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REGULATIONS SETTING OUT FEES FOR SPECTRUM LICENCES, CERTIFICATES AND EXAMINATIONS

The Communications Regulatory Authority of Namibia, in terms of section 38(5), 101 and 129 of the Communications Act, 2009 (Act No. 8 of 2009) and the “Regulations regarding Rule-Making Procedures: Communications Act, 2009”, published as No. 334 in Government Gazette No. 4630 dated 17 December 2010, hereby publishes these “Regulations Setting Out Fees for Spectrum Licences, Certificates and Examinations” effective from the date of publication in the *Gazette*.

Definitions

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

“AM” means amplitude modulation;

“ERP” means effective radiated power;

“HF” means high frequency being the ITU designation for radio waves between 3 MHz and 30 MHz;

“ITU” means International Telecommunications Union;

“Regulations Setting Out Licence Conditions for Spectrum Use Licences” means the Regulations Setting Out Licence Conditions for Spectrum Use Licences as published in *Government Gazette* No. 5354, General Notice No. 469 of 2 December 2013, as amended from time to time;

“rural areas” means all geographical areas within the borders of the Republic of Namibia excluding those geographical areas identified as urban areas in the definition of “urban areas” in this regulation;

“satellite news gathering” means temporary and occasional transmission with short notice of television or sound for broadcasting purposes using portable or transportable uplink earth stations operating in the framework of a fixed satellite service;

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

“VHF” means very high frequency being the ITU designation for radio waves between 30 MHz and 300 MHz;

“UHF” means ultrahigh frequency being the ITU designation for radio waves between 300 MHz and 3 GHz; and

“urban areas” means any location within the geographical area of the following local authority areas as declared under section 3 of the Local Authorities Act, 1992 (Act No. 23 of 1992): Katima Mulilo, Swakopmund, Mariental, Keetmanshoop, Rundu, Nkurenkuru, Windhoek, Opuwo, Eenhana, Gobabis, Outapi, Oshakati, Omuthiya, Otjiwarongo, Walvis Bay, Henties Bay, Omaruru, Okahandja, Grootfontein, Outjo, Tsumeb, Karasburg, Lüderitz (!Nami≠nūs), Oranjemund, Arandis, Karibib, Usakos, Aranos, Rehoboth, Khorixas, Helao Nafidi, Okahao, Oshikuku, Ruacana, Ondangwa, Ongwediva, Oniipa, Okakarara and Otavi.

Table containing fees relating to spectrum use

2. (1) As specified in regulations 6(1) and (2) of the Regulations Setting Out Licence Conditions for Spectrum Use Licences, the authorisation to utilise spectrum expires on 31 December of every calendar year and application must be made for the renewal thereof two months prior to 31 December of each year.

(2) The Table below specifies the following fees as payable to the Authority:

- (a) Annual and other fees payable with regard to the authorisation to utilise spectrum stipulated in a spectrum licence;
- (b) fees payable with regard to a certificate contemplated in section 101 of the Act;
- (c) fees payable with regard to an examination contemplated in section 101 of the Act.

(3) Notwithstanding anything else to the contrary contained in these Regulations and the Regulations Setting out Licence Conditions for Spectrum Use Licences -

- (a) the fees set out in the following items of the Table below are payable in full, and are not refundable or refundable in part, irrespective thereof that the spectrum licences pertaining to such fees are issued during the course of a specific annual year or,

during the same year, such licence or the authorisation to utilise spectrum in terms of such licence, expired, are forfeited, lapsed or are discontinued for whatever reason:

- (i) Items 1.1 (all classes of amateur radio spectrum licences), 1.2 (amateur radio beacon), 1.4 (amateur radio guest or special event spectrum licence) and 1.5 (amateur radio repeater station);
 - (ii) items 2.1 (aeronautical aircraft station), 2.2 (aeronautical glider/microlight), 2.3 (aeronautical ground station), 2.4 (aeronautical navigation aids/beacons) and 2.5 (aeronautical operator certificate radiotelephony (including duplicate));
 - (iii) items 3.1 (maritime beacon), 3.2 (operator certificate radiotelephony (including duplicate)), 3.3.1 (ship station ITU assigned frequencies), 3.3.2 (any additional ship station VHF or HF frequencies), 3.4.1 (coast station ITU assigned frequencies), 3.4.2 (any additional coast station VHF or HF frequencies) and 3.4.3 (coast station yacht and ski-boat stations);
 - (iv) item 4.2.1 (base mobile station 27/29 MHz band (including CB band));
 - (v) item 10.2 (competency certificate for radios above 400 Watt);
- (b) the fees set out in item 8.4 of the Table below for a mobile or fixed satellite news gathering station spectrum licence, is a monthly fee (irrespective whether a calendar month or a consecutive period of 30 days, the latter which, for purposes of this paragraph (b), is deemed to be a month) and -
- (i) the full monthly fee is payable per month or part thereof (thus irrespective if only used for a part of a month);
 - (ii) if the month when the spectrum licence is issued falls into two annual years for which different fees are prescribed, the lower fee applies to that month; and
 - (iii) if the spectrum licence holder wishes to continue to use the spectrum, application for renewal must be made prior to end of the relevant month or months for which such licence was issued;
- (c) the fees set out in items 9.4.1 and 9.4.2 of the Table below for a spectrum licence relating to a special event broadcast with a maximum of 10 Watt or for outside broadcasting vehicle links, respectively, are once off non-refundable fees payable per event for which a spectrum licence is issued, as specified in the Table.

