

**CITRA**  
**Communication & Information Technology Regulatory Authority**

**Regulations of Managing and Regulating the Frequency Spectrum**

**Version 1.5**

## Preface

This regulation for the management of frequency spectrum was issued based on Law No. 37 for the year 2014, as amended by Law No. 98 for the year 2015 and its amendments and the executive regulations. This regulation aims to establish a regulatory framework for the use of all terrestrial, marine, air and space frequencies for the management of radio communications and the management of the national resource of the frequency spectrum with standards that define how to manage, distribute and allocate the frequency spectrum and determine how the person who uses radio frequencies in connection with the operation of telecommunications networks obtains a frequency permit in order to use it, and ensure the efficient and effective use of the frequency spectrum resource in the country as it is a rare resource in accordance with the law of establishing the Authority (37 authorities 2014) and its amendments, as well as the radio regulations and the recommendations issued by the International Telecommunication Union.

This regulation works to ensure the availability of an appropriate frequency spectrum for current and future radio communication services to serve the state's policy in the telecommunications sector, contribute to economic and social development, increase the efficiency of managing and allocating frequency spectrum, and define regulatory standards to meet the commercial and public demand for frequency spectrum, in addition to providing an efficient frequency spectrum management system that is based on economic value for commercial and non-commercial uses on the basis of openness, transparency, objectivity, fair and legitimate competition, and other emerging goals.

### Article (1) Definitions

The words and phrases contained in this regulation shall have the same meanings as stated in Law No. 37 for the year 2014 establishing the Communication & Information Technology Regulatory Authority, as amended by Law No. 98 for the year 2015 and its executive regulations. The following words and expressions shall have the meanings indicated next to each of them, unless the context of the text requires otherwise:

**Country:** The State of Kuwait.

**Authority:** The Communication & Information Technology Regulatory Authority and it was established by Law No. 37 for the year 2014.

**Applicant:** Any person (governmental or private entity) who applies for a permit to allocate and operate a frequency band in accordance with the regulations issued by the Authority.

**Application:** A request for a permit from the authority on the specified form according to the procedures in force.

**Allocated Frequency:** The frequency band allocated to the licensee.

**License:** The license granted by the Authority to a person to allow him to establish, operate and manage a public telecommunications network, provide public telecommunications services or

use radio frequencies, in accordance with the provisions of this Law and the regulations issued pursuant thereto.

**Licensee:** A person who is licensed to provide one or more telecommunication services to the public, or licensed to manage, establish or operate a wireless communications network or Internet service to provide wireless communications services to the public. It includes providers of information or content that is provided through a telecommunications network.

**Authorized:** The permit issued by the Authority to the licensee, which allows him to use a specific frequency band.

**Frequency Distribution:** It means the distribution of frequencies according to the national frequency distribution schedule for the purpose of using them in one or more of the terrestrial or satellite radio communication services in the country.

**Harmful Interference:** An Interference by a wireless signal or any other sources that obstructs or stops one of the radio services operating in accordance with the national frequency distribution schedule and these regulations repeatedly or continuously.

**International Telecommunication Union (ITU):** The International Telecommunication Union is a specialized agency of the United Nations dealing with telecommunications and information technology matters.

**National Schedule of Frequencies:** Means the plan for the distribution of radio frequencies in the country that is issued by the Authority.

**Person:** Any individual, legal person, governmental or private entity.

**Primary service:** Means the radio communication service that has priority over the secondary radio communication service and has protection from harmful interference, according to its definition in the national schedule of frequencies and the radio regulations in capital letters (in English) issued by the International Telecommunication Union.

**Secondary Service:** The radio service that must not cause harmful interference to stations of the primary service and this service appears in the national schedule of frequencies and the radio regulations in small letters (in English) issued by the International Telecommunication Union.

**Regulatory Framework:** Means Law No. 37 for the year 2014, its executive regulations, and any regulations or resolutions issued by the Authority.

