

**Decision No. 90/2008 regulating the licensing
of Stations and Radio Equipment Operation**

Pursuant to the Telecommunications Regulatory Act issued by the Royal Decree No. 30/2002 and;

The Executive Regulation of the Act issued by the Ministerial Resolution No. 10/2007 and;

The Resolution No. 46/2003 regarding fees for registration and use of radio frequencies and fees of some radio licenses and;

Based on the exigencies of the public interest;

It is resolved:

Article 1: The Authority may assign or reassign the frequencies or frequency ranges to the Applicant of Radio License according to the National Frequency Bands Allocation Plan. The frequencies to be assigned by the Authority shall be restricted in a way approved by the Authority. No change of the frequencies or their technical specifications shall be made without the written approval of the Authority.

Article 2: The user shall be solely and completely responsible for the content of any message he sends, and for any infringement of any copyright and other related rights pursuant to the provisions of this Act or any other laws. In the application of the provisions of this article, the user is meant to be any person who operates the equipment and the accessories used or intended for use in Radio Communications

Article 3: The radio station shall be compliant with the conditions and the technical specifications approved by the Authority and subject to its decisions

Article 4: The Licensee is not allowed to change the location or coverage area of the radio station without obtaining the written approval of the Authority. The Licensee is also not allowed to carry out any change to the radio equipment at the radio station, nor the emission power of the antennas and their direction, or the antenna gain except after obtaining a written approval of the Authority. This is notwithstanding the Authority's right to request any modification as it deems necessary.

Article 5: The Licensee may request temporary cessation of the license for a period not exceeding three years. The Licensee shall continue to pay the fees necessary to keep the radio equipment as prescribed in the Authority's decision No. 46/2003.

Article 6: The License shall be automatically renewed, unless the Licensee requests its cessation or cancellation. The Authority shall not be bound by notifying the Licensee of the value of the fees payable. The license is issued only after payment of the prescribed fees.

Article 7: The Authority may, by a substantiated decision, amend or revoke the License based on the exigencies of public interest, or due to the Licensee's violation of the License Condition(s).

Article 8: The Licensee may request termination of the License before the expiry of its duration, and shall then desist forthwith to practice the activity stipulated in the License and hand over the License to the Authority within a period not exceeding seven days from the date of its cancellation.

Article 9: Upon cancellation of the License and payment of the accruing fees, the Licensee shall immediately inform the Authority in writing to obtain its approval to dispose of the equipment. The licensee shall dispose of it within six months of the license cancellation date, while notifying the Authority in writing of the action taken during the said period. If the equipment was not disposed of during such period, the Licensee shall hand it over to the Authority to dispose of it without having the right to claim compensation of its value.

Article 10: The transmission (except in cases of distress or emergency) of communications from the radio stations to any third party shall be prohibited

Article 11: No person may disclose any information as to the contents of any signal or message that come to his knowledge by reason of his use, or by another person's use of a station or a radio equipment, unless on the basis of a competent court order

Article 12: The Licensee shall prepare a special log-book for each station, the pages of which shall be numbered and signed to prove the contents of communications exchanged by means of the authorized station or equipment. The log-book shall be subject to inspection by the Authority's officials at any time, and shall be kept for at least one year after it has run out

Article 13: The licensee shall use the equipment designed, operated and maintained in such a way that causes no harmful interference to any other radio station, or any interference in excess of the permitted international levels

Article 14: The power of each radio station shall not exceed the limits allowed.

Article 15: The Licensee shall use the radio frequencies assigned to him by the Authority to achieve the purposes for which they were assigned against payment of the prescribed fees. The Licensee is not allowed to dispose of these frequencies to another party by relinquishment, lease or use.

Article 16: The Licensee is not allowed to relinquish, lease or dispose of the radio equipment to another party by any way except after the latter has obtained a radio license to use such stations or radio equipment, and after the Licensee has obtained a prior written approval of the Authority for such disposal.

Article 17: Management and operation of the licensed radio station shall only be undertaken by the personnel authorized by the Licensee, and within the scope of the allowed coverage area. Use of the radio equipment in a vehicle in cases of distress or emergency shall, however be exceptional

Article 18: In addition to the conditions stipulated in this decision, the Licensee and all the personnel working at the radio stations shall comply with the provisions of the Telecommunications Regulatory Act, the rules, regulations and decisions applicable in the Sultanate, and the provisions of the ITU Constitution and Convention, and the annexed International Radio Regulations.

Article 19 Notwithstanding any procedure or penalty set out in the Telecommunications Regulatory Act, and the regulations and the implementing decisions thereof, or the applicable laws of the Sultanate, the Licensee shall restrict the use of his radio stations or shall immediately close or cease them based on a request from the Authority or any person officially authorized by it and for the period determined by the Authority, in the following cases:

- A. Violation of any of the radio license condition(s) or the obligations set out in this decision.
- B. Breach of the regional and international agreements to which the Sultanate is a party.

Article 20: This decision shall be published in the Gazette and shall come into force from the day following its publication date.

Mohammed Bin Nasser Al-Khasibi
Chairman of Telecommunications Regulatory Authority

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