TABLE

SPECTRUM LICENCES, CERTIFICATES AND EXAMINATIONS FEES

TYPE OF CERTIFICATE OR SPECTRUM LICENCE		FEES (N\$)
1. AMATEUR RADIO		
1.1	All classes of amateur radio spectrum licences	N\$ 97.00
1.2	Beacon	N\$ 97.00
1.3	Examination	N\$ 97.00
1.4	Guest or special event spectrum licence	N\$ 97.00
1.5	Repeater station	N\$ 97.00

2. AERONAUTICAL			
2.1	Aircraft station		N\$194.00
2.2	Glider / microlight		N\$ 97.00
2.3	Ground station		N\$116.00
2.4	Navigation aids / beacons		N\$ 97.00
2.5	Operator certificate radiotelephony (including duplicate)		N\$ 97.00
3. MARITIME			
3.1	Beacon		N\$ 97.00
3.2	Operator certificate radiotelephony (including duplicate)		N\$ 97.00
3.3	Ship Station		
	3.3.1	ITU assigned frequencies	N\$291.00
	3.3.2	Any additional VHF or HF frequencies	N\$969.00
3.4	Coast Station		
	3.4.1	ITU assigned frequencies	N\$291.00
	3.4.2	Any additional VHF or HF frequencies	N\$969.00
	3.4.3	Yacht and ski-boat stations	N\$ 97.00
4. LAND MOBILE SERVICE			
4.1	Private alarm station (see item 6.1 for alarm systems)		N\$323.00
4.2	Base Mobile Station		
	4.2.1	27/29 MHz band (including CB band)	N\$ 78.00
	4.2.2	VHF/UHF per simplex frequency in urban areas	N\$194.00
	4.2.3	VHF/UHF per simplex frequency in rural areas	N\$116.00
4.3	Repeater (private and exclusive)		
	4.3.1	Duplex frequency urban areas	N\$2,132.00
	4.3.2	Duplex frequency rural areas	N\$775.00
	4.3.3	Simplex frequency (Parrot repeater)	N\$349.00
	4.3.4	Any additional simplex frequency (per frequency)	N\$194.00
4.4	Experimental Station		
	4.4.1	Experimental station valid for 6 months	N\$194.00
4.5	Radio Link Station		
	4.5.1	Radio Link up to 1000 MHz	N\$966.00
	4.5.2	Radio Link above 1000 MHz per MHz calculated based in the assigned bandwidth per frequency	N\$2,300.00
4.6	National Occupancy (Base Mobile Station)		
	4.6.1	Not shared	N\$1,551.00
	4.6.2	Shared	N\$194.00
5. HIGH FREQUENCY (HF) RADIO			
5.1	Fixed/mobile Station		N\$291.00
5.2	Fixed radio station above 400Watt		N\$1,938.00
6. RADIO COMMUNICATIONSSYSTEMS			
6.1	Alarm		
	6.1.1	Urban complexes (per control room and per frequency)	N\$6,461.00
	6.1.2	All other areas (per control room and per frequency)	N\$1,615.00
6.2	Load management (including telemetry)		N\$6,461.00
6.3	Paging (one-way)		
	6.3.1	Commercial	
		6.3.1.1 Application	N\$2,019.00
		6.3.1.2 Per control room	N\$9,691.00

