



Republic of Namibia
Annotated Statutes

REGULATIONS

REGULATIONS MADE IN TERMS OF

Communications Act 8 of 2009

section 101(2), section 101(5), section 101(14) and
section 101(16) read with section 129

**Regulations prescribing Procedures regarding
Application for, and Amendment, Renewal, Transfer
and Cancellation of Spectrum Licences**

General Notice 104 of 2019

[\(GG 6888\)](#)

came into force on date of publication: 29 April 2019

as amended by

General Notice 152 of 2020 [\(GG 7196\)](#)

came into force on date of publication: 29 April 2020

The amendments made by this General Notice were subsequently
repealed by General Notice 446 of 2021.

General Notice 159 of 2020 [\(GG 7197\)](#)

came into force on date of publication: 29 April 2020

General Notice 446 of 2021 [\(GG 7613\)](#)

came into force on date of publication: 30 August 2021

The General Notice that publishes these amendments
repeals the amendments published in General Notice 152/2020.

General Notice 161 of 2023 [\(GG 8060\)](#)

came into force on date of publication: 3 April 2023

**These regulations and amendments were made by the
Communications Regulatory Authority of Namibia.**

**The Government Notice that publishes these regulations repeals the Regulations regarding
Licence Exempt Spectrum published in General Notice 395/2011** [\(GG 4839\)](#) **and
the Regulations Setting Out Licence Conditions For Spectrum Use Licences
published in General Notice 469/2013** [\(GG 5354\)](#).

**The regulations amend (and change the name of) the Regulations regarding Licensing Procedures
for Telecommunications and Broadcasting Service Licences published in
General Notice 272/2011** [\(GG 4785\)](#), as amended.

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Annexure B is again substituted by General Notice 161/2023.]**

**[Note that these regulations use the US spelling “license” and the
UK spelling “licence” inconsistently when the word is used as a noun.**

**The regulations also inconsistently use “sub-regulation” and
“subregulation” (with and without a hyphen).]**

PART 1
INTRODUCTORY PROVISIONS

Definitions

1. In these Regulations, any word or expression to which a meaning is assigned in the Act has that meaning, and -

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“Act” means the Communications Act, 2009 (Act No. 8 of 2009);

“applicant” means a person applying for a spectrum license or for the amendment, renewal, transfer or withdrawal of a spectrum license;

“Bid” means the submission of the suite of documents required in terms of a Request to Bid;

“Bidder” means an applicant which has submitted a Bid following a Request to Bid;

“Frequency Band Plan” means the Frequency Band Plan of Namibia published under General Notice No. 424 of 28 October 2016;

“licensee” means any person to whom a spectrum license has been issued in terms of **Part 2 or 3**;

“Regulations Setting Out Fees For Spectrum Licenses, Certificates and Examinations” means the Regulations Setting Out Fees For Spectrum Licenses, Certificates and Examinations published under General Notice No. 155 of 1 June 2017;

“Regulations Prescribing Forms For Applications” means the Regulations Prescribing Forms For Applications published under General Notice No. 328 of 19 August 2013;

“Request to Bid” means an invitation issued by CRAN to prospective Bidders to submit a Bid complying with the qualification criteria for a spectrum auction stipulated by **regulation 7**;

“spectrum auction” means the process whereby the Authority uses an auction system to sell the rights to use any radio frequency or group of radio frequencies or radio receiver over specific bands of the radio frequency spectrum as determined by the Frequency Band Plan and to assign scarce spectrum resources; and

“spectrum license” means a spectrum license conferring on the licensee the right to use any radio frequency or group of radio frequencies or radio receiver under the Frequency Band Plan.

[Without amending the underlying regulations, General Notice 446/2021 notes that the terms in the amendments it contains have the same meaning as assigned in the Act and that the following terms shall have the meanings indicated –

“Act” means the Communications Act, 2009 (Act No. 8 of 2009);

“Regulations” means the Regulations Prescribing Procedures Regarding Application for, and Amendment, Renewal, Transfer and Cancellation of Spectrum Licences published in the Government Gazette No. 6888, General Notice No. 104 dated 29 April 2019;

“WRC-19” means World Radio Conference held from 28 October 2019 to 22 November 2019 in Sharm El-Sheikh, Egypt.]

Objects and application of Regulations

2. (1) The objects of these Regulations are to -
 - (a) establish the framework through which the Authority allocates radio frequency spectrum under the Frequency Band Plan;

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- (b) to provide a long-term framework for conferring on a licensee the right to use any radio frequency or group of radio frequencies or radio receiver under the Frequency Band Plan;
- (c) determine fair, efficient and transparent licensing procedures which an applicant must follow in applying for a spectrum licence;
- (d) provide for circumstances in which the use and possession of radio apparatus does not require a spectrum license and for the categories of radio apparatus in respect of which a spectrum license is not required; and
- (e) set up a formalized process for the amendment, renewal, transfer and withdrawal of spectrum licences.

(2) These Regulations apply to all applicants, licensees and participants in a spectrum auction.

Submission of documents to Authority

3. Whenever documents are required to be delivered to the Authority, such documents must be delivered physically or electronically -

- (a) by hand to an employee of the Authority at its principal place of business, being Communication House, No. 56 Robert Mugabe Avenue, Windhoek;
- (b) by post mailed to Private Bag 13309, Windhoek;
- (c) by electronic mail sent to operations@cran.na;
- (d) by facsimile faxed to +264 61 222 790; or
- (e) in any other manner or to any other address specified by the Authority from time to time.

PART 2
ADMINISTRATIVE SPECTRUM LICENSE

Application procedure for right to use radio frequency spectrum

4. (1) The Authority may from time to time in its sole discretion publish a notice in the *Gazette* notifying that a radio frequency spectrum band under the Frequency Band Plan as specified in the notice is open for application to be conferred on a first-come-first-served basis.

(2) Subject to the provisions of these Regulations, any person who intends to apply for the right to use radio frequency spectrum referred to in subregulation (1) must apply to the Authority for a spectrum licence.

(3) An application referred to in subregulation (2) must be made on a form that substantially corresponds to **Form CRAN 3** set out in the Regulations Prescribing Forms For Applications in respect of which the applicant must be particularly accurate in completing the technical portion supplying all the details required.

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(4) The aforesaid application must be accompanied by the following information and documentation, namely -

- (a) the full and official name of the applicant, and if the applicant is a juristic person, the registration number of that person;
- (b) the name of a contact person responsible for liaison with the Authority on issues pertaining to these Regulations and the following contact details of that person -
 - (i) physical address;
 - (ii) postal address;
 - (iii) telephone number or numbers;
 - (iv) facsimile number or numbers; and
 - (v) electronic mail address or addresses;
- (c) full details of all ownership interests in the applicant, including the identity and nationality of holders of such ownership interests and if the holder of any ownership interests is a juristic person, full details of all ownership interests in the juristic person;
- (d) full details regarding foreign ownership interests in the applicant, if any;
- (e) where the applicant is a company or close corporation, a certificate incorporation issued by the relevant official employed by the Ministry responsible for Trade;

[The word “of” appears to have been omitted between the words “certificate” and “incorporation”.]

- (f) a complete, accurate and concise business plan setting out -
 - (i) a complete list of radio frequencies or groups of frequencies being applied for;
 - (ii) a complete, accurate and concise statement of the services the applicant intends to provide in exercising the right to use the radio frequency spectrum being applied for;
 - (iii) any other services being provided or to be provided by the applicant in connection with the radio frequency spectrum applied for;
- (g) any other information required by the Authority relevant to the application or that the applicant believes might be relevant to the Authority in considering the application.

(5) The Authority may, after receiving an application referred to in subregulation (2), request the applicant by written notice to provide it with additional information reasonably required by the Authority in considering the application, which the applicant must provide to the Authority within a reasonable period specified by the Authority in that notice.

(6) The aforesaid application must be accompanied by any fee payable in terms of the Regulations Setting Out Fees For Spectrum Licenses, Certificates and Examinations.

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(7) The Authority must forthwith publish a notice of the aforesaid application in the *Gazette* and invite the public to may make written comments to the Authority within the time set out in the notice, which time may not be less than 14 days from the date of the publication.

[The word “may” in the phrase “to may make” appears to have been inserted in error.]

(8) The Authority will provide the opportunity to an applicant to respond to any written comments contemplated in subregulation (7)

[There is no full stop at the end of subregulation (8);
there are no additional words in paragraph (8) in the *Government Gazette*.]

(9) An applicant’s response to public comments must be submitted in writing to the Authority within the time set out by the Authority, which time may be not less than 14 days from the deadline for the submission of public comments or if the notice for submissions of responses is published in a subsequent *Gazette*, not less than 14 days from the date of that publication.

(10) The times for the submissions of public comments and applicant responses are to be determined by the Authority in lights of the nature of the application.

[The word “lights” should be “light” in the phrase “in lights of the nature of the application”.]

(11) The Authority may consider written submissions not timeously filed if, in its opinion, it is practical to do so.

(12) The Authority may request further written submissions, such as for further information or clarification, which must be provided to the Authority in the time and the manner set out by the Authority.

(13) All written submissions must -

- (a) contain the name and contact details of the person making the written submissions or the name and contact details of the person for whom the written submission is made, if different;
- (b) be clear and concise; and
- (c) conform to any further requirements determined by the Authority from time to time.

(14) After considering any application made in terms of this regulation and any written or oral submissions, if any referred to herein, the Authority may refuse or grant the application, in whole or in part.

[The phrase “if any referred to herein” is redundant.]

(15) If the Authority grants the license the Authority must issue to the applicant a spectrum license in the form determined and subject to the conditions imposed by the Authority.

