
Licensing Regulations

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Telecommunications and Digital Government Regulatory Authority (TDRA)
P O Box 26662, Abu Dhabi, United Arab Emirates (UAE)
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Article (1)

Definitions

The terms, words, and phrases used in this Resolution shall have the same meaning as are ascribed to them in the Telecommunications Law unless this Resolution expressly provides for otherwise, or the context in which those terms, words and phrases are used in this Resolution requires otherwise. For the purposes of this Resolution, the following terms and words shall have the meanings ascribed to them below:

“State”	the United Arab Emirates.
“The Authority”	the Telecommunications and Digital Government Regulatory Authority (“the TDRA”);
“Board”	the Board of Directors of the Authority;
“Licence”	a licence granted pursuant to the provisions of the Telecommunications Law and its Executive Order which allows the Licensee to carry out/performance those Regulated Activities as specified in the licence and in accordance with the terms and conditions of the licence;
“Licensee”	a juridical person to whom a Licence has been granted and is named on the said licence;
“Regulated Activity”	the operation of a Public Telecommunications Network or the supply of Telecommunication Services to subscribers, and all other types of activities specified by the Board in accordance with the provisions of the Telecommunications Law;
“Regulatory Framework”	the complete body of resolutions, licences, authorisations, policies, regulations, instructions, directives, orders, determinations, reports, procedures, guidelines, and other such regulatory instruments as issued and as may be issued by the TDRA and as may be amended from time-to-time;

Article (2) General Licensing Provisions

1. Pursuant to the provisions of Article (10), section A, paragraph 5 of the Telecommunications Law, the Board may issue, extend, revoke, and suspend Licences as well as determine fees of Licenses.
2. Pursuant to the provisions of Article (14) of the Telecommunications Law, the Authority shall have the competence to issue Licences in accordance to the provisions of the Law.
3. Pursuant to the provisions of Article (28) of the Telecommunications Law, the Board shall, by decision, determine the type of Regulated Activities for which Licences may be issued and any limitation on the numbers of such licences.
4. The Authority shall monitor the provision of telecommunications services in the State and the Authority shall periodically review the level and state of competition in the telecommunications sector.
5. The Director General may make proposals to the Board for:
 - 5.1. the grant of new Licences; or
 - 5.2. the renewal, extension, amendment, suspension, or revocation of existing Licences.
6. The number and scope of any Licences shall be determined by the Board, and may be restricted or extended as appropriate depending on:
 - 6.1. The level and state of competition in the telecommunications sector in the State; or
 - 6.2. The availability of the scarce resources (e.g. spectrum and numbers); or
 - 6.3. the implementation of any technical restrictions to regulate the use of scarce resources; or
 - 6.4. The extent to which Licensees are meeting the demands of Consumers for telecommunications services, the quality of the provided services and/or the level of customer service provided by Licensees; or
 - 6.5. Any other reason determined by the Board.

Article (3) Licenses

1. The Authority shall issue individual Licences in two categories:
 - 1.1. Category A - Licences are issued to network operators and service providers where the number of Licences may be limited due to: policy reasons; or the availability of scarce resources (e.g. spectrum and numbers); or any other reason as determined by the Board.
 - 1.2. Category B – Licenses are issued to service providers who have no physical network, and/or have little or no need to use scarce resources, or any other reason as determined by the Board.
2. Licences will have general conditions which apply to all categories of licence and all types of licensee as well as specific conditions applying to the particular licensee, and/or the licensed network, and/or the licensed service.
3. All Licences shall obligate the Licensee to comply with the provisions of the Regulatory Framework at all times – including such amendments as the Authority may make from time to time; and
4. Any Licence template as may be published or attached to Board Resolutions, shall be considered as being indicative only. As such, the provisions of the Licence template may be modified by the Authority as required and appropriate regarding, without limitation: the term of the licence; the scope of the licence; the scope of any licensed network; the scope of the licensed services; the rights and obligations of the licensee; and, the licence fees (acquisition fee, annual fee, renewal fee, and all other applicable fees) prior to the licence being granted by the Board.