	6.3.2	Private	
	6.3.2.1	Per control room and per frequency	N\$194.00
6.4	Radio trunking		
	6.4.1	For a maximum of one control channel per base station	N\$969.00
	6.4.2	For each additional double frequency or if only one channel is used at a base station	N\$4,845.00
6.5	Repeater (Community/Shared)		
	6.5.1	Urban area per duplex frequency (commercial use)	N\$4,458.00
	6.5.2	All other areas per duplex (commercial use)	N\$2,326.00
	6.5.3	All other areas per duplex (farmers associations only)	N\$969.00
7. MOBILE TELECOMMUNICATIONS SERVICES			
7.1	Fee as per 200 kHz frequency pair consecutively (900 MHz only)		N\$13,800.00
7.2	Fee as per 200 kHz frequency pair consecutively (1800 MHz only)		N\$11,040.00
7.3	Fee as per 1 MHz frequency for 3G (UMTS)		N\$27,600.00
8. SATELLITE SERVICES (LAND, MOBILE, MARITIME)			
8.1	Immarsat		
	8.1.1	A terminal	N\$2,907.00
	8.1.2	B,C and M terminal (64 kbit/s)	N\$1,163.00
	8.1.3	D terminal (data only) RB GAN	N\$485.00
8.2	Satellite Digital Uplink per 64 kbit/s		N\$6,461.00
8.3	Uplink broadcasting signal distribution fixed satellite earth station		N\$34,500.00
8.4	Mobile or fixed satellite news gathering station (per month or part thereof)		N\$3,450.00
9. BROADCASTING SERVICES			
9.1	FM Radio Broadcasting Transmitter		
	9.1.1	0.000 up to 100.999 Watt (ERP)	N\$690.00
	9.1.2	101.000 up to 999.999 Watt (ERP)	N\$1,380.00
	9.1.3	1000 Watt (ERP) and above	N\$2,070.00
9.2	Television Broadcasting Transmitter		
	9.2.1	0.000 up to 100.999 Watt (ERP)	N\$7,521.00
	9.2.2	101.000 up to 999.999 Watt (ERP)	N\$9,246.00
	9.2.3	1000 Watt (ERP) and above	N\$11,523.00
9.3	AM/HF Radio Broadcasting Transmitter		
	9.3.1	0.000 up to 999.999 Watt (ERP)	N\$690.00
	9.3.2	1000 Watt (ERP) and above	N\$1,725.00
9.4	Other broadcasting services		
	9.4.1	Special event broadcast spectrum licence maximum 10 Watt (fee per day up to a maximum capped fee equal to 30 days' daily fee irrespective if period thereafter exceeds 30 days the maximum fee shall then apply)	N\$690.00 Maximum fee: N\$ 20,700.00
	9.4.2	Outside broadcasting vehicle links (per event irrespective of duration)	N\$4,600.00
10. MISCELLANEOUS			
10.1	National Security Forces		N\$75,900.00
10.2	National Defence Force		N\$75,900.00
10.3	Competency certificate (radios above 400 Watt)		N\$97.00
10.4	Duplicate spectrum licences		N\$97.00
10.5	Photocopies per A4 sheet		N\$1.50

Application of fees and general provisions

3. (1) (a) Where an annual fee specified in the Table above, for whatever reason, is not payable in respect of a whole calendar year, the fee to be paid or to be refunded must be apportioned according to the relevant number of months for which payment is made.

(b) For purposes of paragraph (a), a part of a month is regarded as a full month.

(c) Irrespective of the actual amount contemplated in paragraph (a), the minimum fee payable is N\$ 60.00, excluding photocopies.

(d) This sub-regulation is subject to regulation 2(3).

(2) The Authority may not issue a spectrum licence, or a certificate, or renew the authorisation to utilise spectrum stipulated in a spectrum licence, or a certificate, unless the relevant fee as set out in the Table above is paid to the Authority.

(3) A spectrum licence is issued, and the right to utilise spectrum is authorised, subject to the Regulations Setting Out Licence Conditions for Spectrum Use Licences.

Commencement of these Regulations

4. (1) Subject to sub-regulation (2), these Regulations will become effective on 1 January 2018.

(2) A person or a spectrum licensee who applies in 2017 for a spectrum licence, or to renew the authorisation to utilise spectrum for the ensuing calendar year as contemplated in regulation 6(1) and (2) of the Regulations Setting Out Licence Conditions for Spectrum Use Licences, must pay the relevant fee set out in these Regulations by the due date for payment notwithstanding that such due date may be on or prior to 1 January 2018.

(3) Sub-regulation (2) applies in the same manner, but with the necessary changes, to certificates contemplated in items 2.5, 3.2 and 10.2 of the Table above.

F. KISHI
CHAIRPERSON OF THE BOARD OF DIRECTORS
COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA
