General Notice No. 166 dated 29 May 2013.

In light of the above and in terms of section 101 (2) of the Communications Act and the Licensing Procedures Regulations, the Authority awarded the Namibian Broadcasting Corporation with the frequencies as stipulated in the table above for the implementation of Digital Terrestrial Broadcasting service in the geographical areas indicated in the table.

**L.N. JACOBS**  
**CHAIRPERSON OF THE BOARD OF DIRECTORS**  
**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

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