



**NATIONAL COMMUNICATIONS AUTHORITY
FEDERAL REPUBLIC OF SOMALIA**

SPECTRUM LICENSING REGULATIONS

**PURSUANT TO SECTION 6(4) AND 6(9) OF THE NATIONAL COMMUNICATION LAW,
(LAW NO 5 OF 2017)**

**HEREBY ISSUES NOTICE REGARDING THE RADIO FREQUENCY SPECTRUM
LICENSING REGULATIONS 2017.**

The National Communication Authority of the Federal Republic of Somalia (the “Authority”), in pursuant to Article 6(4) and 6(9) read with Article 35(2), 36, 37, 38, 39, 40, 41, 42, 45, 47, 48 and 59 of the National Communication Law, (Law No. 5 2017) hereby publishes the Radio Frequency Spectrum Licensing Regulations 2022.

Chapter I. Preliminary

Section 1. Authority

These Regulations are promulgated by the Authority pursuant to the powers granted by Article 6(4) and 6(9) of the National Communication Law, (Law No. 5 2017) of the Federal Republic of Somalia.

Section 2. Title

These Regulations shall be cited as the “Spectrum Licensing Regulation, 2022.”

Section 3. Objectives

The objectives of these Regulations are to:

- (a) ensure proper planning, utilization and management of the spectrum resource;
- (b) establish the framework through which the Authority may allocate and assign radio frequency spectrum under the FRS National Radio Frequency Plan;
- (c) establish standard terms and conditions which will be applicable to radio frequency spectrum Licenses;
- (d) establish procedures and processes for radio frequency spectrum License applications;
- (e) promote efficient use of the radio frequency spectrum;
- (f) encourage innovation in order to facilitate the rapid deployment of Communications Services to the people of the Federal Republic of Somalia.
- (g) provide for circumstances in which the use or possession of radio apparatus does not require a radio frequency spectrum License;
- (h) set out the principles and procedures for frequency coordination where spectrum is assigned on a shared basis;
- (i) provide dispute resolution mechanisms with regard to shared spectrum;
- (j) provide a framework for the Radio Frequency Application Fees; and prescribe relevant application forms.
- (k) promoting competition and innovation in the FRS market;

Section 4. Applicability

These Regulations apply to any Person requiring a Spectrum License or any Person authorized to use Radio Frequency Spectrum in the Federal Republic of Somalia.

Section 5. Definitions

The following word, phrase or expression used in these Regulations shall, unless the context otherwise indicates or defined in the National Communication Law, Law No. 5 2017, have the following meaning:

“**Act**” means the National Communication Law, no 5 of 2017

“**Affiliate**” means a Person that directly, or indirectly through one or more intermediaries, owns or controls, is owned or is controlled by, or is under common ownership or control with, another Person.

“**Assigned Frequencies**” means Radio Spectrum Frequencies blocks or bands assigned to the Licensee by the Authority.

“**Authority**” means the National Communication Authority of the Federal Republic of Somalia;

“**Communications Networks**” means a system that uses electricity or electromagnetic energy for providing Communications Services between network termination points;

“**Communications Service**” means a service for the transmission of communications by means of a Communications Network;

“**Control**” means:

- (a) ownership or control (whether directly or otherwise) of twenty five per cent (25%) or more of the equity share capital, voting capital or the like of the controlled entity;
- (b) ownership of equity share capital, voting capital, or the like by contract or otherwise, conferring control of, power to control the composition of, or power to appoint, a majority of the members of the board of directors, board of management, or other equivalent or analogous body of the controlled entity; or
- (c) the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of such person whether through the ownership of voting securities by contract or otherwise.

“**Fees Regulations**” means the Radio Spectrum Fees Regulation issued by the Authority in accordance to the Act.

