
Public Consultation

(Draft) Regulatory Policy for Space Services

Version 1

Issue Date: 06/05/2018

Telecommunications Regulatory Authority (TRA)
P O Box 26662, Abu Dhabi, United Arab Emirates (UAE)
www.tra.gov.ae

Preface and Notes to Potential Respondents

In keeping with its values of transparency and sector engagement, the TRA wishes to review and study the impact of regulatory instruments issued by it and develop new ones, as appropriate, to keep abreast of developments to better involve all stakeholders. The TRA strives to meet the needs of the sector and seeks the views and feedback from the sector for the revision and addition of new regulations. The purpose of this document is to invite comments from stakeholders regarding the TRA's intention to publish TRA Regulatory Policy relating to Space Services in accordance with the Telecom Law.

Stakeholders who wish to respond to this consultation should do so in writing to the TRA on or before the response date stated on the front cover of this document. The comments which are contained in any response to this consultation should be clearly identified with respect to the specific question in this consultation to which such comments refer. Any comments which are of a general nature and not in response to a particular question should be clearly identified as such.

Responses to this consultation should be made in writing and provided electronically in MS Word format and Adobe PDF format, on or before the response date stated on the front cover of this document. Responses must be accompanied by the full contacts details (contact name, e-mail address and phone and fax numbers) of the respondent to:

spectrumconsultation@tra.gov.ae;

Executive Director Spectrum Affairs
Telecommunications Regulatory Authority
P.O. Box 26662
Abu Dhabi, UAE

Respondents are advised that it will be the general intention of the TRA to publish in full the responses received to this consultation. Additionally, the TRA may, at its discretion generate and publish a "Summary of Responses" document at the conclusion of this consultation. Accordingly, the Summary of Responses may include references to and citations (in whole or in part) of comments which have been received. The TRA recognizes that certain responses may include commercially sensitive and confidential information which the respondent may not wish to be published. In the event that a response contains confidential information, it shall be the responsibility of the respondent to clearly mark any information which is considered to be of a confidential nature.

In any event the respondent shall be required to submit two versions of its response to the TRA as follows:

- A full copy of its response in MS Word format with any confidential information clearly marked. The TRA will not publish the Word document and will only use it for internal purposes.
- A publishable copy of its response in Adobe PDF format. The TRA will publish the PDF version in its entirety. Thus, the respondent should take care to redact any commercially sensitive and confidential information in the PDF version of its response.

By participating in this consultation and by providing a PDF version of its response the respondent expressly authorizes the TRA to publish the submitted PDF version of its response in full.

It should be noted that none of the ideas expressed or comments made in this consultation document will necessarily result in formal decisions by the TRA and nothing contained herein shall limit or otherwise restrict the TRA's powers to regulate the telecommunications sector at any time.

If any Person or entity seeks to clarify or discuss any part of Regulatory Policy can request for a meeting in writing again to the above E-mail and then TRA will set the meetings in the period from **21 to 23 May 2018** so that formal comments can still be received by **3.00pm on 31 May 2018**.

Consultation Schedule

Milestone	Due Date	Notes
Closing Date for Initial Responses	31 May 2018	All responses to this consultation should be properly received by no later than <u>15.00 noon</u> on the closing date. Responses are to be submitted in electronic format as set out in this consultation document.
Latest date for requests for extension to the due date for Initial Responses.	24 May 2018	<p>Stakeholders wishing to secure an extension to the Closing Date for Initial Responses may apply in writing to the TRA for such an extension. The request should set out the rationale for the request.</p> <p>Requests for extension should be submitted by e-mail to the e-mail address shown above.</p> <p>The TRA will not consider any requests for extension which the TRA receives after <u>15.00 noon</u> on the date stated here.</p> <p>The TRA will consider requests to extend the Closing Date for Initial Responses and will take into account such factors as: the number of such requests received; the rationale for such requests; and the effect on the overall time-scale of the particular project in question. In the event that the TRA extends the Closing Date for Initial Responses, the TRA will publish the revised closing date on its website.</p>

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1 Introduction

- 1.1 The TRA intends to publish its regulatory policy relating to Space Services. As such, all readers are informed that this document describes the proposed text to these regulations in order to give this document context and to enable the TRA to ask pertinent questions. All text in this consultation document should be read and interpreted as text and not as recording decisions of the TRA.
- 1.2 The need for a regulatory policy for Space Services has arisen following an independent review of best practice by Administrations for the regulation of Space Services. This policy is intended to provide greater transparency and clarity to Space Services and facilitate further growth and development in the space sector.
- 1.3 As such, the TRA seeks to consider inputs of all industry stakeholders regarding this Policy, which will apply in the TRA's exercise of its duties and legal mandates.
- 1.4 Additionally, the TRA strives to follow the principles of transparency, fairness and openness in dealings with customers, partners and other stakeholders and, therefore considers that it is important to take into account the views of those who have a legitimate interest in the outcomes of the TRA's consultation.