(16) The Authority must whether requested by an applicant or not, furnish reasons to the applicant for its decision to grant a spectrum license.

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[There should be a comma after the word “must” to properly offset the phrase “whether requested by an applicant or not”. The context suggests that this provision may have been intended to refer to decisions to *refuse* a spectrum license rather than decisions to *grant* a spectrum license.]

Application to use spectrum together with service licence exempt telecommunications service categories

5. (1) The following telecommunications services categories may be provided without a licence in terms of the Act:

- (a) amateur service;
- (b) aeronautical services;
- (c) citizen band service;
- (d) maritime service;
- (e) navigation and radar system service;
- (f) private ECS/ECNS; and
- (g) alarm system service and emergency response system service.

(2) Subject to these Regulations, a person who intends to apply for the right to use radio frequency spectrum under the Frequency Band Plan, in conjunction with the telecommunications services referred to in subregulation (1), must with the changes necessitated by the context comply with **regulation 4(2) to (5)**.

(3) After considering any application made in terms of this regulation, the Authority may refuse or grant the application, in whole or in part.

(4) If the Authority grants the license the Authority must issue to the applicant a spectrum license in the form determined and subject to the conditions imposed by the Authority.

(5) The Authority must whether requested by an applicant or not, furnish reasons to the applicant for its decision to grant a spectrum license.

[There should be a comma after the word “must” to properly offset the phrase “whether requested by an applicant or not”. The context suggests that this provision may have been intended to refer to decisions to *refuse* a spectrum license rather than decisions to *grant* a spectrum license.]

PART 3
SPECTRUM AUCTIONS

Request to Bid

6. (1) The Authority may from time to time in its sole discretion publish by notice in the *Gazette* a notification that a radio frequency spectrum band under the Frequency Band Plan, as specified in the notice is to be conferred on a competitive basis by means of a spectrum auction, provided that -

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[There should be a comma after the phrase “as specified
in the notice” to properly offset that phrase.]

- (a) no radio frequency spectrum to be used in accordance with **regulation 5** may be subject to a spectrum auction; and
 - (b) only spectrum bands with a high market value or in high demand may be conferred by means of a spectrum auction.
- (2) Where the Authority determines that a spectrum auction should take place in terms of subregulation (1), the Authority must issue a Request to Bid.
- (3) A Request to Bid must set out -
- (a) the subject-matter of the Request to Bid;
 - (b) the date, time and place for the submission of any Bid;
 - (c) the application fee;
 - (d) applicable qualification criteria;
 - (e) the terms and conditions relevant to the Request to Bid;
 - (f) the proposed license conditions subject to which the spectrum license conferring the right to use radio frequency spectrum will be issued;
 - (g) the procedures for submitting the Bid;
 - (h) conditions and procedures for -
 - (i) the amendment of a Bid; or
 - (ii) the submission of supplementary information relating to the Bid;
 - (iii) the disqualification of a Bidder from the bidding process;

[The word “or” should appear at the end of paragraph (ii) rather than at the end of paragraph (i).]

- (i) the selection process;
- (j) the evaluation criteria;
- (k) the spectrum auction rules or other bidding mechanism employed by the Authority for purpose of such auction;
- (l) the period of validity of the spectrum license that will be issued to a successful Bidder;
- (m) any other information or requirements the Authority deems necessary.

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(4) The Authority must in accordance with the spectrum auction rules referred to in subregulation (3)(k) determine the reserve price applicable to each spectrum block intended to be auctioned as well as the auction method to be followed.

(5) In determining the radio frequency spectrum band under the Frequency Band Plan, which is to be conferred on a competitive basis by means of a spectrum auction, the Authority must consider and stipulate in the Request for Bids -

- (a) the size of spectrum blocks to be auctioned;
- (b) whether the spectrum blocks to be auctioned will be limited to one spectrum band or a combination of spectrum bands;
- (c) the number of spectrum licences that will be offered;
- (d) the imposition of network rollout obligations;
- (e) whether spectrum caps should be imposed to prevent uncompetitive market dominance;

[The word "spectrum" is repeated in the *Government Gazette*, as reproduced above.]

- (f) special conditions to encourage -
 - (i) new entrants or smaller licensees to take part in spectrum auctions;
 - (ii) the provision of services not already offered in the market;
- (g) an auction process and rules to prevent collusions and ensure transparency in the spectrum auction process; and

[The word "collusions" should be "collusion".]

- (h) the objects of the Act that the Authority aims to achieve in making the determination on spectrum blocks and the size of any spectrum blocks to be auctioned.
- (6) For purposes of subregulations (4) and (5) -
 - (a) "reserve price" means the minimum price payable for a spectrum block to be conferred in terms of a spectrum auction; and
 - (b) "spectrum block" means the radio frequency spectrum band under the Frequency Band Plan, as determined by the Authority, which is to be conferred on a competitive basis by means of a spectrum auction.

Bidder qualification

7. (1) The Authority will permit only those Bidders who meet the qualification criteria referred to in subregulation (2) to participate in the bid award process.

- (2) The qualification criteria include that -

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-
- (a) the Bidder complied with the procedures and manner in which to submit a Bid referred to in **regulation 6**;
 - (b) the Bidder has paid the applicable application fee;
 - (c) subject to paragraphs (d) and (e) a Bidder may comprise a consortium which may include the holder of a telecommunications service license or broadcasting license or comprise the holders of telecommunications service licenses or broadcasting licenses or a combination of such licensees;
 - (d) subject to paragraph (e), the Bidder must either be an established licensee in Namibia or the holder of a broadcasting license or a telecommunications license;
 - (e) if the Bidder does not meet the qualifications criteria set out in paragraph (d) or is a Bidder contemplated in paragraph (c), the Bidder demonstrated its ability to -
 - (i) meet applicable network coverage and quality of service obligations by the provision of an appropriately detailed technical network roll-out plan; and
 - (ii) provide telecommunications services or broadcasting services in Namibia through the provision of an appropriately detailed business plan;
 - (f) the Bidder is solvent and cannot be -
 - (i) in default of loan payments or in negotiations regarding debt settlement proceedings;
 - (ii) insolvent or the subject of a liquidation or winding-up application; or
 - (iii) in the process of passing or in the position of having passed a resolution for a voluntary winding up;
 - (g) the Bidder demonstrated its ability to meet the financial requirement of -
 - (i) paying at least the reserve price for the radio frequency spectrum band, in respect of which it submitted a Bid;
 - (ii) building and operating a telecommunications network and providing telecommunications services or broadcasting services, as the case may be, by providing:
 - (aa) an appropriately detailed financial plan which indicates the annual and total funding requirement for the build and operation of the telecommunications network and provision of telecommunication services or broadcasting services until the business operation concerned becomes self-funding;
 - [The word “build” should be “building”.]**
 - (bb) appropriately detailed financing plan which demonstrates the amount and timings of the sources of funds which will be used to meeting the funding requirement referred to in paragraph (bb); and

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[There should be an article such as “an” at the beginning of subparagraph (bb).
The phrase “to meeting” should be “to meet”.]

- (cc) independent evidence of the availability of the funds identified in the financial plan; and
- (h) the Bidder provides an appropriate bank guarantee in the form and for the amount stipulated by the Authority in the Request to Bid.

Disqualification of Bidder

8. A Bidder will be disqualified from the bidding process where such Bidder -
- (a) submitted a Bid and is an affiliate or business associate of another Bidder or has an ownership or financial interest in respect of another Bidder who submitted a Bid relating to the same Request to Bid;
 - (b) has been granted a spectrum license conferring the right to use radio frequency spectrum under the Frequency Band Plan within the designated frequency range stipulated in the Request to Bid, unless the Bidder has less than the maximum bandwidth made available in terms of the aforesaid Request, in which case the Bidder will only be allowed to Bid for the right to use additional radio frequency spectrum resulting in a total conferment not exceeding the maximum bandwidth available;
 - (c) submitted more than one Bid relating to the designated range of radio frequency spectrum stipulated in the Request to Bid;
 - (d) submitted a Bid containing false or misleading information;
 - (e) is colluding or attempting to collude with another Bidder in order to distort or manipulate information;
 - (f) obtained or acquired confidential information regarding another Bidder;
 - (g) failed to comply with the terms and conditions relevant to the Request to Bid; or
 - (h) failed to comply with a request by the Authority relating to a material aspect of the Bid.

Notice of Bids received

9. Once all Bids are received in accordance with a Request to Bid, the Authority must publish a notice in the *Gazette* and one newspaper with national circulation -
- (a) notifying the names of all Bidders; and
 - (b) specifying the radio frequency spectrum in respect of which the spectrum auction will take place.

Award of Bid

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10. (1) The Authority must, following a spectrum auction consequent to a Request to Bid and after having followed the procedures set out in **regulation 4(6) to (13)** notify any successful bidder and specify in such notice -

[There should be a comma after the phrase “following a spectrum auction consequent to a Request to Bid and after having followed the procedures set out in regulation 4(6) to (13)” to properly offset that phrase.]

- (a) the spectrum block assigned to the Bidder;
- (b) the total auction price to be paid to the Authority; and
- (c) a payment schedule detailing the terms and conditions for payment including the amount and frequency of payment and the deadline by which the total auction price must be made in full.

(2) After payment of the auction price the Authority must issue the successful Bidder with a spectrum license in the form determined and subject to the conditions imposed by the Authority.

(3) The Authority must publish the results of a spectrum auction on its website and in the *Gazette*.

PART 4
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Duration of and conditions pertaining to spectrum license

- 11.** (1) A spectrum license issued under -
- (a) **Part 2**, subject to regulation 2 of the Regulations Setting Out Fees For Spectrum Licenses, Certificates and Exams, No. 155 of 1 June 2017, expires on 31 December of the year of issue; and
 - (b) **Part 3** is valid for the period stipulated in a Request for Bid.

