



DECISION 03 OF 2020

AMENDMENT TO DECISION 02 OF 2014 and Decision 01 of 2015 ON THE PRESCRIBED RADIO APPARATUS LICENCE FEES.

1. SUMMARY

The Telecommunications, Radiocommunications and Broadcasting Regulator (TRBR), has completed its review of the Decision 02 of 2014 and Decision 01 of 2015 on the prescribe fees for radio apparatus licences. The review objectives are to consider;

- the changes as per the Telecommunications, Radiocommunications and Broadcasting Regulation Act No 30 of 2009 as amended by amendment 22 of 2018 (the Act);
- To review and establish a fair fee schedule as requested by few operators and licensees;
- to accurately describe different categorizes of radio apparatus devices; and
- to fulfil the requirement for review of the Radio Apparatus Licence fees decisions.

The Regulator believes that there are no major changes that requires a public consultation as most of the changes are to reflect the amendment of the Act.

2. LEGAL BASIS

The primary legislation for the establishment of Radio Apparatus License Fees is the *Telecommunications, Radiocommunications and Broadcasting Regulation Act* No. 30 of 2009 as amended by Amendment 22 of 2018 (the Act), and the supporting subsidiary legislation is the *Radio Apparatus License and Spectrum License (Fees) Regulation Order* No. 153 of 2012 (the Regulation).

The Act gives TRBR the powers and function to enforce the Act in order to achieve an objective of the Act which is to manage radio–frequency spectrum to promote national, social and economic development. The Act also mandates the TRBR to manage radio frequency spectrum, ensuring safe usage and to ensure that there is no interferences with radio spectrum usage. This enables the industries and the users of radio spectrum to be able to use spectrum and their Radiocommunications equipment fairly, efficiently and effectively.

Subsection 7(2)(e) of the Act applies and permits TRBR to “*allocate, assign and manage the radio spectrum*”.

Further, subsection 7(4)(a) (b) and (c) of the Act to TRBR states:

- “(a) prescribing standard terms in various licences and exemptions; or*
- (b) prescribing procedures, forms and fees in respect of any licence or exception or anything which might be done by any person under this Act, except the provision of reasons for any decision by the Regulator;*
- (c) or providing for the methodology by which any calculation required to be made under this Act is to be made;”*

The Regulation requires that any person who operates equipment that emit radio waves or a Radiocommunications device or radio device using the radio frequency must apply to TRBR for a radio apparatus licence and pay the prescribed fee for that licence.

In addition, the Spectrum Planning, Allocation and Assignment Practices dated 20 December 2011 is a practice document effectively used by TRBR to ensure proper management of the frequency spectrum.

This amended Decision 03 of 2020 amends Decision 02 of 2014 and Decision 01 of 2015 only in relation to the reasons mentioned above, and there are no other changes to or amendment of Decision 2 of 2014 and Decision 01 of 2015.

This decision must be read in conjunction with Decision 2 of 2014 and Decision 01 of 2015.

3. REASONS FOR THE AMENDED DECISION

The reasons for the amendment to Decision 02 of 2014 and Decision 01 of 2015 are set out in Schedule 3 of this amended Decision.

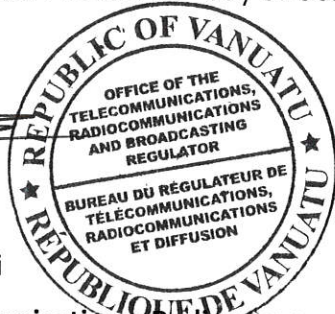
4. DECISION

Based on the reasons stated in Schedule 3 of this amended Decision and the reasoning contained in Schedule 2 of Decision 02 of 2014 *"on prescribed fees for radio apparatus licences"* and schedule 3 of Decision 01 of 2015 *"amendment to decision 2 of 2014 on the prescribe radio apparatus licence fees for aeronautical ground stations, aeronautical commercial aircraft"*, and after assessing continuous feedback from users of the radio spectrum/frequency and in the exercise of the powers and duties conferred to me under the telecommunications, Radiocommunications and Broadcasting Regulation act no 30 of 2009 as amended by Amendment 22 of 2018 and the Radio Apparatus Licence (Fees) Regulation order No 153 of 2012 I, the Regulator, hereby make the following decisions:

1. The fees for Radio Apparatus Licences are hereby prescribed as set out in Schedule 1.
2. The new prescribe fees for Radio Apparatus Licences will come into effect as of 1st of January 2021.
3. With respect to any interested person who wishes to apply for a new licence, experimental licence and for late payment of fees prior to the above effective date, the fees in schedule 1 of Decision 02 of 2014 and Decision 01 of 2015 shall apply.