2 Matters for Discussion and Consultation

Article (1)

Scope of Document

- 1.1 With the issuance of this policy, the TRA intends to provide greater transparency and clarity of the regulations that apply to Space Services to enable the further development of and growth in the space sector.
- 1.2 This Policy specifies the regulatory aspects that relate to the provision of Space Services, Earth Station authorisation and Satellite Filings (coordination of Satellite Networks).
- 1.3 This Policy shall be applicable to all Space Services stakeholders within the UAE, including:
 - 1.3.1 any satellite services provider providing services to the UAE market;
 - 1.3.2 any satellite operator; and
 - 1.3.3 private VSAT and amateur satellite users.

Question 1: Do you have any proposed modifications/additions/suppressions to Scope of Policy?

Article (2)

Definitions

- 2.1 The terms, words and phrases used in this Regulatory Policy shall have the same meaning as ascribed to them in the Telecom Law (Federal Law by Decree No. 3 of 2003 as amended) and its Executive Order. In addition, this Regulatory Policy expressly provide for the meaning and context in which those terms shall be interpreted, as follows:
 - 2.1.1 "**Applicant**" in this instance means any Person who has applied for a License in accordance with the Telecom Law or other Regulatory Instruments issued by the Authority.
 - 2.1.2 "**Authority**" means the General Authority for Regulating the Telecommunication Sector known as Telecommunications Regulatory Authority (TRA) established pursuant to the provisions of Article 6 of Federal Law by Decree No. 3 of 2003.
 - 2.1.3 "**Authorization**" means a valid frequency spectrum authorization issued by the TRA and permits the use of radio frequency subject to terms and conditions as stipulated by the Authority.

- 2.1.4 **"Earth Station"** means a station located either on the Earth's surface or within the major portion of the Earth's atmosphere and is intended for communication with one or more space stations, or with one or more stations of the same kind by means of one or more reflecting satellites or other objects in space.
- 2.1.5 **"Harmful Interference"** means Interference which impairs the functioning of a Radiocommunication Service or which materially degrades or obstructs or repeatedly interrupts a Radiocommunication Service.
- 2.1.6 **"ITU"** means the International Telecommunication Union, which is an international treaty organisation and is an agency of the United Nations established by its relevant Constitution and Convention.
- 2.1.7 **"ITU BR"** means the Radiocommunication Bureau of the ITU.
- 2.1.8 **"Satellite"** means a body which revolves around another body of preponderant mass and which has a motion primarily and permanently determined by the force of attraction of that other body.
- 2.1.9 **"Satellite Network"** means a satellite system or a part of a satellite system, consisting of only one satellite and the cooperating earth station.
- 2.1.10 **"Space Services"** means the provision of radio services using satellite.
- 2.1.11 **"Telecommunication Services"** means the service of transmitting, broadcasting, switching or receiving by means of a Telecommunications Network of any of the following:
- 2.1.11.1 wired and wireless telecommunications
 - 2.1.11.2 voice, music and other sounds;
 - 2.1.11.3 visual images;
 - 2.1.11.4 signals used in radio and TV broadcasting;
 - 2.1.11.5 signals used to operate or control any machinery or apparatus;
 - 2.1.11.6 the installation, maintenance, adjustment, repair, replacement, moving or removal of apparatus which is or will be connected to a Public Telecommunications Network;
 - 2.1.11.7 the construction maintenance and operation of networks for telegraph, telephone, telex, leased circuits, domestic and international data networks, Internet and Wireless Transmission; and
 - 2.1.11.8 any other Telecommunications Services approved by the Board
- 2.1.12 **"VSAT"** means Very Small Aperture Terminal.

Question 2: Do you have any proposed modifications/additions/suppressions to Definitions?

Article (3)

Legal Reference

- 3.1 This Regulatory Policy has been issued by the TRA based on the powers granted to it within the provisions of the UAE Federal Law by Decree No 3 of 2003 (Telecom Law) as amended and its Executive Order.
- 3.2 In particular, Articles defined in the following sections of Telecom Law are relevant:
- 3.2.1 CHAPTER 3 - THE GENERAL AUTHORITY FOR REGULATING THE TELECOMMUNICATIONS SECTOR, Part 2 - Functions, Duties, and Powers of the Authority;
- 3.2.2 CHAPTER 4 - RESTRUCTURING OF THE TELECOMMUNICATIONS SECTOR, Part 2 – Licensees;
- 3.2.3 CHAPTER 4 - RESTRUCTURING OF THE TELECOMMUNICATIONS SECTOR, Part 3 – Exemptions and Exclusions;
- 3.2.4 CHAPTER 6 - FREQUENCY MANAGEMENT AND ALLOCATION; and
- 3.2.5 CHAPTER 9 – PENALTIES.

