



LICENSING GUIDE AND PROCEDURES

The information in this document is intended as a guide only. For this reason, it should not be relied on as legal advice or regarded as a substitute for legal advice in specific cases. Parties should still refer to the legislative provisions contained in the National Communications Law and NCA regulations

NATIONAL COMMUNICATIONS AUTHORITY

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FEDERAL REPUBLIC OF SOMALIA

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1. Introduction

The National Communications Authority (NCA) presents the implementation of a new ICT licensing framework in pursuit of its mandate as the supervisor of the communication services in the Federal Republic of Somalia. The new licensing framework is guided by the National Communications Law of 2017, which confers powers to issue licenses for the provision and operation of communications infrastructure and services within the borders of the Federal Republic of Somalia to the NCA. The main relevant specific provisions in the Communications Law are in Articles 3(1) and 41(1). The Communication Law also stipulates in Article 2(2a) that one of the main objectives of the Law is the facilitation and unification of communications services

The new Licensing Framework ensures flexibility and efficiency of utilization of resources keeping in mind the technological developments, easy market entry and level playing field and fair competition.

2. Unified Licensing Framework

Under the New Licensing Framework, there are two key types of licenses:

- a) Individual license requires a high degree of regulatory control which is for a specified person to conduct a specified activity and may include special conditions; and
- b) Class license is a 'light-handed' form of regulation which is designed to promote industry growth and development with easy market access.

LICENSE	TYPES OF LICENSE
INDIVIDUAL	<ul style="list-style-type: none">• Communications Infrastructure Provider (CIP)• Application and Services Provider (ASP)• Communications Infrastructure and Services Provider (CISP)
Class	<ul style="list-style-type: none">• Terminal Equipment's Provider• VSAT services Provider• One Time authorizations

3. Licensing Requirements

The licensing process starts with the submission of a fully completed application form. Application forms are available for download at the License Application section of the website: www.nca.gov.so/en/license .

Within the form, details of the minimum requirements for acceptance of an application for each type of License and applicable fees are available. Generally, all applicants for Licenses should meet the following conditions:

1. The entity should provide valid registration certificate as a company with Ministry Commerce and Industries
2. Have fully registered office and physical address in Somalia
3. Provide Evidence of Tax Compliance
4. Provide Company Profile, including the management structure

4. Application Procedures

4.1. New Individual License

An applicant who wishes to apply to any category of licenses, which require an individual license, will have to submit the following to NCA:

- a) A duly completed **Form A** together with an application fee as stipulated in (**Annex 1**);
- b) Details as per the checklist attached (**Annex 2**); and
- c) Such additional information or documents as may be requested by NCA to be submitted within a stipulated timeline. Failure to submit within the stipulated timeline given shall result in the application being withdrawn without affecting the right of the applicant to make a fresh application.

4.2. Renewal of Individual License

1. An applicant who wishes to renew its individual license will have to submit the following to NCA before one year of expiry of its license:
 - a) A completed Form A together with an application fee as stipulated in Annex 1;
 - b) Details as per checklist attached (Annex 2)
 - c) Such additional information or documents as may be requested by NCA to be submitted within a stipulated timeline. Failure to submit within the stipulated timeline given shall result in the application being withdrawn without affecting the right of the applicant to make a fresh application.
2. NCA will complete processing license application within sixty (45) working days of receipt of all relevant and complete information from the applicant. If the application fulfils all the requirements, the NCA will grant the application.
3. If NCA rejects the application, the applicant will be informed of the rejection in writing and reasons for the rejection.

4.3. Class License

An applicant who wishes to provide network facilities and/or, network service and/or applications service or content applications service which are subject to a class license will have to submit the following to NCA:

- a) Two copies of the duly completed Form B ;
- b) An application fee as stipulated in annex 1;
- c) Such additional information or document as may be requested by NCA.

NCA will process renewal of class licensees **within seven (7) working days** and process new class license applications **within fourteen (14) working days** from the date of receipt of all relevant and completes information from the applicant

5. Information Required for License Application

5.1. New Individual License Application

- Area of coverage
- Target Market
- Description of Activity
- Type of technology
- Proposed technical and services rollout
- Feasibility
- Financial information

5.2. Renewal of Individual license Application

- National Communications Law Article 46
- Past financial performance

6. Spectrum Use License Applications Procedure

(1) Any person Intending to use spectrum, where the Authority, in its sole discretion, determines that spectrum use license applications will be processed on a first come, first served basis, must submit, in writing to the Authority, an application for a spectrum use license in the form made available by the Authority.

(2) The application must

(a) Set out the full and official name of the person intending to use spectrum (applicant),
And if a natural person, the identity number of the person, and if a juristic person, the Registration number of the person;

(b) Set out the full and official contact person (if different from the applicant) and the following contact details:-

- (i) physical address
- (ii) Telephone number(s)

- (iii) Electronic mails address (es)
 - (c) Set out a complete list of radio frequencies or groups of radio frequencies being applied for;
 - (d) Include the complete, accurate and concise statement of the services intended to be provided using the spectrum being applied for;
 - (e) To comply with technical requirements in the application form.
 - (f) Include any other information the applicant believes might be relevant to the Authority in considering the application.
- (3) The spectrum use license application must be accompanied by the relevant application fee.
- (4) Applicants requiring aeronautical, broadcasting and maritime frequencies shall provide approval form relevant licensing ministry or agency:
- (a) Approval Letter from the relevant Ministry or Authority
 - (b) Copy of their license
- (5) The authority may request further information or documentation, which must be provided to the Authority in the time and the manner set out by the Authority.

(6) Processing the Application

An application which satisfies all the Radio Spectrum licensing requirements will be processed within **30 calendar days** from the date of submission.

(7) License Offer Letter

If the application is approved, the applicant will be contacted by email and informed to collect the license offer letter from the NCA office. The offer letter states the amount of money to be paid for the specific Radio Spectrum License. The applicant is required to pay the spectrum fees within the offer validity period which is One months from the date it's written.

(8) Spectrum License Issuance

Once NCA receives the full payment of the Spectrum license fees, NCA will issue the specific Radio Spectrum License to the applicant.

(9) Radio Spectrum License Terms and Conditions

The terms and conditions of the license will be described in the Guidelines for applicable Radio Spectrum

7. Post-Licensing Issues

- 1 The licensee shall comply with the License Regulation, terms and conditions of each license.
- 2 If NCA approves an application for a Licensee, the Licensee shall commence providing services within a period of twelve (12) months from the date of issuance of the License.
- 3 All electronic communications systems/equipment must be type approved by NCA before they are activated.
- 4 Applicants are encouraged to familiarize themselves with licensing terms and conditions available on the Licensing Section of the website.

8. Contacting NCA

More information on the above may be obtained by contacting:

Licensing Department

National Communications Authority

P.O.Box 55, BN 03010

Mogadishu, Somalia

Email: Licensing@nca.gov.so

<https://nca.gov.so/en/licenses/>