(2) All spectrum licences awarded by the Authority will be subject to conditions as set out in the licensing conditions attached to the spectrum licence.

- (3) Conditions referred to in subregulation (2) may include but are not limited to -
- (a) the efficient use of spectrum;
 - (b) the shared utilization of spectrum;
 - (c) roll-out obligations which licensees must meet;
 - (d) the prohibition of trading or sub-leasing of spectrum licences;
 - (e) the prohibition of hoarding of spectrum; or

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(f) reporting, monitoring and compliance matters in respect of the spectrum licence awarded.

(4) Without limiting any other conditions that the Authority may impose in terms of the provisions of the Act relating to a spectrum licence, a license may specify -

- (a) guidelines, in accordance with applicable standards and requirements of the International Telecommunication Union and its Radio Regulations, as agreed to or adopted by Namibia in terms of section 99(2) of the Act, to be adopted by the licensee;
- (b) universal access and service obligations to be undertaken by the licensee; or
- (c) performance specifications to which the licensee must conform.

Amendment of spectrum licence

12. (1) A licensee may apply to the Authority for amendment of that licensee's spectrum licence.

(2) An application referred to in subregulation (1) must be made on a form that substantially corresponds to **Form CRAN 7** set out in the Regulations Prescribing Forms For Applications.

(3) Notwithstanding subregulation (1), any changes to a licensee's name and details of contact persons do not require prior approval from the Authority, provided the ownership of the licensee is not affected by such change to the licensee's name, but the Authority must be notified in writing of the impending change at least 14 days prior to the effective date.

(4) An application referred to in subregulation (1) must -

- (a) specify the details of the spectrum licence and include a copy thereof;
- (b) set out the reasons for the proposed amendment; and
- (c) include any other information -
 - (i) the applicant believes might be relevant to the Authority in considering the application; or
 - (ii) the Authority may require.

(5) An application referred to in subregulation (1) must be accompanied by any fee payable in terms of the Regulations Setting Out Fees For Spectrum Licenses, Certificates and Examinations.

(6) The Authority may request further information or documents, which must be provided to the Authority at the time and in the manner set out by the Authority.

(7) Where the Authority proposes to amend a spectrum licence the Authority must notify the licensee in writing accordingly and in its notice specify -

- (a) the proposed amendment; and

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- (b) the reasons for the proposed amendment; and
- (c) the date on which the Authority intends to effect the amendment, not being earlier than 30 days from the date on which the Authority serves the notice on the licensee.

(8) The licensee must respond to a notification in terms of subregulation (6) within 30 days from the date on which the Authority serves the notice on the licensee.

[The context indicates that the cross-reference regarding notification should refer to subregulation (7) instead of subregulation (6).]

(9) The Authority must forthwith publish a notice of the aforesaid application or amendment in terms of sub-regulation (7) in the *Gazette* and invite the public to make written comments to the Authority within the time set out in the notice, which time may not be less than 14 days from the date of the publication.

[subregulation (9) substituted by General Notice 446/2021]

(10) The Authority will provide the opportunity to an applicant or licensee to respond to any written comments contemplated in subregulation (9).

[subregulation (10) substituted by General Notice 446/2021]

(11) An applicant's or licensee's response to public comments must be submitted in writing to the Authority within the time set out by the Authority, which time may be not less than 14 days from the deadline for the submission of public comments or if the notice for submissions of responses is published in a subsequent *Gazette*, not less than 14 days from the date of that publication.

[subregulation (11) inserted by General Notice 446/2021]

(12) The times for the submissions of public comments and applicant or licensee's responses are to be determined by the Authority in lights of the nature of the application or amendment (in terms of sub-regulation 7).

**[Subregulation (12) is inserted by General Notice 446/2021.
The word "lights" should be "light" in the phrase "in lights of the nature of the application".]**

(13) The Authority may consider written submissions not timeously filed if, in its opinion, it is practical to do so.

[subregulation (13) inserted by General Notice 446/2021]

(14) The Authority may request further written submissions, such as for further information or clarification, which must be provided to the Authority in the time and the manner set out by the Authority.

[subregulation (14) inserted by General Notice 446/2021]

(15) All written submissions must -

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- (a) contain the name and contact details of the person making the written submissions or the name and contact details of the person for whom the written submission is made, if different;
- (b) be clear and concise; and
- (c) conform to any further requirements determined by the Authority from time to time.

[subregulation (15) inserted by General Notice 446/2021]

(16) After considering any application made in terms of this regulation and any written or oral submissions, if any referred to herein, the Authority may refuse or grant the application, in whole or in part.

[Subregulation (16) is inserted by General Notice 446/2021.
The phrase “if any referred to herein” is redundant.]

(17) If the Authority grants application the Authority must amend the spectrum license in the form determined and subject to the conditions imposed by the Authority.

[Subregulation (17) is inserted by General Notice 446/2021.
The word “the” or “an” appears to be missing after the phrase “If the Authority grants”.]

(18) After considering any written or oral submissions in respect of an amendment envisaged in subregulation 7 or in case of absence of comments thereof, the Authority may amend or refrain from amending the spectrum licence.

[subregulation (18) inserted by General Notice 446/2021]

(19) The Authority must whether or not requested by an applicant or licensee, furnish reasons for its decision to grant or amend the spectrum license.

[subregulation (19) inserted by General Notice 446/2021]

Renewal of spectrum license

13. (1) A licensee to whom a spectrum license has been issued in terms of **Part 3** and that also holds a telecommunications or broadcasting licence may upon the expiry of the spectrum license apply to the Authority for renewal of that licensee’s spectrum licence.

(2) An application referred to in subregulation (1) must be made on a form that substantially corresponds to **Form CRAN 8** set out in Annexure 3 of the Regulations Prescribing Forms For Applications.

(3) An applicant must, not earlier than six months and not later than 60 days before the date of expiration of a spectrum licence referred to in subregulation (1), submit to the Authority -

- (a) an application for renewal of such licence; or
 - (b) written notice of the licensee’s intention to terminate the licence.
- (4) The application must -
- (a) specify the details of the spectrum licence and include a copy of the said licence;

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- (b) set out the full and official name of the applicant and if a natural person, the identity number of that person, and if a juristic person, the registration number of that person;
- (c) set out the name of the contact person (if different from the applicant) and the following contact details -
 - (i) physical address;
 - (ii) postal address;
 - (iii) telephone number or numbers;
 - (iv) facsimile numbers or numbers; and
 - (v) electronic mail address or addresses.
- (d) provide documented proof of adherence to the conditions attached to the spectrum licence for consideration by the Authority;
- (e) set out a complete and accurate statement detailing any action taken by the Authority or other entity with competent jurisdiction in relation to any breach or alleged breach by the licensee of the Act, these Regulations or the licensee's spectrum licence; and
- (f) include any other information the applicant believe might be relevant to the Authority in considering the application.

[The phrase "any other information the applicant believe might be relevant" was probably intended to be "any other information the applicant believes might be relevant".]

(5) If the Authority has not reached a decision in connection with an application for the renewal of a spectrum licence referred to in subregulation (1) at the time when the period of validity of that license expires, such licence continues to be of effect pending such decision.

(6) A spectrum license referred to in subregulation (1) may be renewed for the same period referred to in **regulation 11(1)(b)** except if the Authority decides to hold a spectrum auction in respect of the radio frequency spectrum conferred on the licensee concerned in accordance with Part 3.

(7) An application referred to in subregulation (1) must be accompanied by any fee payable in terms of the Regulations Setting Out Fees For Spectrum Licenses, Certificates and Examinations.

(8) The Authority may, when considering an application for the renewal of a spectrum licence in terms of subregulation (1), require any additional information as it deems necessary to make a finding.

(9) The Authority may decline to renew a spectrum licence in terms of this regulation if -

- (a) the licensee has contravened the Act or one or more conditions of that licence; or

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- (b) the renewal of that licence will not be in accordance with the Act or these Regulations.
- (10) If a licensee referred to in **Part 2** -
 - (a) fully settles the invoice issued by the Authority payable for the ensuing year in respect of the spectrum license issued to that licensee in terms of that Part, the licensee's spectrum license is automatically renewed for that ensuing year; or
 - (b) fails to settle the invoice referred to in paragraph (a), the licensee's spectrum license automatically lapses.

Transfer of spectrum license

14. (1) A spectrum license must be used solely by the holder thereof and such license or the control thereof is only transferable to another person with the prior approval of the Authority upon application for such transfer by such other person.

(2) An application for the transfer of a licence or control of a licence must be made on a form that substantially corresponds to **Form CRAN 6** set out in the Regulations Prescribing Forms For Applications.

(3) The Authority must be notified in writing of any transfer of ownership interests in a licensee not resulting in a transfer of control or a transfer of the license at least 14 days prior to the effective date of such transfer.

(4) The application referred to in subregulation (2) must be accompanied by the following information and documentation, namely -

- (a) the details of the spectrum licence and a copy thereof;
- (b) the full and official name of the applicant, and if the applicant is a juristic person, the registration number of that person;
- (c) the name of a contact person responsible for liaison with the Authority on issues pertaining to these Regulations and the following contact details of that person -
 - (i) physical address;
 - (ii) postal address;
 - (iii) telephone number or numbers;
 - (iv) facsimile number or numbers; and
 - (v) electronic mail address or addresses;
- (d) full details of all ownership interests in the applicant, including the identity and nationality of holders of such ownership interests and if the holder of any ownership interests is a juristic person, full details of all ownership interests in the juristic person;
- (e) full details regarding foreign ownership interests in the applicant, if any;

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- (f) comprehensive reasons for the transfer of the license or control thereof;
- (g) where the applicant is a company or close corporation, a certificate of incorporation issued by the relevant official employed by the Ministry responsible for Trade;
- (h) a detailed statement of the expertise and experience of the applicant to render the services for which the spectrum license was issued (in this regulation referred to as “the services”) including but not limited to -
 - (i) evidence of the financial and human resources of the applicant necessary to render the services; and
 - (ii) a description of the key personnel of the applicant, including their detailed curricula vitae; and
- (i) any other information required by the Authority or that the applicant believes might be relevant to the Authority in considering the application.