“**Harmful Interference**” Interference that endangers the functioning of a radio

navigation service or other safety services or seriously degrades, obstructs or repeatedly interrupts a radio communication service operating in accordance with radio regulations. Any form of unwanted signal that causes a total or partial loss of service to a radio communication station or any unwanted emission of radiation that endangers life such as Interference to aircraft operation, distress channels, ambulance or security services

“Interference” means the effect of unwanted energy due to emissions, radiations or inductions upon the reception of a radio communication system manifested by any performance degradation, misinterpretation, loss of information which could be extracted in the absence of such unwanted energy;

“ITU” means the International Telecommunication Union;

“License” means Radio Spectrum Frequency License.

“Licensee” means a Person who holds a Radio Spectrum Frequency License;

“National Radio Frequency Plan” means a plan that sets out specific frequency bands designated for use by particular types of services;

“Operating License” means communication operating License issued by the Authority pursuant to the Act;

“Permissible Interference” means observed or predicted Interference, which complies, with quantitative Interference and sharing criteria contained in Regulations or in ITU-R Recommendations or in special agreements as provided for in Regulations. Any form of unwanted radiation, whether intentional or non-intentional, that causes a degradation of or tolerable disturbance to a radio communication service to the extent that it does not cause a partial or total loss of service;

“Penal Code” means the Federal Republic of Somalia Penal Code of 1962;

“Person” means a public authority and any association of persons, whether incorporated or not;

“Radio Equipment” Equipment used as transceivers including Access Point Transceivers, customer premises equipment and radio relay repeaters which are connected within a network;

“Radio Communication” means any transmission emission or reception of signs, signals, impulses, writing, images, sounds, data or information of any kind by means of electromagnetic waves in the radio spectrum;

“Radio Frequency Spectrum” means frequency bands designated for use by particular types of services;

“Radio Apparatus” means one or more transmitters or receivers or a combination of

transmitters and receivers, including the accessory equipment, necessary at one location for carrying on a Radio Communication service(s);

"Regulations" means the regulations as prescribed in this document;

"Spectrum Fees" means fees prescribed under the Spectrum Fees Regulation issued by the Authority;

"Spectrum License" means this Radio Spectrum License granted in accordance with the Act and under Section 11 of these Regulations;

"Transfer" means to assign, cede or transfer a License from one person to another;

"Type Approval" means type approved issued by the Authority pursuant to the Act;

Chapter II. Spectrum management functions of the Authority

Section 6. Spectrum Management Powers

- (1) Pursuant to Article 38 of the Act, the Authority shall have sole responsibility in licensing, allocating and assigning the use of Radio Frequency Spectrum in the FRS.
- (2) The Authority may conduct periodic reviews to assess Radio Frequency Spectrum needs and the potential availability of additional Radio Frequency Spectrum bands for future use.

Section 7. General Spectrum Management Principles

- (1) The Authority shall ensure that:
 - (a) national spectrum allocations are harmonized, to the greatest extent possible, with both regional and the international allocations;
 - (b) Radio Frequency Spectrum is managed in an efficient, open, non-discriminatory, competitively neutral, objective and transparent manner;
 - (c) Radio Frequency Spectrum is made available to promote the introduction of new technologies and services.

Section 8. Spectrum Re-farming

The Authority may re-allocate and re-purpose Radio Frequency Spectrum bands or re-assign them as needed to implement changes in accordance with the National Spectrum Plan, and shall update the FRS National Frequency Allocation Table accordingly.

- (1) The National Table of Frequency Allocations shall provide:

- (a) the ITU allocations for each spectrum band;
 - (b) the national allocations for each spectrum band; and
 - (c) such other matters as deemed relevant by the Authority.
- (2) The Authority shall provide Licensees with adequate prior notice of any intended changes to its National Spectrum Plan, or any re-allocation and re-purposing of Radio Frequency bands or re-assignment of Radio Frequencies, in order to minimize the disruption of radio communications and to permit Licensees to make appropriate transitional arrangements.
- (3) The Authority shall consult with the Licensee with respect to the technical, administrative and financial cost of migration, and shall implement the migration after taking into account the financial burden of migration to the Licensee.