This amended Decision – Decision 03 of 2020 - is effective on the day it is made and will be published in the official gazette.

Made at Port Vila this 13th day of October 2020

Brian Winji

Telecommunications, Radiocommunications and Broadcasting Regulator

SCHEDULE 1

Table 1: New Radio Apparatus Licence Fees
Amended Annual Radio Apparatus License Fees

Description	Fee (Vatu)
Aeronautical Ground Station	28,000
Aeronautical Commercial Aircraft	28,000
Aeronautical Non-Commercial Aircraft	20,000
Amateur Local	3,000
Amateur Visitor's Permit	1,500
Broadcast Station Sound	45,000
Broadcast Station-Community Radio	10,000
Broadcast Station TV	108,000
Civil Aviation beacon/Signals or Indicators	25,000
Satellite Earth Station Large (internet)	30,000
Satellite Earth Station Receive (TV)	5,000
VSAT (Satellite) Receive Transmit (<=5 devices)	20,000
VSAT (satellite) Receive Transmit (>5 devices)	7,000
Experimental	4,800 per MHz or part thereof
Fixed Link or Telemetry Transmitter	
Bandwidth 7Mhz or below (one way/2 way)	8,000/16,000
Bandwidth more than 7Mhz up to 14Mhz (one way/2 way)	15,000/30,000
Bandwidth more than 14Mhz (one way/2 way)	30,000/60,000
Land Mobile Station Duplex 12.5Khz/25Khz	9,000/18,000
Land Mobile Station Simplex 12.5Khz/25Khz	5,000/10,000
Land Mobile HF Radio	9,000
Private Mobile Radio (<= 5 devices)	9,000
VHF Teleradio (<= 5 devices)	9,000
Fixed Price Channel (Fixed price channel Port Vila or Luganville only) (more than 6 to 10 devices)*	50,000
Fixed Price Channel (Fixed price channel Port Vila or Luganville only) (more than 11+ devices)*	100,000
Maritime Ship	20,000
Marine Water taxi, Local Fishing Craft	6,000
Marine Coastal Station HF only	12,000
Marine Coastal Station VHF only	10,000
Marine Coastal Station HF and VHF	22,000
Marine Coastal Station (Dedicated frequency)	30,000
Maritime Coast Receive	6,000
Paging Base Station	10,000
Point to Multipoint Services	4,800 per MHz or part thereof

Note: Fees Published here do not include Government VAT.

*This applies to VHF Teleradio and Private Mobile Radio ONLY

SCHEDULE 2

Table 2: Other fees

Type of Fee	Fee Level
Application Fee (New License Only)	1000 Vatu non-refundable, where no frequency needs to be assigned;
Processing Fee (Modification of License)	5000 Vatu for modification of license, where frequency assignment is required
Processing fee (Transfer of License)	5000 Vatu for transfer of license to a new owner
Late Payment Fee	$\text{Late Fees} = \frac{\text{Number of Days the payment is late}}{365} \times \text{Total fee for the service}$ <p>The minimum late payment fee will be 2000 Vatu</p>

SCHEDULE 3

This section sets out the reasons for this decision, the principles adopted, the licence types as well as the calculation of the fees.

Reasons for this Decision

The reason for the amendment of this decision is to:

- Fulfil Decision 1 of 2015, and that is to review the fees schedule in 2017, which was delayed till this year 2020;
- Capture the definitions as per the Telecommunications, Radiocommunications and Broadcasting Regulation Act No 30 of 2009 as amended by Amendment 22 of 2018 (the Act);
- Prescribe a fair licence fee to licensees having multiple radio apparatus devices using the same frequency; and
- Provide accurate descriptions and categorization of radio apparatus devices being licenced by TRBR as listed in schedule 1.

TRBR observed that some licensees use spectrum as part of their business activities and that the spectrum contributes significantly to their ability to earn revenue. Further, some spectrum bands are more valuable than others, particularly those that are categorized as high spectrum bands and those that are used for commercial purposes, such as the bands in the lower part of the spectrum used by the aviation sector.

Spectrum fees are necessary for the TRBR to recover its costs for the management of radio spectrum and in setting the revised fees, TRBR has taken into consideration the relative value of the spectrum and the ability of the industry to use the spectrum to derive income.

Principles

The prime principle applicable to the setting of radio apparatus licence fees is that of cost recovery.

Further, the radio frequency spectrum is a national resource and must be managed carefully, responsibly and in the best interests of the country. This justifies the need for TRBR to assign, allocate and manage this precious resource appropriately. In order to assign, allocate and manage this resource, TRBR requires resources in terms of equipment, human resources, international and regional obligations and fees.

It is also important to note that New Zealand and Australia have a much wider variety of sources of fee revenue than is available to a developing country like Vanuatu.. As such, it is deemed not a useful comparison for the view that the fees for the sector in Vanuatu are higher than in New Zealand and Australia. Further, the level of all Radio Apparatus fees in Vanuatu is still well below the level required for the full recovery of TRBR's costs.

Fees have been set on the principle of a fee formula, with values set for the different bands and for the different services.

The user pays principle is adopted widely across the world in many sectors and, in setting these fees, TRBR has taken this principle into account.

Another principle used in setting the fees is the principle that those who benefit from the use of the spectrum should bear the cost of managing the spectrum resource, rather than the community bearing the costs.

Licence Types

Licence Type	Description
Aeronautical	<p>An aeronautical licence is issued to authorise a station that:</p> <ul style="list-style-type: none"> > is not fixed to an aircraft > is operated on aeronautical frequencies > is operated for purposes relating to aircraft, airport or aerodrome operations > may be a mobile station on board the aircraft or on the ground in communication with aircraft or aircrafts. <p>An aeronautical licence is necessary to authorise the operation of stations providing:</p> <ul style="list-style-type: none"> > air traffic control services > aerodrome radio information services > private company radiocommunications > other airport or aerodrome services.
Aircraft	<p>An aircraft licence is issued to authorise a station fixed on board:</p> <ul style="list-style-type: none"> > aircraft > recreational aircraft (for example, ultralights, trikes, hang gliders, paragliders, gyrocopters, gliders, sailplanes, and balloons).
Amateur	<p>An amateur licence is issued to authorise a station that:</p> <ul style="list-style-type: none"> > is operated for the purposes of self-training in radiocommunications, intercommunication using radiocommunications, and technical investigation into radiocommunications by persons who do so solely with a personal aim and who have no pecuniary interest in the outcome of the operations of the station > is operated on amateur frequencies or amateur frequency bands > may participate in the amateur-satellite service.
Broadcasting	<p>A broadcasting licence is issued to authorise transmitters delivering, by means other than by satellite, television or radio programs to persons having commonly available equipment to receive the service. Such licences may also authorise engineering tests for stations intended to be used to broadcast television or radio programs.</p> <p>A broadcast service licence authorises transmissions by a holder of a national, commercial or community broadcasting licence under the TRBR Act.</p>
Satellite Earth Station (Large)	<p>A Large earth licence is issued to authorise operation of a terrestrial transmitter that is communicating with a satellite.</p> <p>If a terrestrial transmitter is communicating with a satellite and the operation of the associated receiver on the satellite is authorised by a space receive licence, operation of the transmitter is authorised by a class licence.</p> <p>In all other cases, the operation of terrestrial transmitters to communicate with satellites must be authorised by an earth licence.</p>
Satellite Earth Station (Broadcasting)	<p>An earth receive licence is issued to authorise operation of a terrestrial TV receiver that is communicating with a satellite.</p> <p>If a terrestrial receiver is communicating with a satellite and the operation of the associated transmitter on the satellite is authorised by a space licence, operation of the receiver is generally authorised by a class licence.</p> <p>If the operation of the associated transmitter on the satellite is not authorised by a space licence, operation of the terrestrial receiver may be authorised by an earth receive licence.</p>
VSAT Receive & Transmit	<p>A Small earth licence is issued to authorise operation of a terrestrial transmitter that is communicating with a satellite.</p> <p>If a terrestrial transmitter is communicating with a satellite and the operation of the associated receiver on the satellite is authorised by a space receive licence, operation of the transmitter is authorised by a class licence.</p> <p>In all other cases, the operation of terrestrial transmitters to communicate with satellites must be authorised by an earth licence.</p>
Fixed Link	<p>A fixed licence is issued for stations that:</p> <ul style="list-style-type: none"> > are located principally: <ul style="list-style-type: none"> > at fixed points specified in the station's transmitter licence; or

	<ul style="list-style-type: none"> > in an area specified in the licence; and > are operated principally for communications with stations located: <ul style="list-style-type: none"> > at one or more other fixed points specified in the licence; or > in an area specified in the licence; and > if permitted by the station's transmitter licence, may communicate with: <ul style="list-style-type: none"> > an aircraft station, but not on an aeronautical frequency > a ship station, but not on a maritime frequency > a land mobile station, but not on a land mobile frequency. <p>Fixed licensing options:</p> <ul style="list-style-type: none"> > 900 MHz studio to transmitter link > point-to-multipoint > point-to-multipoint (land mobile spectrum) > point-to-multipoint system > point-to-point > point-to-point (5.8 GHz band) > point-to-point (self-coordinated) stations > sound outside broadcast station > television outside broadcast network > television outside broadcast station > television outside broadcast system > temporary fixed link. <p>A point-to-point licence authorises communications between two fixed stations. Each transmitter must be separately licensed.</p> <p>Point-to-point (5.8GHz band) and point-to-point (self-coordinated) stations are licensed as a pair.</p> <p>A 900 MHz studio to transmitter link is a point-to-point station within the frequency range greater than 816 MHz and less than 924 MHz that transmits sound broadcasting programs from a studio to a broadcasting transmitter site.</p> <p>Sound outside broadcast and television outside broadcast licences authorise temporary fixed links established to provide radio or television broadcasting coverage of an event remotely located from a broadcasting studio.</p> <p>A temporary fixed link licence authorises a fixed link that may be deployed anywhere in Vanuatu for a period of up to 14 days on available channels in the 13, 15 or 22 GHz bands. Frequency coordination is necessary before every deployment.</p>
Fixed receive	<p>A fixed receive licence is issued for fixed stations:</p> <ul style="list-style-type: none"> > that are used only for receiving messages > that are not capable of transmitting messages of any kind > for which the TRBR and respective Operators undertakes coordination procedures to minimise interference to reception. <p>Although receivers at fixed stations do not have to be licensed, it is the only means by which they can be protected from interference.</p>
Land mobile	<p>A land mobile licence is issued for a radiocommunications service that:</p> <ul style="list-style-type: none"> > comprises one or more land stations or land mobile stations > is used for communications between: <ul style="list-style-type: none"> > land stations and land mobile stations; or > land mobile stations; or > land mobile stations through another land station; or > land stations through another land station; and > may communicate with: <ul style="list-style-type: none"> > an aircraft station, but not on an aeronautical frequency; or > a maritime ship station, but not on a maritime frequency. <p>A land mobile system licence authorises communications between base stations and land mobile stations. Individual licences are not issued for mobile stations, remote control stations of one watt or less, standby base stations and supplementary base stations within the operating range of the main base station. All of these are considered to be part of a land mobile system.</p>

Major coast receive	The major coast receive licence is issued for stations: <ul style="list-style-type: none"> > that are used on land principally for receiving messages transmitted by maritime ship stations > that are not capable of transmitting messages of any kind > that may be used for receiving messages transmitted by aircraft stations, land mobile stations and outpost stations > for which the TRBR or respective Operator undertakes coordination procedures to minimise interference to reception.
Maritime coast	A maritime coast licence is issued for stations that: <ul style="list-style-type: none"> > are operated on land principally for transmitting messages to, and receiving messages from, maritime ship stations > may communicate with land mobile stations, remotely located land stations and stations on an aircraft that are not aircraft stations > are operated on maritime frequencies.
Maritime Ship	A maritime ship licence is issued for a station that: <ul style="list-style-type: none"> > is operated on board a ship for communicating with: <ul style="list-style-type: none"> > maritime coast stations; or > on-board communication stations associated with the maritime ship station, whether or not those stations are operated on board ships > may include equipment that is in a survival craft of the ship > may include a mobile earth station on board the ship > operates on maritime frequencies > operates on maritime mobile-satellite frequencies or radiodetermination frequencies.
Point to Multi Point Services	A point-to-multipoint licence authorises communications between a base station and more than one remote station within an area specified on the licence. It may also authorise the operation of remote-control stations and supplementary base stations. Point-to-multipoint licences in land mobile segments of the 400 MHz band attract a land mobile fee. A point-to-multipoint system is a network of point-to-multipoint stations operating within a specified coverage area.

Calculation

TRBR has used a formula to help it set Radio Apparatus licence fees. That formula means that fees will vary according to the amount of spectrum used and the band that the spectrum is located in. The formula is: $Fee = V \times BW \times Band \times SF \times T$.

V is the Base Value of Spectrum for wide area services, BW is the bandwidth in MHz, Band is the Band factor, SF is the service factor.

The Fee formula have been consulted on in the past for Decision 02 of 2014 and Decision 01 of 2015 and therefore is reflected in this Decision as well.