(5) An application referred to in subregulation (2) must be accompanied by any fee payable in terms of the Regulations Setting Out Fees For Spectrum Licenses, Certificates and Examinations.

(6) The Authority must, after having satisfied itself that an applicant complies with subregulation (4) approve the transfer of the spectrum license in the form determined, and subject to the conditions imposed, by the Authority.

(7) If the Authority approves the transfer of spectrum license, it must endorse on such license the details of the new licensee having control of the license or to whom the license was transferred.

Refusal to issue or approve the transfer of a spectrum license

15. (1) If the Authority intends to refuse to issue or approve the transfer of a spectrum license, the Authority must inform the applicant of the reasons for such intended refusal and invite the applicant to make written submissions on why such issue or transfer should not be refused.

(2) After consideration of the written submissions referred to in subregulation (1), the Authority may, in the form determined, and subject to the conditions imposed, by the Authority -

- (a) issue to the applicant a spectrum license;
- (b) approve the transfer of the spectrum license to the applicant; or
- (c) refuse to issue or approve the transfer of the spectrum license, whereupon the Authority must inform the applicant of the reasons for such refusal.

Withdrawal and lapse of spectrum licence

16. (1) If a licensee intends to permanently discontinue providing the services for which the spectrum license was issued, it must request the Authority to withdraw its licence by submitting to the Authority an application on a form that substantially corresponds to **Form CRAN 9** set out in the Regulations Prescribing Forms For Applications.

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- (2) The application referred to in subsection (1) must -
- (a) specify the details of the spectrum licence and include a copy thereof;
- [The word “specify” should be part of the introductory phrase instead of being part of paragraph (a) to make the subsequent paragraphs read properly.]**
- (b) the full and official name of the applicant, and if the applicant is a juristic person, the registration number of that person;
- (c) the name of a contact person responsible for liaison with the Authority on issues pertaining to these Regulations and the following contact details of that person -
- (i) physical address;
- (ii) postal address;
- (iii) telephone number or numbers;
- (iv) facsimile number or numbers; and
- (v) electronic mail address or addresses;
- (d) set out a complete, accurate and concise statement of the reason or reasons for the proposed withdrawal;
- (e) set out the date the licensee intends to permanently discontinue providing service which date must be at least 60 days after the date the application is submitted;
- (f) contain -
- (i) a migration plan for any customer of the licensee that may be affected by the withdrawal of the spectrum license;
- (ii) an analysis of the impact of such withdrawal on such affected customers;
- (iii) a communication plan to affected customers;
- (g) contain an inventory of radio apparatus employed by the licensee and an e-waste management plan;
- (h) indicate whether the licensee has paid all fees payable to the Authority in relation to the spectrum licence; and
- (i) include any other information the applicant believes might be relevant to the Authority in considering the application.
- (3) The Authority may before approving an application referred to in subregulation (1) -
- (a) request further information or documentation, which must be provided to the Authority in the time and the manner set out by the Authority;

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- (b) conduct a public hearing in terms of the Act; or
- (c) following consultation with the licensee impose reasonable conditions on the licensee with respect to the migration of customers of the licensee or end-users.
- (4) Subject to subregulation (5), a spectrum license issued to a licensee -
 - (a) who does not hold a telecommunications service license or broadcasting license automatically lapses after the end of the period referred to in **regulation 11(1)(b)** in which event subregulation (3) applies;
 - (b) who holds a telecommunications service license or a broadcasting license automatically lapses if that telecommunications service license or broadcasting license terminates or lapses; and
 - (c) in terms of these Regulations automatically lapses if the licensee fails to pay the applicable fees in terms of the Regulations Setting Out Fees For Spectrum Licenses, Certificates and Examinations by the due date indicated on the invoice the Authority issued to the licensee, in which event **regulation 17** applies.

(5) Notwithstanding subregulation (4)(c), the Authority may, upon good cause shown, condone the late payment of the applicable fees payable in terms of that subregulation, in which event the spectrum license will subject to regulation 11(1)(a) continue to be valid.

(6) The Authority must forthwith publish a notice of the aforesaid application in the Gazette and invite the public to make written comments to the Authority within the time set out in the notice, which time may not be less than 14 days from the date of the publication.

[subregulation (6) inserted by General Notice 446/2021]

(7) The Authority will provide the opportunity to an applicant to respond to any written comments contemplated in sub-regulation (6).

[subregulation (7) inserted by General Notice 446/2021]

(8) An applicant's response to public comments must be submitted in writing to the Authority within the time set out by the Authority, which time may be not less than 14 days from the deadline for the submission of public comments or if the notice for submissions of responses is published in a subsequent *Gazette*, not less than 14 days from the date of that publication.

[subregulation (8) inserted by General Notice 446/2021]

(9) The times for the submissions of public comments and applicant or licensee's responses are to be determined by the Authority in lights of the nature of the application.

**[Subregulation (9) is inserted by General Notice 446/2021.
The word "lights" should be "light" in the phrase "in lights of the nature of the application".]**

(10) The Authority may consider written submissions not timeously filed if, in its opinion, it is practical to do so.

[subregulation (10) inserted by General Notice 446/2021]

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(11) The Authority may request further written submissions, such as for further information or clarification, which must be provided to the Authority in the time and the manner set out by the Authority.

[subregulation (11) inserted by General Notice 446/2021]

- (12) All written submissions must -
- (a) contain the name and contact details of the person making the written submissions or the name and contact details of the person for whom the written submission is made, if different;
 - (b) be clear and concise; and
 - (c) conform to any further requirements determined by the Authority from time to time.

[subregulation (12) inserted by General Notice 446/2021]

(13) After considering any application made in terms of this regulation and any written or oral submissions, if any referred to herein, the Authority may refuse or grant the application, in whole or in part.

[Subregulation (13) is inserted by General Notice 446/2021.
The phrase "if any referred to herein" is redundant.]

(14) The Authority must whether or not requested by an applicant or licensee, furnish reasons for its decision to withdraw or refuse to withdraw the spectrum license.

[Subregulation (14) is inserted by General Notice 446/2021. There should be a comma before the phrase "whether or not requested by an applicant or licensee" to offset that phrase properly.]

Procedures where licensee does not renew spectrum license or license lapses

17. (1) In the event that a licensee failed to renew a spectrum license or that license lapses and the licensee continues to use the radio frequency spectrum after the end of that licensee's license year, the Authority must prior to seizing or sealing radio apparatus or equipment used in rendering the services related to the license -

- (a) issue an appropriate punitive notice to the person in question as set out in the Penalty Regulations, 2019; and

[The Penalty Regulations were published in 2020 in General Notice 159/2020.]

- (b) in such notice require the person in question to inform the person's end-users, customers or subscribers, if any, within the period stated in the notice of the date on which the person will discontinue using the radio frequency spectrum.

[paragraphs (a) and (b) substituted by General Notice 159/2020]

(2) Failure by a person to comply with subregulation (1) may result in the sealing, altering or seizure of apparatus or equipment as anticipated in section 102 of the Act.

[subregulation (2) deleted by General Notice 159/2020,
and previous subregulation (3) substituted and renumbered as subregulation (2)]

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Material breaches of spectrum license

18. (1) Without limiting any other grounds on which the Authority may cancel a spectrum licence in terms of the Act, the following events, whether specified as a licence condition or not, constitute material breaches of a spectrum licence by a licensee justifying the cancellation or suspension of the licence concerned:

- (a) failure by the licensee to -
 - (i) offer services within six months of the issue of the licence;
 - (ii) meet any material quality of service targets as may be determined by the license conditions applicable to the licence;
 - (iii) comply with any material roll-out obligations imposed by the Authority upon the licensee;
 - (iv) pay any penalty imposed by the Authority in terms of the Act or these Regulations;
 - (v) comply with a material license condition;
 - (vi) comply with material obligations relating to the power output or location of radio frequency transmitters; or
 - (vii) pay any fees payable to the Authority in relation to a spectrum licence;
- (b) insolvency of a licensee or its liquidation in terms of any laws in force in Namibia or any other country; or
- (c) submission of false or deliberately misleading information to the Authority in respect of an applications for a spectrum license.

[The phrase “an applications” should be “an application” to be grammatically correct.]

(2) In considering whether there was a material breach of a spectrum licence, the Authority must consider -

- (a) the severity of the breach;
- (b) the circumstances giving rise to the breach; and
- (c) any adverse impact occasioned by the breach.

[The word “occasioned” is misspelt in the *Government Gazette*, as reproduced above.]

Cancellation of spectrum licence

19. (1) If the Authority is satisfied that a licensee has in terms of **regulation 18** committed a material breach of its spectrum licence the Authority may be written notice to that licensee inform the licensee that the Authority intends to cancel such spectrum licence and in such notice state the grounds for such intended action.

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[The phrase “be written notice” should be “by written notice”.]

(2) A spectrum licensee may, within 30 days from the date of receipt of a notice referred to in subregulation (1), make written representations to the Authority in connection with this matter.