**Radio Communication Service:** The transmission or reception of radio frequency used to transmit information, messages, sounds or visual images, or to operate or control machines and devices.

**Radio Frequencies:** The frequencies or spectrum consisting of naturally propagated electromagnetic spectrum waves with a range of three kilohertz to three thousand gigahertz, which are used to send and receive communications signals, microwave frequencies and what

is emerging later, as determined by the International Telecommunication Union (ITU) for future communications systems.

**Radio Regulations:** Regulations of the International Telecommunication Union issued by the World Radio communication Conference and ratified by the State.

**Radio Equipment:** Radio communication equipment designated for transmission and receipt of the radio communication service.

**Wireless Equipment:** A type of communication equipment used in radio communications.

## **Article (2)** **Tasks of the Authority**

The authority is the entity that is authorized by law to regulate the frequency spectrum services in the country and to issue all permits for it. The tasks and obligations of the authority with regard to the frequency spectrum include the following:

- 1- Receiving and following up requests for radio frequency allocations and permits for various radio services.
- 2- Making plans for the frequency bands to be allocated and assigned in accordance with the national frequency distribution schedule, radio regulations and recommendations issued by the International Telecommunication Union.
- 3- Distribution and allocation of radio frequencies in accordance with the national frequency distribution schedule, radio regulations and recommendations issued by the International Telecommunication Union and in accordance with the regulatory framework.
- 4- Preparing and updating the national frequency chart and the national frequency distribution schedule after each Global Radio Communication Conference.
- 5- Modifying, suspending, cancelling or withdrawing any radio frequency license.
- 6- The Authority shall set the rules that determine the methods of frequency spectrum distribution and the technical, legal and financial conditions and specifications required to be implemented by the applicants for obtaining a license to use the radio frequency for the various radio communication services and wireless equipment.
- 7- Determining and amending the fees for the use of radio frequencies and the various radio permits.
- 8- The Authority has the absolute discretion in determining the mechanism for distributing frequencies and annual fees and amending them within the limits of the regulatory framework.

- 9- Regulating the mechanism for granting all permits and entering radio equipment and setting their technical specifications according to the technical standards approved by the Authority.
- 10- Periodic examination of the frequency spectrum to ensure that there are no unlicensed uses on the different frequency bands.
- 11- Periodic inspection of the licensed radio stations to ensure the quality of use and the licensee's compliance with the terms of the permit.

**Article (3)**  
**Radio Frequency License**

- 1- All applications for the issuance of radio frequency licenses shall be submitted to the Authority through application forms of the radio service.
- 2- Frequencies are divided in terms of priority into primary frequencies and secondary frequencies as stipulated in the national frequency distribution schedule and radio regulations, and the Authority may determine the order of that priority when allocating if there are radio communication services that have the same priority.
- 3- Participating in the use of radio frequencies whenever technically possible and as determined by the Authority.
- 4- The allocation of radio frequencies on the basis of non-interference and lack of protection is considered a secondary service in accordance with the national frequency distribution schedule, radio regulations and recommendations issued by the International Telecommunication Union and in accordance with the regulatory framework.
- 5- The radio frequency license does not give the licensee any ownership rights or an exclusive right to it, as it is owned by the state, but it gives him the right to use the licensed frequencies only.
- 6- Obtaining a radio frequency license does not exempt the licensee from fulfilling any other obligations issued by the Authority or the relevant government entities later.
- 7- The licensee is not entitled to lease the frequencies assigned to him except after obtaining the written permission from the Authority.
- 8- The Authority has the right to change the license terms as it deems appropriate.
- 9- The authority has the right to determine the number of licenses granted in a specific frequency range in order to ensure the effective use and management of the frequency spectrum, and it has the right to set conditions for the use of any frequency in any granted permit.

- 10- The licensee is obligated to pay all fees due for the use of the frequency spectrum as determined by the Authority.
- 11- The licensee is obligated to obtain the prior approval of the Authority for any modification to the radio license granted to him.
- 12- The Authority has the right to reject any request for a frequency spectrum license without giving any reasons.
- 13- Foreign ships, aircraft and land and transit services that cross the territorial waters, airspace, or lands of Kuwait, or dock at its ports or airports, are prohibited from using their radio stations to transmit signals, messages, or any communications except in cases of distress and emergency without obtaining a radio station license from the Authority. The authority has the right to exempt it from the condition of obtaining a radio station license whenever it deems this necessary.
- 14- The armed forces and security authorities in the country, in coordination with the authority, have the right to use the radio frequencies allocated to them without obtaining a license from the authority and to ensure that their use does not cause any harmful interference to the frequencies of the licensees.

**Article (4)**  
**Obligations of the Licensee to Use Radio Frequencies**

The licensee to use radio frequencies must abide by the conditions and standards on the basis of which the license was granted, which are as follows:

- 1- The radio spectrum frequencies allocated to him.
- 2- Type and specifications of the antenna and radio station.
- 3- The limits of the authorized geographical area related to the mobile equipment station.
- 4- The location of the antenna.
- 5- The competence of the person operating the radio station.
- 6- Any other technical conditions that increase the effectiveness of the use of frequencies.
- 7- Regulations and resolutions issued by the Authority.

**Article (5)**  
**Temporary License for Radio Frequency**

- 1- The Authority may grant a temporary radio license to use frequencies that are considered outside the distribution of the National Frequency Spectrum Plan for emergency situations or projects of short duration in the event that the Authority considers that exceptional circumstances call for such use and that there is no harmful

interference will occur to the services provided in accordance with the National Frequency Plan.

- 2- The person granted a temporary radio license is prohibited from using the frequency for any commercial purposes or to operate any radio service that operates on frequencies different from what has been authorized to him.
- 3- The Authority determines the temporary operation period that does not exceed six months, and it has the right to terminate the temporary operation period at any time before the expiry of its period, or to extend it for a second period whenever it deems it necessary and for the sake of the public interest.

#### **Article (6)** **Radio Frequency Coordination**

The Authority is the authorized entity:

- 1- To coordinate and register radio frequencies for all radio communication services at the local, regional and international levels and issuing any related regulations and coordinate with the International Telecommunication Union regarding the frequency spectrum.
- 2- To submit recommendations for ratification of all regional and international agreements related to radio communication and to represent the country at the regional and international levels with regard to radio communication.

#### **Article (7)** **Radio frequency Redistribution and Allocation**

The Authority may redistribute and allocate frequencies in accordance with the national frequency distribution schedule, the radio regulations and the recommendations issued by the International Telecommunication Union, and the regulatory framework to achieve the following objectives:

- 1- Allowing the development of new technologies.
- 2- Ensuring the effective use of the frequency spectrum.
- 3- Satisfying the general demand for radio frequencies for a specific service when it is not available.
- 4- Achieving the frequency spectrum management objectives of the Authority.

#### **Article (8)**

All cases of cancellation, redistribution, allocation and modification of radio frequencies shall be on dates specified by the Authority to vacate the allocated frequencies, shall be binding on the licensee, taking into account the provisions of Article (34) and (35) of the Authority's Law.

The Authority has the right to withdraw any radio frequency license in cases of national emergency and natural disasters, and when it deems it necessary, and redistribute it and allocate it to the departments and authorities related to disaster and emergency management in the country.

#### **Article (9)**

Before redistributing or reallocating radio frequencies, the Authority has the right to:

- 1- Notify radio permit holders of any proposed or imminent redistribution or reallocation in a sufficient period of time.
- 2- Ensure that any licensee to provide telecommunications services or establish and operate a wireless telecommunications network is given an appropriate period of time to determine alternative means to continue providing services or establishing related networks.
- 3- Publish specific objectives and non-discrimination measures in the proposed redistribution or reallocation when necessary.

#### **Article (10)**

##### **Amending, Cancellation, Termination or Suspension of the Radio Permit**

The Authority may amend, cancel or suspend any radio permit after serving an official written notice to the licensee in the following cases:

- 1- Based on what is required by the public interest.
- 2- The failure of the licensee to use the frequencies within the time period specified by the Authority.
- 3- Any violation by the licensed user of any of the terms and conditions of the permit or the terms and conditions of the regulatory framework.
- 4- The failure of the licensee to pay the radio license fees or any other financial dues that shall be paid to the Authority.
- 5- The failure of the licensee to implement the instructions and resolutions issued by the Authority.
- 6- Deliberately or illegally entering the public or private telecommunications network or blocking any telecommunications services.
- 7- Causing harmful interference or using radio frequency jamming devices.
- 8- Solving the problems of harmful interference, if any.
- 9- Carrying out or assisting in criminal acts.

- 10- Carrying out actions that contradict the public interest of the state.
- 11- Dissemination of illegal messages that contradict the social, cultural, moral and religious values and public order in the state.
- 12- Bankruptcy, dissolution, liquidation or incapacity of the licensee.
- 13- Reallocate, sublet or enable the use of the allocated frequencies or assign its radio frequencies to another person.
- 14- Delivering any radio services and connecting with any neighboring country without obtaining the approval of the Authority.
- 15- Assigning the permit or lending equipment without obtaining the approval of the Authority.

**Article (11)**  
**Radio Permit for Diplomatic Missions**

- 1- It is prohibited for diplomatic missions to install or use a radio transmission station without a permit from the Authority in accordance with the Vienna Treaty on Diplomatic Relations (1961) in Article 27 thereof.
- 2- Reciprocity for diplomatic missions of the State of Kuwait in countries whose entities issue a radio permit.
- 3- The Authority has the right to exempt diplomatic missions from any radio permit fees in accordance with reciprocity.

**Article (12)**  
**Monitoring and Inspection of Frequencies and Solving Problems of Harmful Interference**

- 1- In the event that any interference is detected through a periodic inspection of the frequency spectrum on its own, or when a complaint is received about the presence of harmful interference resulting from the operation of a radio communication station, the Authority may verify and determine the source of the interference as soon as possible.
- 2- The authority may take the necessary measures to end or limit, as much as possible, harmful interference to the allocated radio frequencies.
- 3- If there is evidence to support one of the complaints of harmful interference, the Authority shall notify the party expected to cause interference with the complaint to take the immediate measures necessary to end this interference.
- 4- When any licensed user causes harmful interference to any other licensee, the party causing the interference shall take the immediate measures necessary to end the harmful

interference. In the event of non-compliance by the licensee causing the interference, the Authority shall have the right to take all necessary legal or technical measures to end such interference.

- 5- All wireless equipment must use the frequencies according to the radio permit to ensure that there is no harmful interference with other radio communication services and to comply with the terms and conditions of the radio permit.
- 6- If the source of the harmful interference is from a neighboring country, the licensee is obligated to refer to the Authority, which shall have the right to take the necessary measures according to the radio regulations in this regard.

### **Article (13)** **Using Encryption Techniques**

- 1- It is prohibited for the licensee to use encryption techniques for the purposes of blocking the contents unless the same is expressly authorized by the authority, and accordingly the radio frequency permit does not grant any privacy rights to the licensee.
- 2- Official correspondence of diplomatic missions is excluded from the use of encryption techniques in accordance with Article (7) of Vienna Treaty on Diplomatic Relations for the year 1961.

### **Article (14)** **General Provisions**

- 1- The Authority is not responsible for any damages or compensation for any loss resulting from harmful interference.
- 2- The Authority may amend the provisions of this regulation, whenever the work interest so requires.
- 3- Annexes are considered as an integral part of the regulations, and the Authority may add other annexes whenever the interest so requires.
- 4- In the event of a violation of the provisions of this regulation, the authority may apply the penalties and fines stipulated in Law No. 37 for the year 2014 for the establishment of the Communication & Information Technology Regulatory Authority, as amended by Law No. (98) for the year 2015 and the applicable laws.