



**UGANDA
COMMUNICATIONS
COMMISSION**

THE UGANDA COMMUNICATIONS COMMISSION TERMS AND CONDITIONS FOR RADIO FREQUENCY AUTHORISATION IN UGANDA

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1. INTRODUCTION

Uganda Communications Commission (the Commission) is mandated under section 5(1)(c) of the Uganda Communications Act of 2013 to allocate, license, standardize and manage the use of the radio frequency spectrum resources in a manner that ensures widest variety of programming and optimal utilization of spectrum resources.

The terms and conditions of the radio frequency authorization granted to a spectrum user in assigning radio frequencies are aimed at ensuring the effective usage of the radio frequency spectrum.

The current terms and conditions have been in existence for over ten (10) years. The Commission, therefore, wishes to revise the terms and conditions of the spectrum authorisation to align these with international good practice, Government policy, the various existing regulatory frameworks and developments in the industry. This is geared at facilitating the realisation of the objectives of the Uganda Communication Act 2013.

2. APPLICABILITY AND EXEMPTIONS

The revised terms and conditions shall apply to the assignment of spectrum in the range 8.3KHz to 3000GHz.

This shall not apply, however, to spectrum assignment to persons specified under section 23 (b) of the Communications Act 2013.

3. APPLICABLE TERMS AND CONDITIONS OF THE RADIO FREQUENCY SPECTRUM AUTHORIZATION

3.1.1

- a) The frequency authorisation shall remain valid as long as the operational licence (*broadcasting/telecom licence*) is valid. This is subject to continued, total compliance with the terms and conditions of the radio frequency spectrum authorization. The Commission shall automatically repossess the spectrum and make it available to any potential applicant at the end of the licensed period or upon withdrawal of the respective spectrum.

Note:

The provision specified in 3.1.1. a) is applicable to those radio communications operations for which a broadcasting or telecommunications (such as National Telecommunications Operator, Public Infrastructure Provider or other) licence is issued.

OR

- b) Frequency authorisation shall remain valid for a period of one (1) year starting (*to be specified*) and ending (*to be specified*), subject to continued, total compliance with the terms and conditions of the radio frequency spectrum authorization.

Note:

The provision specified in 3.1.1 b) is applicable to radio communication use or operations that do not require an operational licence, prior to being assigned spectrum or the provision of the associated services.

- 3.1.2 This authorisation permits the operation of radio-communication apparatus and equipment by the respective authorised spectrum user (*herein after referred to as the assignee*) within the geographic area as specified *in the table below or in the annex of the authorization*.
- 3.1.3 The use of the authorised radio spectrum shall be in accordance with the specified technical parameters set out *in the table below or in the annex of the authorization [e.g. assigned power, antennae height, modulation, emission type, equipment type, band pass filter, specified locations, mode of operation, status and other parameters that shall be specified from time to time]*.
- 3.1.4 The assignee shall comply with
- a) All laws, applicable regulations, and relevant international and national standards
 - b) Applicable guidelines issued by the Commission
 - c) Any decisions, determination and/or directives issued by the Commission, however so described.
 - d) All terms and conditions that specified in this radio frequency spectrum authorisation.
- 3.1.5 The assignee shall ensure that its use of the authorised frequency does not cause interference, degrade the quality of, or disrupt the lawful use or operation of any other communication networks or services in the same geographical area and/or radio frequency band, and in other geographical areas and/or radio frequency bands.
- 3.1.6 The assignee shall cooperate and coordinate with other authorised users of the radio frequency spectrum to avoid and resolve any occurrence of interference including but not limited to:
- a) investigating the possible causes of the interference;
 - b) taking all steps reasonably necessary to resolve disputes about interference;
 - c) taking steps (or requiring persons authorised to operate devices under this authorisation to take steps) reasonably likely to reduce interference to acceptable levels; and
 - d) negotiating with other persons to reduce interference to acceptable levels.
- 3.1.7 Where interference problems have not been resolved amicably between the assignee and the other concerned party(s), the assignee or the other party(ies) may refer the matter to the Commission.
- 3.1.8 The Commission may add to or amend or vary any of the terms and conditions of this authorization or the assigned frequency to ensure

fulfilment of the objectives of the Act or compliance with any law or to ensure efficient frequency planning, including such additions or amendments necessary as a result of any international commitments entered into by the Commission or by the Government of the Republic of Uganda.

3.1.9 The Commission shall not be held responsible in any manner for any damages suffered or expenses incurred by the assignee as a result of any amendments of the terms and conditions of this authorization.

3.1.10 The assignee shall pay fees for the use of the assigned frequency annually in advance as prescribed from time to time by the Commission.

3.1.11 The assignee shall comply with the applicable radiation emission standards prescribed by the International Commission for Non-Ionizing Radiation Protection (ICNIRP) and any other appropriate standards as may be specified by the Commission or the law.

3.1.12 The assignee shall ensure that its communications apparatus or equipment is type approved by the Commission before installation and commencing operations. This type approval requirement shall also apply to such other communications equipment or apparatus acquired after commencement of operations.

3.1.13 Where the authorised area of operation of the assignee is adjacent to a neighbouring country, the assignee shall ensure that the radio emissions from its apparatus and equipment does not go beyond the territory of Uganda without prior approval of the administration of the respective country.

3.1.14 The assignee shall fulfil the coverage obligation (.....to be specified in annex of the authorization....) before (...specified date...). Documentation to demonstrate compliance with the coverage obligation shall consist of both coverage calculations/simulations and specific measurements confirming such calculations/simulations. Failure to meet targets set out in these roll out obligations shall be considered a non-utilization of the assigned frequency and breach of the terms and conditions of this authorization.

Note:

The provision specified in 3.1.14 shall be included as applicable to those radio communications operations for which coverage obligations have been attached as a condition of use of the respective frequency.

3.1.15 The Commission shall have the right to carry out inspections and measurements on any radio station, equipment/apparatus or operations by the assignee for the purpose of ensuring that the assignee is abiding with the terms and conditions of this authorization, or with any other regulatory requirements.

3.1.16 Without prejudice to any other measures that may be taken by the Commission for non-compliance with the terms and conditions of this

authorization, the Commission may withdraw at any time this authorization under the following circumstances;

- a) Assignee enters into liquidation or is otherwise declared insolvent or bankrupt.
- b) The operational licence is revoked or cancelled by the Commission

Note:

The provision specified in 3.1.16 b) is applicable to those radio communications operations for which a broadcasting or telecommunications (such as National Telecommunications Operator, Public Infrastructure Provider or other) licence is issued.

- c) Assignee has repeatedly breached the terms and conditions of the authorization including the regulatory requirements under 3.1.4.
- d) Upon underutilisation or non-utilisation of the assigned frequency as determined by the Commission including failure by the assignee to use the assigned frequency within the specified period of commencement.
- e) If for three (3) consecutive months, the assignee shuts off the services for which it was issued this spectrum authorization.
- f) If the assignee, without due authorisation from the Commission, uses the assigned frequency for operations or the provision of any service other than that for which it was assigned
- g) Upon the cessation of the need for use of the frequency spectrum.
- h) For non-payment or late payment of the annual fees for usage of the assigned frequency.

3.1.17 The assignee shall ensure that all persons using its radiocommunication equipment are made aware of the relevant terms of this authorisation and comply with such terms.

3.1.18 The assignee shall ensure that all installations exceeding twenty-five (25) meters above ground level are appropriately marked with tower lights and tower paint to facilitate aviation safety.