(3) After consideration of the representations referred to in subregulation (2) or, if no such representation have been made, upon expiry of the period mentioned in that subregulation the Authority may -

[The phrase “no such representation” should be “no such representations” to fit the verb “have”.]

- (a) if it is satisfied that it is just and equitable to do so in a particular case, by written notice to the licensee withdraw the notice referred to in subregulation (1); or
- (b) by written notice to the licensee and by notice published in the *Gazette* cancel the spectrum licence referred to in subregulation (1) and prohibit such spectrum licensee with effect from a date specified in those notices, from providing services in respect of which such spectrum license was licensed.

PART 5

EXEMPTIONS FROM OBLIGATION TO OBTAIN SPECTRUM LICENSE

Categories of radio apparatus exempt from spectrum license

20. The use and possession of the categories of radio apparatus set out in **Annexure B** do not require a spectrum licence in Namibia, provided that the conditions imposed on those categories radio apparatus are adhered to.

[The phrase “categories radio apparatus” should be “categories of radio apparatus”.]

Conditions of use of radio apparatus exempt from spectrum license

21. (1) The use and possession of the categories of radio apparatus set out in column B of the table included in **Annexure B**, must be in accordance with the frequencies, limitations, specifications and standards set out in columns A, C, D, and E of the table.

(2) Prior to use and possession of radio apparatus without a spectrum licence in Namibia, the radio apparatus must be type-approved by the Authority, or upon request to the Authority, by any other regulatory authority in a country other than Namibia in accordance with the Regulations In Respect of Type Approval And Technical Standards For Telecommunications Equipment published under General Notice No. 22 of 30 Januray 2015.

[The word “January” is misspelt in the *Government Gazette*, as reproduced above.]

(3) The use and possession of radio apparatus without a spectrum licence in Namibia, may not cause interference to any person operating radio apparatus or otherwise using radio frequency spectrum in accordance with a licence issued or deemed to have been issued by the Authority under the Act or any Regulations made under the Act.

(4) The use and possession of radio apparatus without a spectrum licence in Namibia, must accept interference from any person operating radio apparatus or otherwise using spectrum

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in accordance with a licence issued or deemed to have been issued by the Authority under the Act or any Regulations made under the Act.

PART 7
**AMENDMENT OF REGULATIONS REGARDING LICENSING PROCEDURES FOR
TELECOMMUNICATIONS AND BROADCASTING SERVICE LICENSES AND
SPECTRUM USE LICENSES**

Definitions

22. For purposes of this Part, “the Regulations” means the Regulations Regarding Licensing Procedures For Telecommunications and Broadcasting Service Licenses and Spectrum Use Licenses published under General Notice No. 272 of 29 August 2011.

Amendment of title of the Regulations

23. The Regulations are amended by -

(a) the substitution for the title of the following title -

“Regulations Regarding Licensing Procedures For Telecommunications and Broadcasting Service Licenses”;

(b) the deletion of the words “spectrum use” wherever it occurs.

[The phrase “it occurs” should be “they occur” to accord with the subject “the words”.]

Amendment of regulation 3 of the Regulations

24. Regulation 3 of the Regulations is amended by the deletion of subregulation (3).

Deletion of regulation 6 of the Regulations

25. Regulation 6 of the Regulations are deleted.

[The verb “are” should be “is”.]

Transitional arrangements

26. (1) Any spectrum license issued to a licensee in terms of the Regulations prior to the commencement of these Regulations is deemed to be issued in terms of these Regulations, subject to all conditions attached to such license.

(2) Any proceedings in connection with an application for a license still pending at the date of commencement of these Regulations must, with effect from that date, be deemed to be an application in terms of these Regulations and must further be administered, considered and completed by the Authority hereunder.

(3) A licensee to whom a spectrum license has been issued in terms of the Regulations is deemed to have been issued such license in terms of these Regulations.

PART 8
ENFORCEMENT

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27.

[regulation 27 deleted by General Notice 159/2020]

Penalties

28. (1) Any licensee that fails to submit information or adhere to any regulation, is guilty of contravening these regulations.

(2)

(3)

(4)

(5)

(6)

[subregulations (2)-(6) deleted by General Notice 159/2020]

PART 9
GENERAL

Oral hearings and call for written submissions

29. (1) If the Authority considers it necessary or appropriate, it may hear oral submissions in respect of any application made in terms of these regulations.

(2) The Authority must invite the public to make oral submissions at least 14 days prior to any hearing convened in terms of this regulation.

(3) Unless otherwise specified by the Authority, hearings will be open to the public.

(4) The format and agenda of the hearing is at the discretion of the Authority, depending on the nature of the proceeding, provided however, that the hearing should be informal in nature.

[The verb "is" should be "are" to be grammatically correct ("format and agenda... are").]

(5) All oral submissions must -

(a) include a statement indicating the name and contact details of the person making the oral submission or the name and contact details of the person for whom the oral submission is made, if different;

(b) be clear and concise; and

(c) conform to any further requirements determined by the Authority from time to time.

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(6) If the Authority considers it necessary, it will provide the opportunity to a licensee or applicant to respond to oral submissions.

(7) The Authority may request further oral or written submissions, for example, further information or clarification, which must be provided to the Authority in the time and the manner set out by the Authority.

(8) At the conclusion of the hearing, a concise report summarizing the oral submissions must be prepared and place in the relevant application file by the Authority.

[The word “place” should be “placed”.]

(9) The Authority may, in its sole discretion follow the procedures set out in **regulation 4(6) to (13)** in respect of any application for the amendment, renewal, transfer and cancellation of any spectrum licence.

[There should be a comma after the phrase
“in its sole discretion” to offset that phrase properly.]

Accounts

30. A licensee must comply with the such cost accounting procedures and reporting as the Authority may from time to time direct in writing.

[The word “the” is superfluous in the phrase
“the such cost accounting procedures and reporting”.]

Time frames for decisions

31. (1) If any applicant does not provide all of the information required by these Regulations in the time provided, the Authority may refuse to issue a spectrum license or approve the transfer of such license.

(2) The Authority must, in respect of any license application or application for transfer or amendment of a license make a decision within 60 days from the date of the last written submissions of the applicant.

[There should be a comma after the phrase “in respect of any license application or application for transfer or amendment of a license” to properly offset that phrase.]

(3) In the event the Authority is unable to render a decision within 60 days of the date of an applicant’s last written submissions, the Authority will inform the applicant of its inability and the reasons for such inability and what measures are being taken to address the matter urgently, which matter must then be addressed within a further maximum period of 60 days, unless the Authority has identified extraordinary circumstances, beyond its reasonable control that makes it impossible to render its decision within the further maximum period of 60 days.

[The verb “makes” should be “make” to be grammatically correct: “circumstances... make”.
The comma after the word “circumstances” is superfluous.]

Confidential information

32. If a person has designated information or documentation submitted to the Authority as confidential, the provisions of section 28 of the Act apply.

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Record of proceedings

33. All documents deemed relevant by the Authority for purposes of any license application proceedings contemplated by the Act and these Regulations must be maintained by the Authority separately for each application proceeding in files located at the head office of the Authority and if practicable, may be uploaded on the Authority's website.

Publication of licensing decisions and register of licenses

34. (1) All decisions made in terms of these Regulations and the relevant provisions of the Act must be communicated to applicants and licensees and other relevant parties in writing, and may be published in the *Gazette*.

(2) The Authority's register of licenses maintained in terms of section 27(3) of the Act and copies of all spectrum licenses, will be held at the head offices of the Authority and if practicable, will be uploaded on the Authority's website.

(3) Except for confidential information, any person may inspect the register of licenses, examine an issued spectrum license or review license application proceedings files at the head offices of the Authority during normal business hours and copies may be made on payment of a fee determined by the Authority.

Reporting, monitoring and compliance

35. (1) The Authority may, in the format determined by the Authority, request information from licensees which is reasonably necessary to enable the Authority to discharge its functions and duties and to monitor and ensure compliance with the Act and these Regulations.

(2) Without limiting the generality of subregulation (1) the Authority may request information from licensees to -

- (a) monitor and enforce roll-out obligations, a licensee's quality of service, or compliance with license conditions;
- (b) ensure that radio frequency spectrum is used appropriately and efficiently and is not hoarded, in accordance with applicable standards and requirements of the International Telecommunication Union and its Radio Regulations, as agreed to or adopted by Namibia in terms of section 99(2) of the Act; or

[The word "efficiently" is misspelt in the *Government Gazette*, as reproduced above.]

- (c) collect and compile sectoral analyses, for purposes of planning, reporting or conducting regulatory enquiries which are reasonably necessary to enable the Authority to discharge its functions and duties and to monitor and ensure compliance with the Act and these Regulations.

(3) When requesting information in terms of this regulation, the Authority must provide a detailed specification of such request together with the deadline for the response and identify a contact person to whom queries may be directed.

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(4) All licensees must submit bi-annual reports to the Authority in July of each year for the period 1 January to 30 June and in January the next year for the period 1 July to 31 December of the preceding year, relating to -

- (a) location and coordinates of each site from which the licensee renders the services for which its spectrum license is issued;
- (b) the radio frequency spectrum used and the nature of technology employed in using the spectrum at each such site;

[The word “technology” is misspelt in the *Government Gazette*, as reproduced above.]

- (c) the power output of each transmitter, if any, installed at such site; and
- (d) any other information specified by the Authority, in the form specified by the Authority.

[The word “Authority” at the end of paragraph (d) is misspelt in the *Government Gazette*, as reproduced above.]

Reconsideration

36. (1) The Authority may in terms of section 31 of the Act reconsider any decision or order made in terms of these Regulations, within 90 calendar days from the date of making that decision or issuing that order.