Section 9. Public register

- (1) The Authority shall establish and maintain a publicly available register of all spectrum Licenses granted by the Authority.
- (2) This register shall be made available on the Authority's website and shall contain:
- (a) the Licensee's name, address, phone number, fax number (if any), and website (if any);
 - (b) the type of Spectrum License issued;
 - (c) the Radio Spectrum Frequency blocks or bands authorized under the License.
- (3) In the case of spectrum Licenses granted to natural persons the Authority may choose to withhold publications of personal information in the register referred to in Section (1) above.

Section 10. No ownership interests

A spectrum License does not grant the Licensee any ownership rights in the authorized Radio Spectrum Frequencies, and no such rights shall be created or implied by virtue of the Licensee's use of its authorized Radio Spectrum Frequencies.

Chapter III. Types of Spectrum Licenses

Section 11. License required

Subject to the exemptions provided in Section 13 no Person shall use specific Radio Frequency Spectrum blocks or bands of frequencies or install, establish or use any Radio Apparatus, within the FRS without first being issued a spectrum License in accordance with the Act and these Regulations.

Section 12. Types of Spectrum Licenses granted under these Regulations

- (1) The Authority may issue in accordance with the Act and these Regulations:
 - (a) Frequency Licenses authorizing Licensees to use specific Radio Frequency Spectrum blocks or particular frequencies for cellular mobile, fixed Links, land mobile, government use, special temporary Use and other Radio Communication services
 - (b) station Licenses authorizing Licensees to install, establish and use the Radio Apparatus and use Radio Frequency Spectrum for aeronautical station License (aircraft), Amateur License, HF-MF Fixed and mobile stations, Ship Station License, Satellite Earth Station License and Other station Licenses.

Section 13. Use of License-exempt spectrum

- (1) Consistent with international recommendations the Authority may identify Radio Spectrum Frequency bands for which frequency spectrum License is not required in terms of the Act.
- (2) License-exempt Radio spectrum users shall:
 - (a) not cause Harmful Interference to other Licensees; and
 - (b) accept Interference from those Licensees as well as from other License-exempt Radio Apparatus.
- (3) The Authority may adopt technical guidelines from time to time to address power levels, operating characteristics and limitations, out-of-band emission criteria, and other technical conditions applicable to License-exempt radio spectrum users.

Section 14. Fee

- (1) The fees payable in respect of a Radio Spectrum Frequency License shall be –
 - (a) the fee amounts specified in the Fees Regulations;
 - (b) invoiced by the Authority on the date of issue or renewal of the License and thereafter annually on the anniversary of the date of issue or renewal; and
 - (c) paid by the Licensee to the Ministry of Finance no later than three business days of the date of invoice.
- (2) The Licensee must provide proof of payment to the Authority before the License is issued.

Chapter IV. Assignment of Spectrum Licenses

Section 15. Assigning new Spectrum Licenses

When assigning a new Spectrum License to a Licensee:

- (1) The Authority must ensure the assignment of the new Spectrum License will not cause harmful Interference to an existing station or Licensee.
- (2) If there is more market demand for a requested frequency band the Authority shall carry out a competitive process to choose the applicant that would make the most efficient use of the requested frequency band.
- (3) If a requested frequency band is not available, the Authority may assign the applicant an alternative frequency band.
- (4) The Authority may grant temporary Radio Spectrum Frequency License for defined purposes such as experiments, network trials and public events.

Section 16 Spectrum Licensing and Assignment for Operators

- (1) With the exception of the applicants described in Article 38(2), all other applicants may request a Spectrum License on a first-come, first-served basis by filing standard application form stipulated by the Authority.
- (2) Applications filed in the accordance with subsection (1) shall be reviewed by Authority; and
- (3) Unless additional information is required or the application is denied, the Authority shall issue the Spectrum License within sixty (60) days upon receiving:
 - (a) an accurate and complete application form demonstrating that the applicant meets all eligibility criteria; and
 - (b) the relevant application fee set forth in the Fees Regulations.
- (4) If the application is not complete, or if the Authority has reason to believe that the information provided in the application is not accurate, the Authority shall provide written notice to the applicant:
 - (a) stating any deficiencies in the application; or
 - (b) requiring further information to process that application; or
 - (c) denying the application.
- (5) The applicant may then amend its application to correct any issues identified by the Authority and resubmit it within thirty (30) days and the Authority shall review the amended application in accordance with subsection (3) above.