Article (4) Scarce Resources

1. The grant of a Licence shall not provide the Licensee with an automatic right to utilise any specific radio spectrum frequencies, nor any automatic right to utilise any specific numbering resources etc. The Licensee shall, in accordance with the Regulatory Framework, follow the procedures and guidelines to apply for the right of use of scarce resources.
2. The use of any scarce resource shall be in accordance with the provisions of the Regulatory Framework including any specific provisions as set out in the relevant Authorisation.

Article (5) Term of Licence

1. Subject to the remaining provisions of this Article, the term of any Licence is ten (10) years from the date on which it is granted.
2. The Authority may determine that a particular Licence shall be issued for a shorter or longer term depending on:
 - 2.1. The scope of the licence including the scope of the licensed network and/or the scope of the licensed services; or
 - 2.2. The availability of, and the demand for, scarce resources; or
 - 2.3. The award procedure; or
 - 2.4. Any other reason as determined by the Authority.
3. In all cases, the Licence term shall be expressed in the Licence prior to its grant by the Board.

Article (6) Amendment of Licence

1. An amendment to a Licence maybe initiated for any of the following:
 - 1.1. A change in the Telecommunication Law, or any other applicable laws, or a change in the Regulatory Framework, or a change in international treaties and/or agreements to which the UAE is a signatory, and which mandates or necessitates such an amendment;
 - 1.2. The interests of national security or public safety;
 - 1.3. The interest of consumer protection or as a result of market developments;
 - 1.4. In accordance with specific provisions in a particular licence;
 - 1.5. A request by the Licensee and by agreement with the Authority.
2. The Authority will seek to notify the Licensee by means of a written notice of the amendment and its reasons and the duration prescribed for its implementation, and the Licensee shall have the right to submit its views to such amendment within (15) fifteen days.
3. The Authority shall consider the Licensee's view on the proposed amendment and may seek further information if necessary before deciding whether to:
 - 3.1. proceed with the amendment as proposed;
 - 3.2. proceed with a modified version of the proposed amendment; or
 - 3.3. not to amend the licence.
4. The Authority shall communicate its decision to the concerned Licensee in a timely manner.

Article (7) Suspension of Licence

1. A Licence may be suspended for any of the following reasons:
 - 1.1. The Licensee has failed to pay the relevant fee(s) to the Authority;
 - 1.2. The Licensee is in breach of the Licence conditions and has failed to remedy the breach despite the Authority requiring it to do so; or
 - 1.3. A competent authority determines that is in the interests of national security or public safety to do so.
2. Suspension of a Licence shall mean the automatic suspension of the right(s) to use any resources associated with that licensed network or service and authorised for use by that Licensee including without limitation spectrum and numbers.
3. The Authority will notify the Licensee of the suspension by means of a written order of the Authority. The written order shall: set out the reason for the suspension; and to the extent practicable the time frame for the suspension; and if appropriate details of the circumstances under which the suspension may be lifted.

Article (8) Revocation of Licence

1. A Licence may be revoked for any of the following reasons:
 - 1.1. The Licensee has provided incorrect, false or misleading information at the time of application for the Licence;
 - 1.2. The Licensee has failed to pay the relevant fee(s) to the Authority;
 - 1.3. The Licensee is in continuing material breach of the Licence conditions and has failed to remedy the breach despite the Authority requiring it to do so; or
 - 1.4. A competent authority determines that is in the national interest to do so.
2. Revocation of a Licence shall mean the automatic revocation of any resources associated with that Licence and authorised for use by that Licensee including without limitation spectrum and numbers.

Article (9) Renewal of Licence

1. Unless provisions to the contrary are specified in an existing Licence, an application for renewal of a Licence shall be made in the relevant form not less than six months before the expiry of the Licence and the Licensee shall be granted a renewal of the Licence for a specified term unless:
 - 1.1. The Licensee has failed to comply with the terms and conditions of the Licence;
 - 1.2. The Licensee has failed to comply with the law or the Regulatory Framework; or
 - 1.3. A competent authority determines that it is not in the national interest to do so.
2. The Authority shall consider the application and if necessary, the Authority may seek further information from the Licensee and/or from any competent authority in the State before deciding:
 - 2.1. to grant the renewal of the Licence; or
 - 2.2. not to grant the renewal of the Licence.