(2) Any person (hereinafter “the requesting party”) may within 30 days of receiving any decision or order made by the Authority request the Authority in writing to reconsider decision or order subject to the following:

[There appears to be a word missing before the phrase “decision or order” in its second use in subregulation (2). It was perhaps intended to be “that decision or order” or “such decision or order”.]

- (a) The requesting party must comprehensively complete **Form 1** (hereinafter “the Reconsideration Form”) and submit that form to the Authority within 30 days from date of receipt of the Authority’s decision or order.

[The article “the” appears to be missing before the phrase “date of receipt”.]

- (b) The Authority must within three days of receipt of the Reconsideration Form determine whether there are grounds for reconsideration.
- (c) Where there are no valid grounds for reconsideration, the Authority must forthwith notify the requesting party of its decision and close the file pertaining to the dispute.
- (d) Where the Authority considers that the request for reconsideration should be heard, the Authority must provide a copy of the Reconsideration Form to any party with a direct or substantial interest in the matter and simultaneously notify the requesting party of its decision within 7 days from the lapse of the period referred to in paragraph (b).

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- (e) A party with a direct or substantial interest referred to in paragraph (d) must deliver a response in writing to the request for reconsideration within a period of 14 days of receipt of the Reconsideration Form.
- (f) Upon receipt of the response referred to in paragraph (e), the Authority must deliver that response to the requesting party and afford that party 14 days from receipt of the response to reply thereto.
- (g) The Authority must thereafter, subject to subregulation (3), make a determination on whether or not to reconsider its decision or order.

(3) The Authority may publish its determination on reconsideration without further submissions having been received, or it may provide an opportunity to the public to provide further written or oral submissions, prior to making a determination contemplated in subregulation (2)(g), in a manner stated by the Authority.

Condonation

37. (1) In the event that any party is unable to comply with any timeframe set out in these Regulations, it may request from the Authority an extension of time at least 14 days prior to the deadline set out or within such other timeframe agreed by the Authority upon good cause shown.

(2) The Authority will respond to the request for condonation as soon as practicable, and may either grant or deny the request, at its sole discretion, based on, amongst other things, the nature of the proceeding and the reasons for non-compliance.

Ex parte communications

38. A person may not communicate with the members of the Board, the chief executive officer or any staff member of, or consultant of the Authority, to discuss the subject matter of an application pending in terms of these Regulations, except as provided for herein.

ANNEXURES

To view content without printing, scroll down.

To print at full scale (A4), double-click the icon below.



Annexure A



Annexure B

[Annexure B is amended by General Notice 152/2020. General Notice 446/2021 repeals the amendments made to Annexure B by General Notice 152/2020 and substitutes Annexure B in its entirety. Annexure B is again substituted by General Notice 161/2023.]

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ANNEXURE A

**FORM 1
RECONSIDERATION FORM (REGULATION 36(2))**

In terms of regulation 36(2) of the Regulations Prescribing Procedures Regarding Application For, And Amendment, Renewal Or Transfer Of Spectrum Licences, applications for reconsideration must be submitted on this form within thirty (30) days from date of receipt of the Authority's decision.

A. APPLICANT

APPLICANT:

Physical Address: _____

Postal Address: _____

Telephone number(s): _____

Facsimile number(s): _____

Electronic mail address(es): _____

B. CONTACT PERSON (IF DIFFERENT FROM APPLICANT)

Contact Person: _____

Physical Address: _____

Postal Address: _____

Telephone number(s): _____

Facsimile number(s): _____

Electronic mail address(es): _____

C. RESPONDENT

Respondent: _____

Contact Person: _____

Physical Address: _____

Postal Address: _____

Telephone number(s): _____

Facsimile number(s): _____

Electronic mail address(es): _____

D. SUMMARY OF GROUNDS FOR RECONSIDERATION

Provide an accurate and concise statement of the grounds illustrating why the Authority should reconsider its decision.

E. RELIEF SOUGHT

Provide a clear and concise statement of the specific relief or remedy sought.

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F. LIST OF DOCUMENTS SUPPORTING REQUEST FOR RECONSIDERATION

Provide a detailed list of the documents you wish to use in support of your request for reconsideration. Please further ensure that the listed documents are attached to this form.

G. ANY OTHER INFORMATION

Provide any other relevant information.

Signed by _____ at _____ in his/her/its
capacity as _____, duly authorised and warranting such authority and
warranting that the information provided herein is true and correct, on the _____ day
of _____, 20 ____.

Signature

ACKNOWLEDGEMENT OF RECEIPT BY CRAN:

1.	Name:	
2.	Date:	
3.	Place:	
4.	Signature:	

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ANNEXURE B

RADIO APPARATUS EXEMPT FROM SPECTRUM LICENSE

Explanation:

1. The use or possession of the radio apparatus listed in Column B below, in accordance with the specifications listed in Columns A, C, D and E of the Table below does not require a spectrum license.
2. Use and possession of all radio apparatus exempt in terms of the above table must comply with the following:
 - 2.1 All radio apparatus must be type-approved by the Authority or by the Independent Communications Authority of South Africa or, upon request to the Authority, by any other regulatory authority in a country other than Namibia or South Africa.
 - 2.2 The frequencies, transmitting power and external high-gain antenna of the radio apparatus must not be altered without a new type-approved certificate issued by the Authority or any other regulatory authority referred to in paragraph 2.1.
 - 2.3 The radio apparatus must be operated within, and not exceed, the technical parameters set out in each of the applicable Column's C and D of the Table with respect to the frequency band, maximum radiated power or field strength limits and channel spacing, relevant standards and duty cycles and antennas to be used and contained in Column E.

[The word "Columns" should not contain an apostrophe.]
 - 2.4 The antenna of the radio apparatus must not be higher or above average ground level than the lowest point of the place where the radio apparatus operates effectively.
 - 2.5 The radio apparatus may not cause interference with any licensed radio frequency spectrum.
 - 2.6 The user of the radio apparatus in the license-exempt frequency spectrum operates on a non-interference and zero protection basis from interference.

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ANNEXURE B
RADIO APPARATUS EXEMPT FROM SPECTRUM LICENSE

[Annexure B is amended by General Notice 152/2020. General Notice 446/2021 repeals the amendments made to Annexure B by General Notice 152/2020 and substitutes Annexure B in its entirety. Annexure B is again substituted by General Notice 161/2023.]

Explanation:

1. The use or possession of the radio apparatus listed in Column B below, in accordance with the specifications listed in Columns A, C, D and E of the Table below does not require a spectrum license.
2. Use and possession of all radio apparatus exempt in terms of the above table must comply with the following:
 - 2.1 All radio apparatus must be type-approved by the Authority or by the Independent Communications Authority of South Africa or, upon request to the Authority, by any other regulatory authority in a country other than Namibia or South Africa.
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 - 2.3 The radio apparatus must be operated within, and not exceed, the technical parameters set out in each of the applicable Column's C and D of the Table with respect to the frequency band, maximum radiated power or field strength limits and channel spacing, relevant standards and duty cycles and antennas to be used and contained in Column E.

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 - 2.4 The antenna of the radio apparatus must not be higher or above average ground level than the lowest point of the place where the radio apparatus operates effectively.
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 - 2.6 The user of the radio apparatus in the license-exempt frequency spectrum operates on a non-interference and zero protection basis from interference.

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Frequency band	Typical Applications	Maximum power or magnetic field strength	Duty Cycle restriction	Prescribed Channel Spacing	Harmonised Standard	Notes (Additional Information)
8.3-9kHz	Inductive applications	82 dB μ A/m at 10m	None	None	EN 300 330	Antenna size of $< 1/20 \lambda$ (see note 1) RFIDs operating in the frequency sub-band 119-135 kHz shall meet the spectrum mask given in EN 300 330. This will permit a simultaneous use of the various sub-bands within the range 90 – 148.5 kHz (Note 11)
9-90 kHz		72 dB μ A/m at 10m				
90-119 kHz		42 dB μ A/m at 10m				
119-135 kHz		66 dB μ A/m at 10m				
135-140 kHz		42 dB μ A/m at 10m				
140-148.5 kHz		37.7 dB μ A/m at 10m				
9-315 kHz		Active medical implants				
400-600 kHz	Inductive applications	-8 dB μ A/m at 10 m				For RFID only
442.2-450 kHz	Tracking, Tracing and Data Acquisition	7 dB μ A/m at 10m	None	Continuous wave (CW) - no modulation, channel spacing ≥ 150 Hz		

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456.9-457.1 kHz	Tracking, Tracing and Data Acquisition	7 dBµA/m at 10 m	None	Continuous wave (CW) at 457 kHz - no modulation		
3 155-3 400 kHz	Inductive applications	13.5 dBµA/m at 10m	None	None	EN 300 330	ITU-R M.1076 applies RR No. 5.116 applies
6 765-6 795 kHz	- Inductive applications - Non-specific SRDs	42 dBµA/m at 10m	None	None	EN 300 330	ISM band (RR No. 5.138)
7 400-8 800 kHz	Inductive applications	9 dBµA/m at 10m	None	None	EN 300 330	
10200-11000kHz	Inductive applications	9 dBµA/m at 10m	None	None	EN 300 330	
13553-13567 kHz	Inductive applications	42 dBµA/m at 10m 60 dBµA/m at 10m (for RFID and EAS only)	None	None	EN 302 291	ISM band (RR No. 5.150)
	Non-specific SRDs	10 mW e.r.p	None	None	EN 300 330	ISM band (RR No. 5.150)