Section 17. Eligibility Criteria for Frequency License Application

- (1) The following general eligibility criteria shall be met to obtain a Spectrum License:
 - (a) the applicant is a legal entity registered or incorporated in the FRS in accordance with the Companies Act and Regulations;
 - (b) if the applicant holds or has held a License issued by the Authority;
 - (i) there are no outstanding fees, fines, or other charges to be paid; and
 - (ii) such License has not been terminated by the Authority within the last two (2) years;
 - (c) the applicant must possess the financial and technical capabilities required to carry out the service that the applicant plans to provide; and
 - (d) the service the applicant plans to provide are not likely to negatively impact competition in the market.
- (2) The Authority may adopt additional or different eligibility criteria for Spectrum Licenses.
- (3) The Authority may also consider:
 - (a) the availability of the relevant Radio Frequency Spectrum;
 - (b) the applicant proposed type of service and location;
 - (c) the extent to which the proposed use can be satisfied by any other means of communication;
 - (d) potential alternative uses for the relevant spectrum band;
 - (e) the economic value of the spectrum;
 - (f) the integrity and safety of radio communications and associated services which require protection from Harmful Interference;
 - (g) technical advances that ensure the most efficient spectrum use.
 - (h) the Authority may assign a frequency or frequencies to the applicant, and shall for that purpose take into account all technical data of the equipment and associated accessories that the applicant is proposing to use.

Section 18. Eligibility criteria for Station Licenses

- (1) The following general eligibility criteria shall be met to obtain a Station License:
 - (a) the applicant is:
 - (i) a natural person; or

- (ii) a legal entity registered or incorporated in the FRS, in accordance with the Companies Act and Regulations.
- (b) if the applicant holds or has held a License issued by the Authority:
 - (i) there are no outstanding fees, fines, or other charges to be paid; and
 - (ii) such License has not been terminated by the Authority within last two (2) years;
- (c) the applicant possesses the financial and technical capabilities to carry out and engage in the planned the proposed service.

Chapter V. General Terms and Conditions for Spectrum Licenses

Section 19. Uniform terms and conditions of Spectrum Licenses

- (1) Spectrum Licenses shall be standardized and made publicly available on the Authority's website.
- (2) The terms and conditions of the Spectrum License shall be uniform for all similarly situated Licensees, unless:
 - (a) differences are objectively justified based on different circumstances between Licensees; and
 - (b) the Authority has adequately assessed such objective justifications in a written notice to the affected Licensee.
- (3) Spectrum Licenses shall be technology and service neutral as much as practicable and in accordance with the provisions of these Regulations.

Section 20. Spectrum License duration

The duration of the Radio Frequency Spectrum License shall be the time period specified in the License.

Section 21. Spectrum License expiration

The Spectrum License of a Person who does not obtain a renewal in accordance with Section 22 shall be considered to have expired on the date of expiration identified in the Spectrum License.

Section 22. Spectrum License Renewal

- (1) A Licensee may request a renewal of its Spectrum License by submitting a written request to the Authority.
- (2) A renewal request for a Spectrum License shall be submitted at the time period

specified by the Authority and any case before the License expiration date.

- (3) Upon receiving renewal request for Spectrum License, the Authority shall review the request and renew the License within thirty (30) on the same terms and conditions as the initial Spectrum License or such other terms as may be mutually agreed between the Licensee and the Authority unless the Licensee has given written notice to the Authority before the expiry date of its intention not to renew the License.