Article (10) Fees

1. The Licensing fees are:
 - 1.1. Application fee;
 - 1.2. Acquisition fee; and
 - 1.3. Annual fee;
2. The licensing fees are as per the schedule of fees issued by the Authority, as may be amended from time to time.
3. Licensees shall pay frequency spectrum and numbering fees as applicable and as required by the Authority.
4. Licensees shall pay all other fees and fulfil any financial obligations as may be specified by the Regulatory Framework in effect at the time.

Article (11) Award Procedures

1. The Authority shall determine the procedures to be used for the grant of Licences and such procedures may include competitive selection processes including but not limited to auctions, sealed bids, or some form of comparative selection processes in which the Authority will assess the merits of each contender.
2. In the case of Licence awards which are based on monetary promises- such as auction or sealed-bid procedures, the Authority may deploy a two-stage procedure: where in the first stage, the Authority would create a short-list of qualified contenders based on an assessment of objective criteria such as: ownership; financial standing and resources; management structure and experience; technical experience and resources; roll-out and coverage commitments; and any other criteria determined by the Authority. In the second stage, only those qualified contenders would be invited to submit monetary promises.
3. The Authority shall enforce all processes required to disclose the true shareholding structure of the applicant including investors. The Authority may require these entities to demonstrate that they have not been found to be materially or repeatedly in breach of the applicable rules and regulations in the State or other jurisdictions.

Article (12) General Requirements and Application Procedure

1. An entity shall be eligible to apply for a Licence if the entity is:
 - 1.1. A company incorporated under the Commercial Companies Law and pursuant to Article 28 of the Telecommunication Law is an entity which is approved by the Board for the purposes of holding a Licence;
 - 1.2. A company whose shareholding complies with the resolution in which the concerned Regulated Activity has been approved to be licensed; and
 - 1.3. Unless the Board agrees otherwise, the percentage of foreign shareholdings in the concerned entity shall not exceed 49%, with the remaining 51% shareholding held by one or more national citizen partner.
2. The applicant shall comply with the following:
 - 2.1. Seek the approval for the establishment of the company to be Licensed, pursuant to Article 28 of the Telecommunications Law. Approval for establishment shall not indicate approval for any Licence applied for thereafter.

- 2.2. If the applicant seeks an exemption from any of the provisions of the Commercial Companies Law, the applicant shall submit a justified application to the Authority for such exemption, and the application shall identify the full range of exemptions sought.
- 2.3. An applicant shall submit the following information to the Authority:
 - 2.3.1. Proof of compliance with the eligibility criteria for awarding the Licence;
 - 2.3.2. Certified true copies of its memoranda and articles of association;
 - 2.3.3. Details of shareholding structure including information of any telecommunication licence held by any of the shareholders, whether in the State or elsewhere;
 - 2.3.4. Details of the management team including qualifications and experience in the telecommunication sector in the State and/or, if appropriate, in other jurisdictions;
 - 2.3.5. Business plan including without limitation:
 - a. type of network(s) to be operated and the type(s) of services to be provided;
 - b. the roll out plan for network and services including network diagrams and relevant technical details;
 - c. whether spectrum or numbers is/are required for the service and if so, details of the requirements;
 - d. funding proposal, and/or financial feasibility studies;
 - 2.3.6. Benefits to the UAE economy of the proposal; and
 - 2.3.7. Any other information supporting the application.
- 2.4. Additional information may be sought by the Authority from the applicant; such information to be submitted within a specified time. If the deadline is not met it will be deemed that there is no wish on part of the applicant to pursue the procedures.
- 2.5. The applicant shall complete and submit the final application form-Form A for a Category A Licence, or Form B for a Category B Licence (as set out in Appendix 1) along with the required application fee, and as per the applicable process.
- 2.6. Upon receipt of a duly completed application form, including all additional information and relevant approvals, a recommendation will be made by the Authority to the Board of Directors within thirty days.

Article (13) **Power to Extend Due Dates**

Whenever a time period is specified in these Regulations or in a Licence for an act to be performed or a condition to be fulfilled, the person affected may request for an extension of such time period in writing and the Authority may grant or refuse such extension as it deems fit in its absolute discretion.

Article (14) **Publication**

This resolution shall come into force from the date of its publication in the Official Gazette.