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26957-27283 kHz	Inductive applications	42 dB μ A/m at 10m	None	None	EN 300 220	ISM band (RR No. 5.150) ERC/DEC/(01)16
	Model control (26990-27200 kHz)	100 mW e.r.p	None	10 kHz	EN 300 220	ERC/DEC/(01)10 (26.995 MHz, 27.045 MHz, 27.095 MHz, 27.145 MHz, 27.195 MHz)
	Non-specific SRDs	10 mW e.r.p.	None	None	EN 300 220 EN 300 330	ERC/DEC/(01)02
26990-27200 kHz	Non-specific SRDs	100 mW e.r.p	$\leq 0.1\%$	None		
29.7-47 MHz	Radio Microphones	10 mW e.r.p.	None	≤ 50 kHz		
30-37.5 MHz	Active Medical Implants	1 mW e.r.p.	$\leq 10\%$	None		
34.995-35.225 MHz	Model Control	100 mW e.r.p	None	10 kHz		Only flying models
40.66-40.7 MHz	Non-specific SRDs	10 mW e.r.p.	None	None	EN 300 220	ISM band (RR No. 5.150) ERC/DEC/(01)03
	Model control	100 mW e.r.p	None	10 kHz	EN 300 220	ERC/DEC/(01)12 (40.665 MHz, 40.675 MHz, 40.685 MHz, 40.695 MHz)
138.2-138.45 MHz	Non-specific SRDs	10 mW e.r.p.	$\leq 1\%$	None		
169.4-174 MHz	Radio Microphones	10 mW e.r.p.	None	≤ 50 kHz		

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169.4-169.5875MHz	Assistive listening devices	500 mW e.r.p.	None	≤ 50 kHz		
169.4-169.475 MHz	Tracking, Tracing and Data Acquisition	500 mW e.r.p.	≤ 10%	≤ 50 kHz		
169.4-169.4875 MHz	Non-specific SRDs (169.4-169.475 MHz)	500 mW e.r.p.	≤ 1%	≤ 50 kHz		
169.4875-169.5875 MHz	Non-specific SRDs (169.4-169.4875 MHz)	10 mW e.r.p.	≤ 1%			
	Non-specific SRDs	10 mW e.r.p.	≤ 0.001% duty cycle except for 00:00 h to 06:00 h local time where the duty cycle limit is ≤ 0.1%			
	Non-specific SRDs	10 mW e.r.p.	≤ 0.1%			
169.5875-169.8125 MHz	Non-specific SRDs	10 mW e.r.p.	None	≤ 50 kHz		
173.965-216 MHz	Assistive listening devices	10 mW e.r.p.	None	None		
174-216 MHz	Radio Microphones	50 mW e.r.p.	None	None		

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433.05-434.79 MHz	Non-specific SRDs	10 mW e.r.p. (433.05-434.79 MHz) 1 mW e.r.p. -13 dBm/10 kHz (433.05-434.79 MHz) 10 mW e.r.p. (434.04-434.79 MHz)	<10% (Note 1) None None	None None Up to 25 kHz	EN 300 220 EN 300 220 EN 300 220	(Note 2) Power density limited to -13 dBm/10 kHz for wideband modulation with a bandwidth greater than 250 kHz (Note 5) (Note 5)
401-402 MHz	Active medical implants and associated peripherals	25 µW e.r.p.	LBT or duty cycle ≤0.1% (Note 3), p21	25 kHz	EN 302 537	ITU-R RS.1346 ¹ Max occupied BW = 100 kHz
402-405 MHz		25 µW e.r.p.	(Note 4), p21	25 kHz	EN 301 839	ITU-R RS.1346 Max occupied BW = 300 kHz ERC/DEC/(01)17
405-406 MHz		25 µW e.r.p.	LBT or duty cycle ≤0.1% (Note 4), p21	25 kHz	EN 302 537	ITU-R RS.1346 Max occupied BW = 100 kHz
446 – 446.2 MHz	PMR446	500 mW		12.5 kHz	EN 300 296	

¹ Sharing between the meteorological aids service and medical implant communication systems (MICS) operating in the mobile service in the frequency band 401-406 MHz.

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470-694 MHz	Radio Microphones	50 mW e.r.p.	None	None		
862-863 MHz	Non-specific SRDs	25 mW e.r.p.	≤ 0.1%	≤ 350 kHz		
863-865 MHz	Wireless Audio applications	10 mW e.r.p.	None	None	EN 301 357	
	Non-specific SRDs	25 mW e.r.p.	≤ 0.1% duty cycle or LBT+AFA			
864.8-865 MHz	Wireless Audio applications	10 mW e.r.p.	None	50 kHz	EN 300 220	Narrow band analogue voice devices (only this band)
865-868 MHz	Non-specific SRDs	25 mW e.r.p.	≤ 1% duty cycle or LBT +AFA			

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	Tracking, Tracing and Data Acquisition	500 mW e.r.p.	Adaptive Power Control (APC) required for spectrum sharing (note 1) and the following duty cycle restrictions also apply: $\leq 10\%$ duty cycle for network access points; $\leq 2..5\%$ duty cycle otherwise	≤ 200 kHz		
865.0-865.6 MHz	RFID	100 mW e.r.p.	None	200 kHz	EN 302 208	(Note 13)
865.6-867.6 MHz		2 W e.r.p.	None	200 kHz	EN 302 208	
867.6-868.0 MHz		500 mW e.r.p.	None	200 kHz	EN 302 208	

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Frequency band	Typical Applications	Maximum power or magnetic field strength	Duty Cycle restriction	Prescribed Channel Spacing	Harmonised Standard	Notes (Additional information)
863-870 MHz	Non-specific SRDs	≤ 25 mW e.r.p.	≤ 0.1% or LBT (notes 1 and 5)	≤ 100 kHz for 47 or more channels (note 3)	EN 300 220	FHSS modulation Note 4, Note 2, Note 7 and Note 9 Note (TZA)
863-870 MHz	Non-specific SRDs	≤ 25 mW e.r.p. (note 7) Power density : - 4.5 dBm/100 kHz (note 8)	≤ 0.1% or LBT+AFA (notes 1, 6 and 7)	No spacing	EN 300 220	DSSS and other wideband modulation other than FHSS (Notes 2, 4, 7 and 9) Note (TZA)
		≤ 25 mW e.r.p.	≤ 0.1% or LBT+AFA (notes 1 and note 6)	≤ 100 kHz, for 1 or more channels. Modulation bandwidth ≤ 300 kHz (note 3)		Narrow/wide-band modulation (Notes 2, 4, 7 and 9) Note (TZA)
868-868.6 MHz	Non-specific SRDs	≤ 25 mW e.r.p.	≤ 1% or LBT+AFA (note 1)	No spacing, for 1 or more channels (note 3)	EN 300 220	Narrow / wide-band modulation. No channel spacing, however the whole stated frequency band may be used (Note 2)
868.6-868.7 MHz	Alarms	10 mW e.r.p.	≤ 1%	25 kHz	EN 300 220	Or whole band may be used as 1 channel
868.7-869.2 MHz	Non-specific SRDs	≤ 25 mW e.r.p.	≤ 0.1% or LBT+AFA (note 1)	No spacing, for 1 or more channels (note 3)	EN 300 220	Narrow / wide-band modulation. No channel spacing, however the whole stated frequency band may be used Note (TZA)

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869.25-869.3 MHz	Alarms	10 mW e.r.p.	< 0.1%	25 kHz	EN 300 220	Note (TZA)
869.2-869.25 MHz	Alarms	10 mW e.r.p.	< 0.1%	25 kHz	EN 300 220	Social alarms Note (TZA)
869.3-869.4 MHz	Alarms	10 mW e.r.p.	< 1%	25 kHz	EN 300 220	Note (TZA)
869.400-869.650 MHz	Non-specific SRDs	≤ 500 mW e.r.p.	≤ 10% or LBT+AFA (note 1)	25 kHz (for 1 or more channels)	EN 300 220	Narrow / wide-band modulation The whole stated frequency band may be used as 1 channel for high speed data transmission Note (TZA)
869.65-869.7 MHz	Alarms	25 mW e.r.p.	< 10%	25 kHz	EN 300 220	Note (TZA)
869.700-870.000 MHz	Non-specific SRDs	≤ 5 mW e.r.p.	No requirement	No spacing (for 1 or more channels)	EN 300 220	Narrow / wide-band modulation. No channel spacing, however the whole stated frequency band may be used (Note 5) Note (TZA)
		≤ 25 mW e.r.p.	up to 1% or LBT+AFA (note 1)			

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870-874.4 MHz	Tracking, Tracing and Data Acquisition	500 mW e.r.p.	Adaptive Power Control (APC) required for spectrum sharing (note 1) and the following duty cycle restrictions also apply: ≤10% duty cycle for network access points; ≤ 2.5% duty cycle otherwise	≤ 200 kHz		

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	Non-specific SRDs.	25 mW e.i.r.p.	≤ 1% duty cycle. For ER-GSM protection (873-876 MHz, where applicable); the duty cycle is limited to ≤ 0.01% and to a maximum transmit on time of 5ms/1s	≤ 600 kHz		
2 446-2 454 MHz	RFID	≤ 500 mW e.i.r.p.	None	None	EN 300 440	2 400-2 500 is a ISM band (RR No. 5.150) (Note 12)
2 446-2 454 MHz		> 500 mW – 4 W e.i.r.p.	≤ 15% FHSS techniques should be used	None	EN 300 440	2 400-2 500 is a ISM band (RR No. 5.150) Power levels above 500 mW are restricted to be used inside the boundaries of a building and the duty cycle of all transmissions shall in this case be ≤ 15 % in any 200 ms period (30 ms on / 170 ms off). (Note 12)

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2 400-2 483.5 MHz	Non-specific SRDs	10 mW e.i.r.p.	None	None	EN 300 440	2 400-2 500 is a ISM band (RR No. 5.150)
	Wideband Data Transmission systems (WAS/RL/ANS)	100 mW e.i.r.p.	Sec Rec 70-03 note 1 (p9)	None	EN 300 328	2 400-2 500 is a ISM band (RR No. 5.150)
	Radiodetermination	25 mW e.i.r.p.	None	None	EN 300 440	ERC/DEC/(01)07 2 400-2 500 is a ISM band (RR No. 5.150) ERC/DEC/(01)08
2483.5-2500 MHz	Active Medical Implants	10 dBm e.i.r.p.	LBT+AFA and \leq 10% duty cycle. The equipment shall implement a spectrum access mechanism as described in the applicable harmonised standard or an equivalent spectrum access mechanism	1 MHz		For Low Power Active Medical Implants and associated peripherals, covered by the applicable harmonised standard. Individual transmitters may combine adjacent channels on a dynamic basis for increased bandwidth higher than 1 MHz. Peripheral units are for indoor use only.

