



**ETHIOPIAN COMMUNICATIONS AUTHORITY**

**TELECOMMUNICATIONS  
LICENSING DIRECTIVE**

**DRAFT FOR STAKEHOLDER CONSULTATION**

April 27, 2020

## TELECOMMUNICATIONS LICENSING DIRECTIVE

Whereas Article 6(2) of the Communications Service Proclamation No. 1148/2019 confers on the Ethiopian Communications Authority (the Authority) the power to implement policies for Communications Services in Ethiopia;

Whereas Article 6(7) of the Proclamation grants the Authority the power to issue a license, supervise operators of Communications Services and modify, renew, suspend or revoke licenses;

Whereas Article 20(2) of the Proclamation requires the Authority to issue Licenses for the operation and provision of Communications Service by way of class or individual Licenses on such terms and conditions as the Authority may from time to time determine, including the term of the license;

Whereas Article 20(4) of the Proclamation gives power to the Authority to formulate licensing procedures, license conditions, and terms;

Whereas Article 54(2) of the Proclamation confers on the Authority the power to issue Directives for the implementation of the Proclamation and Regulations issued as per the Proclamation;

Now, therefore, the Authority hereby issues this Telecommunications Licensing Directive.

### PART ONE GENERAL

#### 1. Short Title

This Directive may be cited as “Telecommunications Licensing Directive No. 1/2020”

#### 2. Definitions

Words and phrases used in this Directive shall have the meaning and application given to them in Communications Service Proclamation No. 1148/2019. In this Directive, unless the context otherwise requires:

- 1) “**Amateur Communications Radio Service License**” means a License issued by the Authority for a private communications radio service for the purpose of self-training, intercommunication, and technical investigations carried out by amateurs solely for personal interest.
- 2) “**Applicant**” means a person who applies to the Authority to obtain a License.
- 3) “**Authority**” shall mean the Ethiopian Communications Authority established under Article 3 of the Proclamation.
- 4) “**Call Center Service License**” means a License issued by the Authority for the provision of receiving or transmitting enquiries by telephone for customer interaction with third party agencies.

- 5) “**Class License**” means a License for any or all persons to conduct a same class of Telecommunications Services and may include conditions to which the conduct of that activity shall be subject.
- 6) “**Fixed Network Operator License**” means a License issued by the Authority for the operation of a Public Switched Telecommunications Network to provide voice telecommunications service.
- 7) “**Global Mobile Personal Communications by a Satellite Service (GMPCS) License**” means a Landing Right Authorization issued by the Authority for the provision of satellite mobile voice and data service without having any infrastructure or network facility in Ethiopia.
- 8) “**Hosting Service Provider (HSP) License**” means a License issued by the Authority for the provision of application services dedicated to providing hosting services for a pool of remote, internet-based Information Technology resources to organizations and individuals either at a data center or collocation facility.
- 9) “**Individual License**” means a License for a specified person to conduct a specified activity of Telecommunications Services and may include conditions to which the conduct of that activity shall be subject.
- 10) “**Internet Exchange Point (IXP) License**” means a License issued by the Authority for provision of physical infrastructure through which Internet service providers (ISPs) exchange Internet traffic between their networks (autonomous systems).
- 11) “**International Gateway License**” means a License issued by the Authority for the provision of international voice and data services or international transmission capacity through microwave, submarine cables or satellites, and for voice services using IP connectivity to deliver Voice over Internet Protocol services.
- 12) “**Internet Service Provider License**” means a License issued by the Authority for the provision of Internet access or service including Voice over Internet Protocol (VoIP) services using own or leased Infrastructure.
- 13) “**Indoor Cable Installation and Maintenance License**” means a License issued by the Authority for the installation or maintenance of Telecommunications cable or wire in a house, building or compound and shall include installing Private Branch Exchange (PBX) and telephone distribution terminals in a suitable place inside a house or building.
- 14) “**License**” means a License issued by the Authority.
- 15) “**Licensee**” means a person who has been issued a License by the Authority.
- 16) “**Mobile Network Operator License**” means a License issued by the Authority for the operation of a Cellular Mobile Network to provide any Telecommunications Service including voice, text, data, and video using any generation of wireless technologies anywhere within Ethiopia, and to send and receive Telecommunications to and from outside Ethiopia.

- 17) **“National Telecommunications Operator License”** or **“Unified Telecommunications Service License”** means a License issued by the Authority for the operation of a Public Switched Telecommunication Network, Cellular Mobile Network, Internet and Data Communications Network to provide any Telecommunications Service including voice, text, data, and video using any technology whether fixed or wireless anywhere within Ethiopia, and to send and receive Telecommunications to and from outside Ethiopia.
- 18) **“Outdoor Cable Installation and Maintenance License”** means the installation and maintenance of Telecommunications, primary or secondary cable, last mile connectivity, optical fiber backbone, fiber or fixed wireless networks establishing connectivity between the local exchange facility and the premises.
- 19) **“Private Communications Radio Service License”** means a License issued by the Authority to install and operate a fixed communication radio service or a mobile communication radio service that is operated for noncommercial private use.
- 20) **“Proclamation”** means, unless otherwise noted, the Communications Service Proclamation No. 1148/2019.
- 21) **“Satellite News Gathering (SNG) Service License”** means a License issued by the Authority for the operation of Satellite News Gathering Equipment.
- 22) **“Telecommunications Infrastructure Provider License”** means a License issued by the Authority for the provision of Fiber Optics (Dark Fiber) Infrastructure, Mobile Tower Infrastructure, and/or Data Center Infrastructure.
- 23) **“Value Added Service (VAS) License”** means a License issued by the Authority for the provision of non-core telecommunications services of network providers or value added mobile, internet or fixed services, including premium rated services, as determined by the Authority from time to time.
- 24) **“Very Small Aperture Terminal (VSAT) License”** means a License issued by the Authority entitling the holder to install and use a network of Very Small Aperture Terminals for Closed User Groups operated for non-commercial private use.
- 25) **“Virtual Internet Service Provider License”** means a License issued by the Authority for the provision of internet access service to customers by leasing internet bandwidth or internet network equipment of the National Telecommunications Operator or Internet Service Provider.
- 26) **“Person”** means a natural person or a juridical person and any expression in the masculine gender includes the feminine.

### **3. Objective**

The objective of this Directive is to provide a licensing framework that will allow for an effective and efficient licensing process as well as procedures in the Telecommunications sector for the operation of Telecommunications systems, infrastructures, and Telecommunications Services in the Federal Democratic Republic of Ethiopia.

#### **4. Scope of Application**

This Directive shall apply to the following categories of Licenses:

- 1) Individual Licenses;
- 2) Class Licenses;
- 3) Radio Frequency Spectrum Licenses; and,
- 4) Any other License category as may be determined and published by the Authority.

### **PART TWO**

#### **LICENSING REQUIREMENT, PROCESS, AND EXEMPTIONS**

#### **5. License Requirement**

- 1) No person shall operate a Telecommunications Service or Network without obtaining a License from the Authority, consistent with this Directive.
- 2) No person shall use the Radio Frequency Spectrum without obtaining a License from the Authority, consistent with the Proclamation and this Directive.

#### **6. Exemptions from Licensing**

- 1) Notwithstanding Article 5 of this Directive, the Authority may issue an exemption order, pursuant to a transparent Stakeholder Consultation, to exempt a specified Telecommunications Service or class of persons from the requirement of holding a License.
- 2) Such an exemption shall not jeopardize the Authority's mission to promote fair competition and investment in the sector.
- 3) The Authority shall, before granting an exemption order, ensure that the service to be provided will not interfere or cause harm to Telecommunications Service providers or consumers.
- 4) By granting such an exemption, the Authority shall be guided by the principles provided in Article 20 (4) of the Proclamation.

#### **7. Scope of License**

- 1) A License issued by the Authority shall authorize its holder to own and operate a Telecommunications Network, and/or provide a Telecommunications Service as prescribed in the License conditions and terms.
- 2) A Licensee shall not provide any service or operate any facility that is not expressly stated in its License.
- 3) A person or entity providing a service or facility that has not been designated as a licensable Telecommunications Service shall immediately cease from providing the service or facility once it has been designated as a licensable Telecommunications Service.

- 4) Notwithstanding Sub-Article 3 of this Article, the Authority may authorize the person or entity to continue with the provision of the service or facility on such terms and conditions pending receipt of License.

## **8. License Application Conditions and Requirements**

- 1) The License application shall be in writing.
- 2) An application for a License shall only be valid, if the applicant:
  - a) Is registered under the laws in force in the Federal Democratic Republic of Ethiopia;
  - b) Meets the Authority's technical requirements to operate such a License;
  - c) Possesses sufficient financial capacity to roll-out and operate a network and/or provide long term Telecommunications Service to the satisfaction of the Authority; and,
  - d) Fulfills any other condition the Authority may require.
- 3) An application for a License shall only be valid if the service applied for does not pose a real or potential danger to the public order, public morality, or the national security.
- 4) In the case of a resource-dependent service, the Authority shall determine the availability of such resource such as spectrum or numbering and that the applicant has secured a reservation or assignment of such resource.
- 5) Every application for a Telecommunications License shall be made to the Authority in the prescribed application forms obtainable on the Authority's website or at its office, accompanied with evidence of payment of the application fee determined by the Authority and any other document as may be required.
- 6) The application for a License shall be submitted to the Authority with the following required information:
  - a) Registration or identification documents prescribed by the Authority;
  - b) A memorandum and articles of association, where applicable;
  - c) A list of names, nationality, address, number, and value of subscribed shares of shareholders;
  - d) The applicant's mailing and/or physical address in Ethiopia;
  - e) Where applicable, a detailed business plan for the proposed services;
  - f) Detailed information relating to the proposed networks or services to be provided;
  - g) Detailed information relating to the type of service the applicant wishes to provide, and the geographic region covered by the service;

- h) Detailed description of the network and transmission systems the applicant wishes to establish and operate, as well as a time schedule for implementation and date of operation and network rollout;
- i) Where applicable, information relating to the previous experience in the management of the proposed Telecommunications network or the provision of the services for which a License is sought;
- j) Information required by the Authority to demonstrate financial ability to roll-out and operate a network and/or provide long term service to the satisfaction of the Authority; and,
- k) Any other information that the Authority may require.

**9. Amendment of License Conditions**

- 1) The Authority may, from time to time, in compliance with the Proclamation, amend License conditions.
- 2) Where the Authority proposes to amend any License condition, it shall notify all Licensees in writing of:
  - a) The reason(s) for the proposed amendment; and,
  - b) The date on which the proposed amendment is to take effect.
- 3) The Licensee may make written submissions to the Authority within but not later than thirty (30) days from the date of the written notice.
- 4) Prior to making a final Decision regarding the proposed amendment, the Authority shall take into consideration any submission made by the affected Licensees, and any other interested party.

**10. Additional Information and Documents Sought by the Authority**

- 1) The Authority may at any time after the receipt of an application for a License, request an applicant to give additional information or documents in support of the application.
- 2) Failure to provide the requested additional information or document within ten (10) working days shall be deemed a withdrawal of that application.
- 3) Any information submitted in connection with an application shall be accurate. If the Authority determines any information or document submitted by an applicant to be inaccurate, the applicant shall be given ten (10) working days to correct the information or document. Failure to correct the information and/or provide the requested information or document shall result in the rejection of the application.

**11. Obligation to Notify Changes to the Authority**

Once approved, a Licensee shall notify the Authority of any change or inaccuracy in its corporate details, the description and scope of a Telecommunications Network and/or Service run by it, and any other information submitted to the Authority.

## **12. Limitation on Issuance of License**

- 1) Where the Authority proposes that the number of Licenses to be issued for the operation of a particular type of Telecommunications Network or the provision of a particular type of Telecommunications Service be limited, it shall publish a consultative document containing the Licensing method and detailed reasons for the proposed limitation.
- 2) The Authority shall consider any representations made to it in respect of the proposed limitation but shall not be bound by such representations in making its Decision.

## **13. Existing License**

A person holding an existing License shall apply and obtain a new License in accordance with this Directive pursuant to the migration modalities to be issued by the Authority.

### **PART THREE INDIVIDUAL LICENSES**

## **14. Methods for Issuing an Individual License**

- 1) Telecommunications Services requiring Individual Licenses are listed in Appendix A of this Directive.
- 2) The Authority may grant an Individual License using any of the following methods:
  - a) Auction;
  - b) Beauty Contest;
  - c) Hybrid of Beauty Contest and Auction; or,
  - d) Any other method that the Authority may deem appropriate.
- 3) Notwithstanding Sub-Article (2) of this Article the methods to be used and the associated licensing procedures for Individual Licenses for a National Telecommunications and Mobile Network Operators which will be issued using competitive selection shall be determined in the public notice requesting License applications.

## **15. Processing of an Application**

- 1) Once the Authority is satisfied with the application, it shall issue an Offer Letter to the applicant, stipulating terms that are applicable to the particular License.
- 2) An applicant shall pay the relevant License fee within thirty (30) days of the receipt of the Offer Letter.

## **16. Time Required to Make a Determination**

- 1) Within thirty (30) days of receipt of the application, the Authority shall determine whether an individual License shall be granted and will inform the applicant of its Decision in writing.

- 2) The Authority reserves the right to extend the time within which it shall make a Decision, but not later than sixty (60) days.

**17. Radio Frequency Spectrum Dependent Individual License**

The issuance of a License that is Radio Frequency Spectrum dependent shall:

- 1) Not convey an automatic assignment of the Radio Frequency Spectrum, unless where the Authority assigned such Radio Frequency Spectrum for the applicant; and,
- 2) Be conditional upon meeting the requirements for the assignment of a Radio Frequency Spectrum indicated in Part Five of this Directive.

**18. Duration and Expiration of an Individual License**

- 1) A Licensee shall inform the Authority six (6) months prior to the expiration of its License, whether or not it intends to renew its License.
- 2) Should the Licensee opt not to renew its License, it shall fulfill the provisions of Article 20 Sub-Articles 1 (b), (c) and (d) of this Directive.
- 3) Where the License is terminated at the expiration of its duration, the Authority shall automatically remove its name from the register of Licenses. The Individual Licensee shall immediately cease providing service upon the expiration of its License unless the Authority either permits or requires the Individual Licensee to continue providing service on a temporary basis.

**19. Renewal of an Individual License**

An Individual License may be renewed where:

- 1) The Licensee has applied for renewal of its License with the necessary License renewal fees not later than six (6) months prior to its expiration;
- 2) The Licensee has fulfilled every License obligation and completed the necessary application forms; and,
- 3) The Authority has found the application satisfactory.

**20. Surrender of Individual License**

- 1) A Licensee who wishes to surrender a valid and subsisting Individual License shall:
  - a) Give the Authority not less than ninety (90) days' notice of its intention to surrender the Individual License prior to the date of actual submission of the written notice or the date determined by the License on which surrender of the License will take effect;
  - b) Provide written proof to the Authority that subscribers of the License have been given a minimum of sixty (60) days' notice of its intention to surrender the License and to terminate its operations;
  - c) Furnish the Authority with details of arrangements made to migrate existing subscribers to another Licensee before the effective date of surrender; and

- d) Provides an undertaking that guarantees refunds to existing subscribers for prepaid services and has no outstanding obligation to any other Licensee or subscribers.
- 2) The Authority reserves the right to request any additional information or undertaking, as may be deemed necessary for proper consideration of an application to surrender a License.
- 3) The Authority may consider a Licensee's applications to extend the time to surrender a License.

**PART FOUR**  
**CLASS LICENSES**

**21. Application for a Class License**

An application for a Class License shall be submitted to the Authority by completing relevant application forms, attaching required documents, and the required fees. The Telecommunications Services that require a Class Licenses are listed in Appendix B of this Directive.

**22. Time Needed to Make a Determination**

Within thirty (30) days of receipt of the application, the Authority will determine whether a Class License shall be issued and will inform the applicant of its Decision in writing. The Authority reserves the right to extend the time within which it shall make a Decision.

**23. Duration and Expiration of a Class License**

- 1) A Licensee shall inform the Authority three (3) months prior to the expiration of its License, whether or not it intends to renew its License.
- 2) Should the Licensee opt not to renew its License, it shall fulfill the provisions of Article 20 Sub-Articles 1 (b), (c) and (d) of this Directive, as applicable.
- 3) Where the License is terminated at the expiration of its duration, the Authority shall automatically remove its name from the register of Licenses. The Individual Licensee shall immediately cease providing service upon the expiration of its License unless the Authority either permits or requires the Individual Licensee to continue providing service on a temporary basis.

**24. Renewal of a Class License**

A Class License may be renewed where:

- 1) The Licensee has applied for renewal of its License with the necessary License renewal fees not later than three (3) months prior to its expiration;
- 2) The Licensee has fulfilled every License obligation and completed the necessary application forms; and,
- 3) The Authority has found the application satisfactory.

## **25. Surrender of Class License**

- 1) A Licensee who wishes to surrender a valid and subsisting Class License shall:
  - a) Give the Authority not less than ninety (90) days' notice of its intention to surrender the Individual License prior to the date of actual submission of the written notice or the date determined by the License on which surrender of the License will take effect;
  - b) Provide written proof to the Authority that subscribers of the License have been given a minimum of sixty (60) days' notice of its intention to surrender the License and to terminate its operations;
  - c) Furnish the Authority with details of arrangements made to migrate existing subscribers to another Licensee before the effective date of surrender; and,
  - d) Provides an undertaking that guarantees refunds to existing subscribers for prepaid services and has no outstanding obligation to any other Licensee or subscribers.
- 2) The Authority reserves the right to request any additional information or undertaking, as may be deemed necessary for proper consideration of an application to surrender a License.
- 3) The Authority may consider a Licensee's applications to extend the time to surrender a License.

### **PART FIVE**

#### **RADIO FREQUENCY SPECTRUM LICENSES**

## **26. Application and Processing of Radio Frequency Spectrum License**

- 1) An application for a Radio Frequency Spectrum License shall be submitted to the Authority in the prescribed application form, obtainable from the Authority's website or any of its offices, accompanied with evidence of payment of the application fee determined by the Authority and any other required documents.
- 2) Once the Authority receives an application for a Radio Frequency Spectrum License, the Authority shall:
  - a) Within seven (7) days, notify the applicant if the application is complete or if any additional information is required; and,
  - b) Once the application is complete, the Authority will inform the applicant of its determination within thirty (30) days.
- 3) Notwithstanding the requirements set forth in Sub-Article 2 of this Article, the Authority reserves the right to extend the time within which it shall make a Decision.

## **27. Methods of Radio Frequency Spectrum Licensing**

- 1) The Authority may issue a Radio Frequency Spectrum License using any of the following methods:

- a) First come, first served basis;
  - b) Auction;
  - c) Beauty Contest;
  - d) Hybrid of Beauty Contest and Auction; or,
  - e) Any other method that the Authority may deem appropriate.
- 4) Notwithstanding Sub-Article (1) of this Article the Radio Frequency Spectrum Licensing methods to be used for Individual Licenses for a National Telecommunications and a Mobile Network Operators that will be issued using competitive selection shall be determined in the public notice requesting License applications.

**28. Requirements for Issuance a Radio Frequency Spectrum License**

- 1) Without prejudice to Article 8 of this Directive, an application for issuance of a Radio Frequency Spectrum License may be granted, where:
  - a) The applicant is an entity lawfully registered under the laws in force in the Federal Democratic Republic of Ethiopia.
  - b) An application for a Radio Frequency Spectrum License has been submitted and evaluated as satisfactory by the Authority;
  - c) The applicant meets the Authority's technical requirements for operating such a Radio Frequency Spectrum;
  - d) The Radio Frequency Spectrum applied for is required to provide services under an Individual or Class License issued to the applicant by the Authority;
  - e) The Radio Frequency Spectrum is available for assignment; and
  - f) The application meets any other condition as may be prescribed by the Authority.
- 2) An application for a Radio Frequency Spectrum License shall be refused where:
  - a) The Authority does not possess any usable Radio Frequency Spectrum; or,
  - b) The applicant fails to provide information that the Authority requires for the issuance of a License.
- 3) All Radio Frequency Spectrum Licenses shall be issued in compliance with the prescriptions of the National Frequency Allocation Plan and its modifications.

**29. Duration and Termination of a Radio Frequency Spectrum License**

- 1) A Radio Frequency Spectrum License issued under this Directive shall subsist for a period of one (1) year in the first instance and shall expire automatically unless the Licensee gives the Authority a notice of its intention to renew the same not later than one (1) month prior to the expiration of the License.
- 2) Notwithstanding Sub-Article (1) of this Article, a Radio Frequency Spectrum License issued to National Telecommunications Operator License (Unified Telecommunications Service License) and Mobile Network Operators shall

subsist for a period of fifteen (15) years from the date of issuance with the possibility of renewal for subsequent periods of fifteen (15) years.

**30. Renewal of a Radio Frequency Spectrum License**

- 1) An application for renewal shall be received by the Authority at least thirty (30) days prior to the expiration date.
- 2) The Authority shall at its discretion, renew a Radio Frequency Spectrum License upon evaluation of the effective use of such Radio Frequency Spectrum by the Licensee in accordance with the Radio Frequency Spectrum Management Directive or the conditions of the Radio Frequency Spectrum License.
- 3) The Authority reserves the power to refuse the renewal of a Radio Frequency Spectrum License for any valid technical and legal reasons.
- 3) Notwithstanding Sub-Article (1) and (3) of this Article, the application for renewal by a National Telecommunications Operator Licensee (Unified Telecommunications Service Licensee) and a Mobile Network Operator Licensee shall be submitted to the Authority not earlier than one year prior to the expiration of the duration of the License with the possibility of renewal for subsequent periods of fifteen (15) years.

**31. Surrender of a Radio Frequency Spectrum License**

- 1) A Radio Frequency Spectrum License may be surrendered by completing the forms provided for that purpose, obtainable from the Authority's website or any of its offices;
- 2) The surrender shall take effect from the date the letter of voluntary surrender by the Radio Frequency Spectrum Licensee is received by the Authority;
- 3) Any outstanding fee due to the Authority by the date of the surrender of a Radio Frequency Spectrum License shall be paid to the Authority.

**32. Forfeiture of a Radio Frequency Spectrum License**

- 1) Where a Licensee fails to renew its Radio Frequency Spectrum License, the Authority shall issue a reminder notifying the Licensee of the expiration of the Radio Frequency Spectrum License and demanding that an application for the renewal of License with the necessary payment be made within fourteen (14) working days.
- 2) Where a Licensee fails to make the payment and the application within the prescribed days, the Authority shall issue a Notice of Forfeiture to the Licensee.
- 3) The Radio Frequency Spectrum fee to be paid at forfeiture shall be the amount due at the expiration of the period of the License.

**33. Radio Frequency Spectrum Usage**

- 1) A Licensee shall ensure that the Radio Frequency spectrum assigned to it by the Authority is efficiently utilized as provided in the Radio Spectrum Management Directive.

- 2) The Authority reserves the right to review the usage of the Radio Frequency Spectrum assigned to the Licensee.

## **PART SIX**

### **CANCELLATION AND SUSPENSION OF LICENSES**

#### **34. Revocation of a License**

- 1) Where a Licensee contravenes any part of this Directive, the Authority may revoke the License of the Licensee or impose a fine according to the provisions of Article 52 of the Proclamation.
- 2) A License may be revoked for any of the following grounds:
  - a) If the Licensee breaches the provisions of this Directive or other Regulations and Directives enacted under the Proclamation;
  - b) If the Licensee is in breach of any of the conditions attached to the License and fails to rectify the breach within fourteen (14) days after the Authority has notified the Licensee of the breach;
  - c) If the Licensee stops performing the activity for which the License is granted for six (6) months;
  - d) If the licensee engaged in fraud or submitted false information to the Authority or other agencies of the government in order to obtain the license;
  - e) If the Licensee performs its duty contrary to the objective of the License or conditions;
  - f) If the License has expired and has not been renewed;
  - g) If the Licensee has filed for bankruptcy, liquidation or dissolution and/or has been unable to fulfill its financial and fiduciary duties;
  - h) If the Licensee fails to begin its operations pursuant to the terms of the License or conditions;
  - i) If the Licensee engages in an act of conflict with the public interest;
  - j) If the Licensee assigns the License without the prior approval of the Authority; and,
  - k) If the Licensee requests that the Authority revokes its License.
- 3) Whenever the Authority decides to revoke a license, it shall so notify the Licensee and provide a period of fifteen (15) working days to respond to the Authority's Decision to revoke the License. The Authority shall promptly render a final Decision, taking into account any arguments the Licensee presents in opposition to the Authority's Decision to revoke its License.
- 4) If the Licensee fails to deliver a response within fifteen (15) days, the Authority will revoke the License and notify the Licensee in writing.

### **35. Suspension of a License**

- 1) The Authority may suspend the License fully or in part for a period not exceeding six (6) months for the following reasons:
  - a) To examine the occurrence of any of the grounds stated under Article 34 of this Directive;
  - b) The Authority considers that the grounds are not sufficient to revoke the License; however, defects are required to be corrected within a specified time.
- 2) Whenever the Authority decides to suspend a License, it shall so notify the Licensee and provide a period of fifteen (15) working days to respond to the Authority's Decision to suspend the license.
- 3) The Authority shall promptly render a final Decision, taking into account any arguments the Licensee presents in its response to the Authority's notification to suspend its License.
- 4) The Authority's Decision shall be in writing and indicate the grounds for suspension of the License and measures that Licensee has to take to correct the defects within the time specified in the Decision.

### **36. Effect of License Revocation or Suspension**

- 1) A Licensee whose License has been revoked shall immediately cease its operation.
- 2) A Licensee is prohibited from performing any of the activities that have been the subject of the suspension.
- 3) Notwithstanding Sub-Article 1 of this article, the Authority may authorize the Licensee in writing to carry on certain work for the purpose of winding up its affairs.
- 4) Where the Authority revokes or suspends a License in accordance with this Directive, it determines the transfer of subscribers and related records.

### **37. Return of License**

Where applicable, a Licensee whose License has been revoked in accordance with Article 34 of this Directive shall return the License to the Authority within ten (10) working days.

### **38. Lost License**

- 1) Where applicable, the Licensee has lost its License, it shall immediately notify the Authority of this fact in writing.
- 2) Where applicable, the Licensee shall submit an application for a replacement License accompanied by all documents as may be required by the Authority together with the prescribed fee.

**PART SEVEN**  
**PROCEDURES FOR TRANSFER OF LICENSE AND SHARES**

**39. Transfer or Assignment of a License**

- 1) A Licensee shall not transfer or assign a License issued under this Directive without the written consent of the Authority.
- 2) The Authority may, when considering an application for the transfer or assignment, consider the same requirements and terms as if considering an application for the issuance of a new License.
- 3) The Authority shall communicate its Decision on an application for the transfer or assignment of a License to an applicant within thirty (30) days of receipt of the application and state the reasons for the Decision.
- 4) Where a Licensee applies for transfer or assignment of its License, it shall pay any outstanding fees due to the Authority.

**40. Change in Shareholding**

- 1) A Licensee shall seek the Authority's approval before consummating any proposed change in ownership, merger or control of the license if the change in shareholding would increase the percentage holding of a shareholder already holding, or who, as a result of such sale or transfer would hold (directly or indirectly), ten percent (10%) or more of the shares then in issue having voting or economic rights in the Licensee.
- 2) The Authority shall notify the applicant of its acceptance or refusal, stating the reasons for its Decision, within thirty (30) days of receipt of the request for consent.
- 3) Where the Authority determines that the acquisition of ownership or control of the License is likely to lead to anti-competitiveness in that segment of the Telecommunications market, the Authority shall refuse the transfer and notify the applicant in writing, providing the reasons for the refusal.

**PART EIGHT**  
**MISCELLANEOUS PROVISIONS**

**41. Approvals from Other Government Agencies**

Notwithstanding the fact that a License has been issued by the Authority, a Licensee shall bear the responsibility of obtaining the approvals of other government agencies, local authorities or other relevant authorities that may be required for the provision of the licensed services, installation, placement, laying or maintenance of any facilities on, through, under, or across any land or body of water.

**42. Conflict Between this Directive and License Conditions**

Where any condition of a License is in conflict with any provision of this Directive, the provision(s) of this Directive shall prevail.

#### **43. Register of License**

- 1) The Authority shall maintain registers containing:
  - a) All Individual, Class, and Radio Frequency Spectrum Licenses issued by the Authority; and,
  - b) The name and registered office of each Licensee.
- 2) The Authority shall make the register of License publicly available.

#### **44. Prohibition of Use of License as Security**

A Licensee shall not encumber, pledge, or otherwise use as security any License issued under this Directive and subsequent laws for any purpose whatsoever without the prior written approval of the Authority.

#### **45. Classification and Re-classification**

- 1) The Authority, on its own accord, or in consultation with stakeholders, may classify or re-classify a Telecommunications Service referenced in this Directive.
- 2) Any existing License issued by the Authority that is affected by the classification or re-classification shall remain valid until the expiration date of that License.
- 3) A Licensee of any service affected by the provisions of such classification and/or re-classification shall be duly notified by the Authority in writing.
- 4) Where the Authority determines that a Telecommunications License may be classified or reclassified:
  - a) Under any of the categories of Licenses provided in Article 4 of this Directive, the basis for such classification or re-classification to the category shall be determined by the Authority; and
  - b) The Authority shall hold a consultative meeting with those Licensees affected by such Decision.

#### **46. Operating Without a License**

- 1) Any person who operates a Telecommunications Network and/or provides a Telecommunications Service without a valid License shall be liable to an administrative fine for the violation and for each day that the violation persists after an order to desist has been issued by the Authority.
- 2) Any person who continues to operate a Telecommunications Network and/or provide a Telecommunications Service after the expiration of a License duly issued by the Authority shall be liable to an administrative fine equivalent to the initial fee for the relevant License and an additional fine for each day that the contravention persists after the expiration of the License, as established by the Regulation about infractions issued by the Council of Ministers.

#### **47. Amendment**

The Authority may, at any time, when it deems it necessary, and consistent with the provisions of the Proclamation, amend this Directive.

**48. Effective Date of this Directive**

This Directive will come into force on \_\_\_\_\_, 2020.

**DONE AT ADDIS ABABA ON \_\_\_\_\_ DAY OF \_\_\_\_\_ 2020**

**ENGINEER BALCHA REBA  
DIRECTOR GENERAL  
ETHIOPIAN COMMUNICATIONS AUTHORITY**

## **APPENDICES**

### **APPENDIX A: LIST OF INDIVIDUAL LICENSES**

1. National Telecommunications Operator License [Unified Telecommunications Service License]
2. Mobile Network Operator License
3. Fixed Network Operator License
4. Global Mobile Personal Communications by Satellite (GMPCS) License
5. Internet Exchange Point (IXP) License
6. International Gateway (IGW) License
7. Any other undertaking that the Authority may from time to time determine as an Individual License

### **APPENDIX B: LIST OF CLASS LICENSES**

1. Internet Service Provider License
2. Telecommunications Infrastructure License
  - a. Fiber Optics and/or Copper Cable Infrastructure
  - b. Tower Infrastructures Provider
  - c. Data Center Infrastructure Provider
3. Hosting Service Provider License
4. Call Center Service License
5. Value Added Service License
6. Virtual Internet Service Providers (VISP) License
7. Very Small Aperture Terminal (VSAT) License
8. Satellite News Gathering (SNG) License
9. Indoor cabling Installation and Maintenance
10. Outdoor Cabling Installation and Maintenance
11. Private Communications Radio Service License
12. Amateur Communications Radio Service License
13. Any other Telecommunications undertaking that the Authority may from time to time determine as a Class License