Section 23. Refusal to Renew a Spectrum License

Where the Authority refuses to grant a request to renew a Spectrum License, the Authority shall provide written notice to the Licensee. Such notice shall:

- (1) State the reasons for refusal to renew the Spectrum License, which may be based on:
 - (i) serious failure to comply with any of the obligations of a Licensee specified in the Act or Regulations;
 - (ii) serious failure to comply with any term, condition, or obligation contained in the Spectrum License.
- (2) The Authority shall provide the Licensee a reasonable opportunity to remedy any defect identified by the Authority and resubmit the renewal request.

Section 24. Restriction on Transfer of License

The Licensee must not Transfer in whole or in part, this License or the spectrum usage rights granted herein to any third party, including any Affiliate, without the prior written authorization of the Authority. For purposes of this condition, “assignment” shall be deemed to include a change of Control of the Licensee.

Section 25. Spectrum License Variation

- (1) The Authority may vary the terms and conditions of a Spectrum License if, after a consultation process pursuant to the Act, it concludes that a variation is necessary to:
 - (a) bring the terms and conditions of the License into conformity with:
 - (i) international obligations of FRS; or
 - (ii) any applicable Legislation, Regulations, including changes in spectrum plans;
 - (b) foster development or the introduction of new technologies;
- (2) Any variation shall be based upon reasonable grounds, aimed at promoting specified objectives of the Act, subject to principles of non-discrimination and fairness.

- (3) Pursuant to Article 50(5) of the Act, the Licensee may appeal against the Authority decision to vary the terms and conditions of the Spectrum License before a national Court(s) in the FRS that have jurisdiction in hearing appeal against the Authority decisions.

Section 26. Spectrum License Suspension or Revocation

- (1) Pursuant to Article 48 of the Act and Regulations the Authority may at any time after giving the Licensee 3 (three) months notice to that effect, revoke this License in any of the following:
 - (a) If the Licensee is in willful and repeated material breach of any of the conditions attached to this License or any conditions of the Act or Regulations and such breach has not been ratified within ninety (90) days from the date of notification by the Authority to the Licensee of same.
 - (b) If the Licensee enters into liquidation or is otherwise declared insolvent, bankrupt or is in receivership.
 - (c) If the Licensee fails to eliminate Interference caused to other users after being duly directed by the Authority.
 - (d) If the Spectrum Fees are not paid as and when due.
 - (e) If the Licensee, without due authorisation from the Authority uses the frequency bands assigned to it under this License for the provision of any service other than that for which it was assigned.
 - (f) Pursuant to Article 41(5) of the Act, if for six (6) consecutive months the Licensee ceases to provide the services for which it was issued a License under the Act and Regulations.
- (2) Where the Authority exercises their power to revoke in accordance with Article 48 of the Act, the Licensee shall be notified in writing.
- (3) Pursuant to Article 48(3) of the Act, the Licensee may appeal against the Authority decision to revoke License to any court with jurisdiction to hear an appeal against the Authority decision(s).

Section 27. Spectrum License Surrender

A Licensee that intends to surrender a Spectrum License shall provide written notice to the Authority at least sixty (60) days prior to the planned surrender date.

Section 28. Failure to Pay Fees

If the Licensee willfully or repeatedly fails to pay the License annual Fees or make other payments due to the Authority on the payment due date, the Authority may suspend or revoke the License pursuant to Article 48 of the Act.

Section 29. Compliance with Technical Standards

- (1) Licensees shall comply with any technical standards applicable to Radio Apparatus that the Licensee uses, sells, leases or distributes, as determined by the Authority in accordance with the Authority guidelines, Act and Regulations.
- (2) In the case in which the Authority does not require the use of a particular technical standard, the Licensee may deploy Radio Apparatus if that Radio Apparatus:
 - (a) complies with technical standards adopted by a recognized international standard-setting body; or
 - (b) is routinely used by providers of Communications Services in other countries; or
 - (c) has been specifically approved by the Authority.

