



FEDERAL REPUBLIC OF SOMALIA

MINISTRY OF COMMUNICATIONS & TECHNOLOGY

ICT DEPARTMENT

RADIO FREQUENCY SPECTRUM POLICY

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1. Introduction

This document presents the national Radio Frequency (RF) spectrum policy framework which comprises of policy objectives and guiding principles, RF spectrum allocation and planning policies, RF spectrum assignment policies, RF spectrum licensing policies and RF spectrum pricing policies. This document is a living document and will be reviewed and updated from time to time by the national communications authority (NCA) in response to the social, market and technological developments in the country.

2. Policy Objectives and Guiding Principles

Pursuant to Article (36) section 6 of the National Communications Law of 2017, the NCA has statutory responsibility to manage the RF spectrum resource. To that end, the NCA Radio Frequency Spectrum management process will be guided by the following objectives and principles.

2.1 RF Spectrum policy objectives:

This aims of the policy among others the following:

- I. To maximize the economic benefits that the nation obtains from the use of the RF spectrum resource;
- II. To establish transparent RF spectrum allocation and assignment process;
- III. To promote competition and efficient utilization of RF spectrum to deploy advanced and innovative communications services; and
- IV. To ensure that sufficient RF spectrum is reserved for government services.
- V. To provide consultation and to promote awareness on the environmental and health effect from the RF Spectrum.

2.2 Guiding Principles of the RF spectrum policy

To accelerate the ongoing socio-economic recovery of the country, the national RF spectrum policy shall be guided by the following principles:

- I. The RF spectrum policy should be aligned with the national development plan and relevant national policies and goals;

- II. The RF spectrum policy should support the development of the communications sector in the country by:
 - a. Making RF spectrum available for use in a timely manner;
 - b. Embracing technology and service neutral RF spectrum licensing approach;
 - c. Adopting internationally harmonized frequency allocations and standards;
 - d. Ensuring that suitable interference mitigation techniques and protection procedures are in place;
 - e. Applying effective and timely enforcement that is suitable with the risks caused by non-compliance; and
 - f. Reallocating unused RF spectrum from service to another.
- III. RF Spectrum management practices should be transparent, non-discriminatory, non-biased and reasonable;
- IV. RF Spectrum licensing methods should be responsive to the market demands and technological developments and also offer business stability to promote investment; and
- V. Adequate RF spectrum should be made available to support national security and public safety needs.

3. RF Spectrum Allocation and Planning Policies

- 3.1** The technical committee of the NCA board of directors (BoD) shall be responsible for the development and maintenance of a National RF spectrum plan (NRFSP) that serves as a binding basis for the NCA RF spectrum management process.
- 3.2** The NRFSP should provide a detailed information on specific frequency allocations and assignments for different services and organizations in the country. The main component of NRFSP is the national frequency allocation table (NFAT).
- 3.3** The NFAT should be developed and updated in accordance with the ITU-R Radio Frequency regulations.
- 3.4** The content of the NRFSP shall be reviewed and updated periodically to ensure that it satisfies the needs of radio spectrum users and it is consistent with current international use of spectrum

3.5 Sufficient RF spectrum shall be provided to support emergency services and designated telecommunications services in the case of a national emergency, or in the case of natural and man-made disasters.

3.6 Adequate spectrum shall be made available for new technological developments to support technology neutrality.

4. RF Spectrum Assignment Policies

4.1 Frequency assignment process shall be open, transparent and non-discriminatory for all radio spectrum users.

4.2 Frequency assignment process shall encourage efficient use of RF spectrum and support the promotion of competition in the ICT sector.

4.3 Frequency assignments for all users shall be in accordance with the NRFSP and a clearly defined conditions (for example maximum allowed radiated power) shall be included in the associated spectrum license document.

4.4 Specialized spectrum management software and appropriate frequency assignment methods shall be used in the frequency assignment process.

4.5 Frequency assignment methods should be regularly reviewed and updated to ensure that they maintain the objective of maximizing spectrum utilization while minimizing harmful interference to other spectrum users.

5. RF Spectrum Licensing Policies

5.1 All RF spectrum users shall have to obtain RF user license from the NCA.

5.2 RF Spectrum licensing processes and conditions shall be developed in order to realize the social economic potential of the RF spectrum.

5.3 Technology and service neutral RF spectrum licensing shall be implemented to promote competition in the ICT sector.

- 5.4** The RF spectrum License shall state the licensee's exclusive right to use the assigned RF spectrum and the specified license conditions associated with the use of the RF spectrum.
- 5.5** The following spectrum licensing methods shall be used as appropriate:
- 5.5.1** Market-based RF spectrum licensing mechanism (for example, an auction) shall be used where there are competing demands for the assignment of radio spectrum, unless there are overruling public interest reasons to do otherwise.
- 5.5.2** First-come first-served licensing approach shall be used where there are no competing law demands for the assignment of radio spectrum or RF frequency assignment is unlikely to limit the number of applicants for frequencies in that band or the efficiency of use of the frequency band.
- 5.5.3** Beauty contest entail asking the applicant to make written request and allocating spectrum to the most convincing application.
- 5.6** RF Spectrum licensing methods and processes shall be periodically reviewed and updated in order to meet the evolving technologies and market needs.
- 5.7** NCA should prepare a document that describes the license-exempt use of radio spectrum and associated regulations.
- 5.8** The licensee's failure to comply with the license conditions may result in the cancelation or non-renewal of a license, or the imposition of fines or other penalties as permitted in Law.

6. Spectrum Pricing Policies

- 6.1** All RF spectrum users, except government and humanitarian organizations, shall have to pay spectrum utilization fee.
- 6.2** The spectrum utilization fee for licenses granted to users using a market-based licensing mechanism (for example an auction) shall be determined by the market (i.e. the successful bid price).
- 6.3** Where radio spectrum is not released through market-based mechanism (for example, an auction), the spectrum utilization fee will be set by NCA.

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