Article (15) Final Provisions

Resolution No. (6) of 2008 regarding the Licensing Framework and Resolution No. (7) of 2008 Regarding the Licensing Regulations are repealed and replaced by this resolution.

Appendix 1

FORM A

Application Form for a Category A Licence

(If space is insufficient, please attach information as Appendices)

1	Name of Applicant (in Arabic)	
2	Name of Applicant (in English)	
3	Commercial Registration Number	
4	Address	
	P. O. Box	
	Floor	
	Building	
	Street	
	Emirate/City	
5	Names and details of shareholders, including the type, nationality, and share of shareholders. (Please attach as Appendix)	
6	Details of capital of applicant	
7	Contact Person details	
	Name	
	Designation	
	Telephone	
	Mobile phone	
	Fax	
	Email address	
	Nationality	
	Passport Number	
	Emirates ID (if any)	
8	Applicant website address	
9	Details of key management personnel	
	<ul style="list-style-type: none"> • Qualifications; • Experience; • Previous experience in telecommunications sector (with name of company, country and period of employment). 	
10	Has the applicant or any of its shareholders any interest in any telecommunications entity licensed in the UAE or any other country? If yes, please provide details.	
11	Global Annual Turnover of the last 3 years (if applicable), if available, please include expected global annual turnover for the ongoing year	
	Year 3	
	Year 2	
	Year 1	
	Ongoing year	
12	Number of subscribers for the last 3 years (if applicable). If available, please include the number of subscribers for the ongoing year.	

	Year 3	
	Year 2	
	Year 1	
	Ongoing year	
13	Type of facilities/services to be offered	
14	Short description of facilities/services to be offered (please include comprehensive details as Appendix)	
15	Business Plan, including roll-out plan for networks/services and funding proposal and/or financial feasibility studies, if any. (please attach as Appendix)	
16	Will spectrum be required? If so, which frequencies?	
Item 17-19 apply on Satellite Services applicants only.		
17	Do you plan to have service links only in UAE or require a feeder link (gateway)?	
18	If a gateway is planned, please indicate identified location for the gateway (or yet to be identified).	
19	Please specify the location of the Telemetry, Tracking and Command (TT&C) facility and its capabilities. Also, please confirm that you can and will control the space station upon request by the TDRA.	
20	Will numbers be required? If so, what numbers?	
21	Please provide information on potential customer data collection, data analysis and the location of data storage?	
22	Additional information in support of application	
23	Declaration	
	I am the duly authorized representative of _____ and I hereby confirm that all the information submitted in this and all related documents for the purpose of this application for an individual licence under the Federal Law by Decree No (3) of 2003 as amended, are correct and true.	
	Name	
	Signature	

FORM B

Application Form for a Category B Licence (If space is insufficient, please attach information as Appendices)

1	Name of Applicant (in Arabic)	
2	Name of Applicant (in English)	
3	Commercial Registration Number	
4	Address	
	PO Box	
	Floor	
	Building	
	Street	
	Emirate/City	
5	Names and details of shareholders, including the type, nationality, and share of shareholders. (Please attach as Appendix)	
6	Details of capital of applicant:	
7	Contact Person details	
	Name	
	Designation	
	Telephone	
	Mobile phone	
	Fax	
	Email address	
	Nationality	
	Passport Number	
	Emirates ID (if any)	
8	Applicant website address:	
9	Details of key management personnel	
	<ul style="list-style-type: none"> • Qualifications; • Experience; • Previous experience in telecommunications sector (with name of company, country and period of employment). 	
10	Has the applicant or any of its shareholders any interest in any telecommunications entity licensed in the UAE or any other country? If yes, please provide details.	
11	Type of facilities/services to be offered.	
12	Short description of facilities/services to be offered (please include comprehensive details as Appendix)	
13	Business Plan, including roll-out plan for services and funding proposal, if any. (please attach as Appendix)	
14	Please provide information on potential customer data collection, data analysis and the location of data storage?	
15	Additional information in support of application.	
16	Declaration	

	I am the duly authorized representative of _____ and I hereby confirm that all the information submitted in this and all related documents for the purpose of this application for an individual licence under the Federal Law by Decree No (3) of 2003 as amended, are correct and true.	
	Name	
	Signature	