Question 3: Do you have any proposed modifications/additions/suppressions to the legal references?

Article (4)

Vision and Objectives

- 4.1 The TRA aims to provide the appropriate regulatory policy to support the UAE's vision to be a leading country in the development of Space Services and, in particular, meet the objectives of:
- 4.1.1 the UAE Centennial Program (Mars Habitat) and the UAE Vision 2021 (Hope Mission) where spectrum management and international coordination activities can be supported by the TRA through its Regulatory Policy;
- 4.1.2 coordinating with the UAE Space Agency and other space related entities as TRA is the national ICT regulator and UAE Administration;

- 4.1.3 supporting the aspirations of the UAE to be a market leader in the space sector through spectrum management;
- 4.1.4 ensuring that spectrum management is proportionate, transparent and non-discriminatory and is based on best practice;
- 4.1.5 ensuring there is efficient use of spectrum and orbital resources;
- 4.1.6 supporting the UAE based space entities; and
- 4.1.7 supporting research, development and investments in the space sector.

Question 4: Do you have any proposed modifications/additions/suppressions to UAE Space Sector Vision and Objectives?

Article (5)

Approach and Methodology

- 5.1 The regulatory policy for Space Services has focused on opportunities, to adopt the guiding principles including:
 - 5.1.1 clarity and direction regarding the applicable regulations / processes that apply to Space Services;
 - 5.1.2 ensuring an open and transparent consultation and decision process for any amendments or new proposals for the regulation of the services;
 - 5.1.3 providing a forward-looking plan to allow for the development of Space Services in UAE as and when new frequency bands become available;
 - 5.1.4 ensuring approaches are non-discriminatory, proportionate and appropriate;
 - 5.1.5 adopting approaches that support efficient use of spectrum and orbital resources and minimise the potential for interference; and
 - 5.1.6 adopting approaches that will, as far as possible, allow for future developments in Space Services.

Question 5: Do you have any proposed modifications/additions/suppressions to the approach and methodology covered by this Policy?

Article (6)

Requirements of Space Services Providers

6.1 The Licensing Framework defines the principles for service licensing related to Telecommunication Services. There are also several license templates providing a list of articles detailing licensing conditions.

6.2 The Licensing Regulations provide a detailed description of the eligibility requirements for individual and class Licenses together with the associated application forms.

6.3 In particular the following requirements apply:

6.3.1 Individual License

6.3.1.1 An entity shall only be eligible to obtain a License if it is incorporated under the Commercial Companies Law (Federal Law No. (8) of 1984) ("Commercial Companies Law"). Free zone companies may apply for a license to provide and operate its services within the free zone only.

6.3.1.2 Eligibility requirements include the following:

6.3.1.3 A company incorporated under the Commercial Companies Law, or any legal person approved by the Board of TRA; and

6.3.1.4 A company whose shareholding complies with the resolution in which that particular regulated activity has been approved to be licensed.

6.3.1.5 Information to be provided to the TRA by the Applicant includes proof of fulfilment of eligibility criteria, details of shareholding structure, details of management team, business plan (type of networks and services, roll out plan, requirement for scarce resources and funding proposal), benefits for UAE economy, any other relevant data. An application form containing this information together with the application fee need to be submitted.

6.3.1.6 The TRA will make a recommendation within thirty (30) days of receipt of the application form to the Board of Directors of the Authority.

6.3.2 Class License

6.3.2.1 The requirements are the same as those defined for an individual license except there is no requirement to submit a roll out plan, requirement for scarce resources and funding proposal.

6.3.3 Suspension / Revocation of License

6.3.3.1 An individual License or class License may be suspended or revoked for the following reasons:

6.3.3.2 the Licensee has provided incorrect, false or misleading information at the time of application for the License;

6.3.3.3 the Licensee has failed to pay the annual License fee;

- 6.3.3.4 the Licensee is in breach of the license conditions and has failed to remedy the breach despite the TRA requiring it to do so; and
- 6.3.3.5 in the national interest.
- 6.3.3.6 Every suspension or revocation of a License shall mean the suspension or revocation of any resources associated with that licensed network or service and authorized for use by that Licensee including without limitation spectrum.

6.3.4 Renewal of License

- 6.3.4.1 Application for a renewal needs to be made not less than six months before the License expiry date. The Licensee shall be granted a renewal for a specified term unless:
 - 6.3.4.2 the Licensee has failed to comply with the terms and conditions of the License;
 - 6.3.4.3 the Licensee has failed to comply with the Law or the regulatory framework; and
 - 6.3.4.4 it is not in the national interest to do so.
- 6.3.4.5 The TRA shall consider the application and may seek further information if necessary before deciding to grant or not to grant the renewal of the License.

Question 6: Do you have any proposed modifications/additions/suppressions to the Licence requirements for Space Services providers?

Article (7)

Requirements of Entities Submitting Satellite Filings via TRA

- 7.1 The Guidelines for the Coordination of Satellite Networks provide greater transparency, fairness, comprehensiveness and efficiency as well as encouragement of investment in the UAE.
- 7.2 The key topics of the Guidelines include the following.
 - 7.2.1 *Acceptance Criteria* – Clearly defined acceptance criteria are provided to accept Satellite filings when an operator requests that the Authority submit a new Satellite filing to the ITU BR on their behalf.
 - 7.2.2 *Evaluation Method* – The key principles used for the evaluation of Satellite filings against the acceptance criteria are outlined.

- 7.2.3 *Responsibilities* – The TRA’s procedures for complying with ITU rules and regulations related to planned and non-planned bands (e.g. Appendices 30/30A and 30B and Articles 9 & 11) are set out. These clearly define the TRA’s responsibilities, how / when an operator should initiate a coordination request with the TRA and what is expected from an operator in coordination activities.
- 7.2.4 *Milestones* – A schedule of milestones is defined to manage the Authority’s obligations under the ITU rules and regulations while maintaining sufficient flexibility to allow for the uncertainties in international Satellite coordination.
- 7.2.5 *Domestic Coordination* – Requirements associated with domestic coordination of Satellite filings are described.
- 7.2.6 *On-going Obligations of Operators* – Obligations to be complied by operators on a continuous basis are defined.
- 7.2.7 *Enforcement* – The TRA’s enforcement powers are described explicitly in the event of non-compliance with the obligations imposed on stakeholders.
- 7.2.8 *Transfer, Trading, Cancellation and Relinquishment of Filings* – Statements are provided to identify conditions for transfer, trading, cancellation and relinquishment of Satellite filings.
- 7.2.9 *Cost Recovery* – Procedures related to passing ITU BR Satellite filing costs to the Satellite filing owners are described.

Question 7: Do you have any proposed modifications/additions/suppressions to requirements of entities submitting satellite filings via TRA?

Article (8)

Requirements of Frequency Spectrum Authorization

- 8.1 The use of Earth Station Authorization for enabling access to the radio spectrum is a well-established method.
- 8.2 The TRA’s current key instrument is Earth Stations Regulations where Earth Stations are categorised and associated technical conditions are briefly outlined.
- 8.3 The TRA’s Earth Stations Regulations provide:
- 8.3.1 Updated Earth Station categories;
- 8.3.2 Comprehensive up-to-date technical and operational conditions for each Earth Station category; and
- 8.3.3 Class Authorization mechanism for certain space service user equipment for which the likelihood of Harmful Interference into other spectrum users is negligible.

- 8.4 Earth Station categories include both fixed and mobile Earth Stations.
- 8.5 General technical conditions applicable to all categories are described together with up-to-date frequency allocations.
- 8.6 International spectrum coordination and notification requirements are briefly described.
- 8.7 Specific and detailed technical and operational conditions are provided for each Earth Station category. The level of detail is balanced to achieve proportionality and avoid discouraging investment.
- 8.8 Criteria used for Class Authorization of certain user equipment are defined by considering the implications on the spectrum efficiency.

Question 8: Do you have any proposed modifications/additions/suppressions to the requirements for spectrum authorisation for the different Earth Station categories?

Article (9)

Compliance with Concurrent Obligations

- 9.1 It is the responsibility of the relevant Licensees and Space Service Providers to ensure that before any Space Service is introduced, it is in compliance with the TRA's entire Regulatory Framework as well as any conditions imposed by any other competent authority.
- 9.2 Under no circumstances shall an approval with respect to this Regulatory Policy be construed as a waiver or excusal of any other relevant conditions or obligations.

Question 9: Do you have any proposed modifications/additions/suppressions to ensuring compliance with other relevant conditions or obligations?

Article (10)

Effective Date

- 10.1 This Regulatory Policy shall take effect on the date of issue.

3 General comments

- 3.1 Further to the specific matters discussed, and questions asked above, please identify any additional issues which you feel are relevant for consideration in this consultation. Please provide specific support and/or explanation of your viewpoints as well as recommendations regarding how such issues might be resolved.