Section 30. Efficient use of the Spectrum

- (1) The Licensee shall cooperate fully with the Authority in identifying whether and to what extent the assigned Radio Spectrum Frequencies are being used efficiently and whether the Licensee has a reasonable need for all or a portion of the assigned frequencies.
- (2) Licensees shall promptly notify the Authority if the Licensee no longer requires the use of any or all of the assigned Radio Spectrum Frequencies. The Authority will then reclaim those frequencies and may reassign them to another Person or Licensee.
- (3) If the Authority determines that:
 - (a) Radio Spectrum Frequency are being used inefficiently; or
 - (b) the Licensee does not have a need for all its assigned frequencies;the Authority may initiate an action to reclaim those frequencies and may reassign them to another Person or Licensee.

Section 31. Prevention of Interference

- (1) Where the Regulator has a reasonable cause to believe that any Radio Equipment or electrical or other equipment or machinery is causing or is likely to cause Harmful Interference to Radio Equipment or to Radio Communications services that are supplied under Spectrum License, the Authority may by written notice

direct a Licensee to take specified action or refrain from taking specified action.

- (2) A Licensee given a direction under subsection (1) shall comply promptly with the direction.
- (3) Licensees shall comply with existing and future international coordination requirements and procedures, as appropriate, including the relevant international radio regulations issued by the ITU. The Licensee shall coordinate, when necessary, with other Spectrum Licensees in the FRS to avoid Harmful Interference.
- (4) In the event of a disagreement between or among Licensees regarding the prevention or causation of Harmful Interference, the affected Licensees shall be responsible for resolving such disputes expeditiously and, if such efforts are unsuccessful, one or more of the Licensees involved may request the Authority to resolve the dispute, which shall do so within thirty (30) days.
- (5) The Authority is responsible for working with its counterparts in neighboring countries to minimize Harmful Interference, where warranted, and Licensees shall cooperate with the Authority to resolve cases of cross-border Harmful Interference.
- (6) The Authority may establish synchronization and other requirements as part of the terms and conditions of a Spectrum License to avoid or minimise Harmful Interference.

Section 32. Service Quality

The Licensee shall take all necessary measures to maintain, to the greatest extent possible:

- (a) the proper and effective functioning of the Communications Networks and Communications Services provided by it at all times, and
- (b) in the event of major outages, or in cases of force majeure, the fullest possible availability of the Communications Networks and Communications Services that it provides.

Section 33. Emissions Standards

Licensees shall take appropriate measures to limit human (worker and end user) exposure to radio frequency emissions from Radio Apparatus by installing, managing and operating the Radio Apparatus in its Communications Network based on the technical standards, limits and procedures described by the Authority.

Chapter VI. Monitoring and Enforcement

Section 34. Access and Inspection

- (1) The Licensee shall permit any person authorised by Authority to inspect the License and Radio Equipment, at reasonable times to ensure that the assigned frequency is being used in accordance with the terms of the License.
- (2) Where the Authority has a reasonable cause to believe that any Radio Equipment or electrical or other equipment or machinery is causing or is likely to cause harmful Interference, the Authority, or its authorised representative, may at all reasonable times enter –
 - (a) any place on or at which; or
 - (b) any vessel, aircraft or vehicles in or on which; the equipment or machinery is or is believed to be and inspect or test it.
- (3) The Authority may by written notice request a Licensee to give the Authority information that is necessary for the effective control, planning, administration, management or licensing of the Radio Frequency Spectrum.

Section 35. Offences and Penalties

- (1) Any person who contravenes Section 11 of these Regulations is subject to a fine not less than \$50,000 but not exceeding \$100,000.
- (2) Where the Authority has a legitimate reason to believe that the Licensee has committed or is committing a specific offense under the Act or Regulations the Authority may initiate an investigation into any alleged contravention, pursuant to Article 67(2) of the Act.
- (3) If Licensee has committed or is committing a specific offence under the Act or Regulations the Authority may pursuant to Article 67(4) of the Act impose financial penalty and/or refer the alleged contravention to the Attorney General for prosecution under the Penal Code.
- (4) If the Licensee uses Radio Frequency Spectrum without the required authorization or License, the Authority may:
 - (c) actively prevent the Licensee from enjoying the uninterrupted use of the Radio Spectrum frequency, including through emitting signals causing Interference to the Licensee's radio communication operations;
 - (d) obtain Court order to dismantle or confiscate any radio communication apparatus or stations used, including the cell site, tower, mast or other infrastructure that has been used;

- (e) take such other measures as the Authority may require under the Act and Regulations.