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5 150-5 350 MHz	Wideband Data Transmission systems (WAS/RLANs)	200 mW mean e.i.r.p. See note 4, p9	See notes 1 and 3 (p9)	None	EN 301 893	ECC/DEC(04)08 Restricted to indoor use. The maximum mean e.i.r.p. density shall be limited to 10 mW/MHz in any 1 MHz band For RLANs Resolution 229 (WRC-19) applies.
5 470-5 725 MHz	Wideband Data Transmission systems (WAS/RLANs)	250 mWe.r.p	See notes 1 and 3 (p9)	None	EN 301 893	ECC/DEC(04)08 Indoor as well as outdoor use allowed. The maximum mean e.i.r.p. density shall be limited to 50 mW/MHz in any 1 MHz band In MWI, TZA and ZMB this band is used for BFWA on a licensed basis.
5 725-5 875 MHz	Wideband data transmission BFWA is limited to 5725 - 5850 MHz (to protect satellite)	PTP/PTMP: max mean e.i.r.p = 4 W Mesh/AP-MP: max mean e.i.r.p = 2 W			EN 302 502	ISM band (RR No. 5.150) One of the main bands for wideband data transmission and BFWA (incl. Wi-Fi in laptops, cell phones, etc.) ECC/REC(06)04 refers In MWI this band is used for BFWA on a licensed basis. In AFS this band can be used up to 8W in specific circumstances (refer to national regulations) Footnote 5.453 (WRC-19) applies

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5725-5875 MHz	Tracking, Tracing and Data Acquisition	400 mW e.i.r.p. Adaptive Power Control (APC) required	Adequate spectrum sharing mechanisms (e.g. DFS and DAA) shall be implemented	≥ 1 MHz and ≤ 20 MHz		
5725-5875 MHz	Non-specific SRDs	25 mW e.i.r.p.	None	None	EN 300 440	
5795-5805 MHz	RTTT	2 W e.i.r.p. 8 W e.i.r.p.	None	None	EN 300 674	ECC/DEC/(02)01 Note 10
5805-5815 MHz			None	None	EN 300 674	ECC/DEC/(02)01 For this band an individual licence is required in EU Note 10
5925-6425 MHz	WAS RLAN	23 dBm (200mW) mean e.i.r.p	None	None	EN 303 687	Restricted to indoor use only. Low Power Indoor (LPI) use only including where metal coated windows or similar structure made of material with comparable attenuation characteristics Outdoor use (including in road vehicles) is not permitted Mean e.i.r.p density for in-band emissions = 10 dBm/MHz

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5825-6425 MHz	WAS RLAN	14 dBm (25) e.i.r.p. mW	None	None	EN 303 687	Very Low Power (VLP) indoor outdoor use. Use on drones is prohibited Maximum mean e.i.r.p. for inband emissions = 1 dBm/MHz
24.00-24.25 GHz	Non-specific SRDs	100 mW e.i.r.p.	None	None	EN 300 440	ISM band (RR No. 5.150)
	Radiodetermination	100 mW e.i.r.p.	None	None	EN 300 440	
	RTTT (24.05-24.075 GHz)	100 mW e.i.r.p.	None		EN 300 440	For vehicle radars
	RTTT(24.075-24.15 GHz)	0.1mW e.i.r.p.	None		EN 300 440	For vehicle radars
24.15-24.25 GHz	RTTT	100 mW e.i.r.p.	None		EN 300 440	For vehicle radars. The spectrum access and mitigation requirement is given for devices mounted behind a bumper. If mounted without a bumper, the requirement should be 3µs/40kHz maximum dwell time every 3ms
		100 mW e.i.r.p.	≤ 1ms/40kHz dwell time every 40ms (note 1)		EN 300 440	The spectrum access and mitigation requirement is given for devices mounted either behind a bumper or mounted without a bumper
			None		EN 300 440	For vehicle radars

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57-64 GHz	Non-Specific SRDs	100 mW e.i.r.p. 10 mW output power	None			
57-66 GHz	Non-specific SRD WAS RLAN	40 dBm (10W) mean e.i.r.p. 23 dBm/MHz e.i.r.p. density	None	None	EN 302 567	Indoor use only Fixed outdoor installations are prohibited
57-66 GHz	Non-specific SRD WAS	40 dBm (10W) mean e.i.r.p. 23 dBm/MHz e.i.r.p. density	None	None	EN 303 722	Maximum transmit power of 27 dBm at the antenna port or ports
57-66 GHz	Non-Specific SRD WAS	55 dBm (10W) mean e.i.r.p. 38 dBm/MHz e.i.r.p. density	None	None	EN 303 722	Mean e.i.r.p. density for inband emissions = 38 dBm/MHz. Transmit antenna gain \geq 30 dBi Applies only to fixed outdoor installations ISM band (RR No. 5.138)
61.0-61.5 GHz	Non-specific SRDs	100 mW e.i.r.p.	None	None		
76-77 GHz	RTTT	55 dBm peak e.i.r.p.	None	None	EN 301 091	ECC/DEC/(02)01 Power level 55 dBm peak power e.i.r.p. 50 dBm average power - 23.5 dBm average power for pulse radar only Vehicle and infrastructure radar systems
77-81 GHz	Automotive Short-Range Radars				EN 302 264	

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122-122.25 GHz	Non-Specific SRDs	10 dBm/250MHz e.i.r.p. -48 dBm/MHz at >30° elevation	None	None		
122.25-123 GHz	Non-Specific SRDs	100 mW e.i.r.p.	None	None		
244-246 GHz	Non-Specific SRDs	100 mW e.i.r.p.	None	None		

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Amendment, Renewal, Transfer and Cancellation of Spectrum Licences**

Footnotes

Note 1: When either duty cycle, Listen-Before-Talk (LBT) or equivalent technique applies then it shall not be user dependent/adjustable and shall be guaranteed by appropriate technical means. For LBT devices without Adaptive Frequency Agility (AFA), or equivalent techniques, the duty cycle limit applies. For any type of frequency agile device the duty cycle limit applies to the total transmission unless LBT or equivalent technique is used.

Note 2: Audio and video applications are allowed provided that a digital modulation method is used with a maximum bandwidth of 300 kHz. Analogue and digital voice applications are allowed with a maximum bandwidth ≤ 25 kHz.

Note 3: The preferred channel spacing is 100 kHz allowing for a subdivision into 50 kHz or 25 kHz.

Note 4: Sub-bands for alarms are excluded (see ERC/REC 70-03 Annex 7).

Note 5: Audio and video applications are excluded. Analogue or digital voice applications are allowed with a maximum bandwidth ≤ 25 kHz and with spectrum access technique such as LBT or equivalent. The transmitter shall include a power output sensor controlling the transmitter to a maximum transmit period of 1 minute for each transmission.

Note 6: Duty cycle may be increased to 1% if the band is limited to 865-868 MHz.

Note 7: For other wide-band modulation than FHSS and DSSS with a bandwidth of 200 kHz to 3 MHz, duty cycle can be increased to 1% if the band is limited to 865-868 MHz and power to ≤ 10 mW e.r.p.

Note 8: The power density can be increased to +6.2 dBm/100 kHz and -0.8 dBm/100 kHz, if the band of operation is limited to 865-868 MHz and 865-870 MHz respectively.

Note 9: Certain channels may be occupied by RFID operating at higher powers (See Annex 11 for further details). To minimise the risk of interference from RFID, SRDs should use LBT with AFA or observe suitable separation distances. (In the high power RFID channels typically these may vary from 918 m (indoor) to 3.6 km (rural outdoor). In the remaining 2.2 MHz, where tags at -20 dBm e.r.p. occupy the spectrum, this may vary from 24 m (indoor) to 58 m (rural outdoor)). The adjacent frequency bands below 862 MHz and above 870 MHz may be used by high power systems. Manufacturers should take this into account in the design of equipment and choice of power levels.

Note 10: The frequency band 5795-5805 MHz is intended for road to vehicle systems, particularly (but not exclusively) road toll systems. The frequency bands 5795-5805 MHz and 5805-5815 MHz are recommended for 5 MHz channel spacing systems with the frequencies: 5797.5 MHz, 5802.5 MHz, 5807.5 MHz and 5812.5 MHz. For 10 MHz channel spacing systems 5800 MHz and 5810 MHz. 5805 - 5815 MHz on a national basis for multi-lane road junctions, particularly, but not exclusively road toll systems. The use of 8 W e.i.r.p. allows for 1 Mbit/s in accordance with ETSI standard ES 200 674-1. 2W e.i.r.p. allows for 500 kbit/s downlink and 250 kbit/s uplink in accordance with EN 300 674-1 and for low data rates (31 kbit/s) in accordance with EN 300 674-2.