36. Spectrum Caps

- (1) The Authority may prescribe a minimum or maximum number or amount of radio communication channels or frequencies that a user or a Licensee may be granted.
- (2) Notwithstanding the generality of subsection (1) there shall be no cap on the number of frequency bands that users described in Article 38(2) of the Act are currently using.
- (3) When setting a spectrum cap, the Authority shall take into consideration:
 - (a) the number of Radio Spectrum Frequencies Licensed and available for licensing in relevant spectrum bands;
 - (b) the number of relevant Radio Spectrum Frequencies Licensed to other Licensees;
 - (c) the market power of Licensees; and
 - (d) the risk to competition of one Licensee accumulating radio frequency Licenses.

37 Type Approval

- (1) The Licensee shall ensure that any Radio Equipment that is used or operated under this License is Type Approved pursuant to Type Approval Regulation.
- (2) The Authority may from time to time rely upon type approval of other agencies with effective type approval capability.

38 Spectrum Sharing

- (1) Radio Frequency Spectrum sharing is where two or more Licensees enter into an agreement to share all or part of the Radio Frequency Spectrum that they have been granted by the Authority.
- (2) Spectrum sharing is permitted where two or more Licensees who have Radio Spectrum Frequency assigned and which they paid the applicable fees in full.
- (3) Two or more persons may apply to the Authority for Radio Frequency Spectrum License on a shared basis.
- (4) Licensees who plan to share their allocated Radio Frequency Spectrum shall notify the Authority in writing 45 days before the proposed effective date of the sharing.

- (5) Licensees who plan to share their allocated Radio Frequency Spectrum must submit to the Authority a spectrum sharing agreement stipulating the rights and obligation of each Licensee.
- (6) Both the Licensees shall be individually and collectively responsible for complying with the sharing guidelines set by the Authority.
- (7) The Authority may annul the sharing arrangements between the Licensees for failure of Licensees to comply with their License terms and conditions, the Authority sharing guidelines, the Act and Regulations.

39. Spectrum Dispute Resolution in the use of shared Spectrum

- (1) The Licensees may refer a dispute relating to their shared Radio Frequency Spectrum to the Authority by submitting an application to the Authority.
- (2) The Authority expects Licensees to take reasonable endeavours to enter into good faith negotiations in order to resolve their dispute themselves, before referring a dispute to the Authority.
- (3) The Authority will consider on a case-by-case basis whether to accept or reject the dispute application, in line with its statutory duties and obligations.
- (4) Authority may only accept the hear dispute:
 - (a) If the disputing Licensees agree to the dispute proceedings to be based on the facts, issues and scope of the Licensees contractual agreement; and
 - (b) If both Licensees accept the Authority decision to be legally binding on both Licensees.
- (5) The Authority may require the disputing Licensees to make payments in respect of costs and expense incurred by the Authority as result of its efforts in resolving the dispute.

40. Spectrum Trading

A Licensee may trade permitted frequency bands with another subject to the Spectrum Trading Regulation.

SPECTRUM LICENSING REGULATIONS

Signature of Board of Directors:

Ahmed Ali Salad (Chairman of the Board of Directors) _____

Abdullahi Abdiaziz Mohamed (Board Member) _____

Ibrahim Abdirahman (Board Member) _____

Mohamed D. Araleh (Board Member) _____

Mohamed Moallim Isack (Board Member) _____

Mohamed Nureini Shiekh (Board Member) _____

Mustaf Yassin Sheikh (Board Member) _____

Yasin Ali Dirshe (Board Member) _____