

Terms and Conditions for Technical Trials

Release 19.05.2021



**AUTORIDADE NACIONAL DE COMUNICAÇÕES
DE TIMOR-LESTE**



Terms and Conditions for Technical Trials

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1. INTRODUCTION

- 1.1. This document contains the terms and conditions which shall be complied with by a person who intends to conduct technical trials on telecommunication systems and for services in Timor-Leste.

2. SCOPE OF THE TECHNICAL TRIALS

- 2.1. Any person who wishes to conduct any technical trial on any telecommunication service, system and for network under any of the following circumstances (hereinafter referred to as a “trial registrant”) must obtain prior written approval from the ANC. Such persons include:

(a) A person who does not already hold a registration from the ANC which would allow the provision of the telecommunication systems and for services which are intended to be used or provided in the technical trial;

(b) An existing registrant whose registration does not allow the provision of the specific telecommunication systems and for services which are intended to be used or provided in the technical trial; or

(c) An existing registrant who does not have the required radio frequency for its technical trial (including those who are intending to provide services during their technical trial which are beyond the scope of their existing spectrum right or licence).

- 2.2. Trial registrants should note that separate authorization(s) may be required from other government agencies in relation to the deployment and for provision of certain types of telecommunication systems and for services in Timor-Leste.

3. PERIOD OF THE TECHNICAL TRIAL

- 3.1. The period of the technical trial must be for a fixed duration. A technical trial for a given network unit shall not last more than 12 months.
- 3.2. The ANC may issue a Technical Trial Certificate. The Technical Trial Certificate must include a period, not exceeding 3 months, during which it remains in force.
- 3.3. The ANC may issue a trial registration certificate extending the existing Trial Registration Certificate for a period not exceeding 3 months at any time before the existing Trial Registration Certification's expiry, provided the total duration of the technical trial does not exceed the term specified in 3.1.
- 3.4. Any request for extension of the period of technical trial must be submitted to the ANC for prior written approval.



4. REASON AND NATURE OF THE TECHNICAL TRIAL

- 4.1. The trial must be for evaluation of technical feasibility.
- 4.2. Trial registrants shall not impose any obligations on trial participants that would require them to subscribe to any non-trial service that may be offered by the trial registrant.
- 4.3. If a trial registrant intends to launch the trial service on a non-trial basis, it must obtain the appropriate authorization from the ANC, or expand an existing registration to include the new systems and for services.

5. USE OF RADIOFREQUENCY

- 5.1. In case of any use of radio frequency in the technical trial, the trial registrant shall be subject to the payment of radio frequency fees, station licence fees or any other fees determined by the ANC to be applicable.
- 5.2. Any frequency spectrum allocated for the purposes of the technical trial must only be used for the technical trial and not for any other purposes.
- 5.3. Any frequency spectrum allocated for the purposes of the technical trial must not be construed in any way as an approval or indication of frequency spectrum being available or to be allocated for any future non-trial service.

6. OPERATING CONDITIONS

6.1. Participants

- 6.1.1. The number of participants in the technical trial will be subject to the ANC's prior written approval.
- 6.1.2. If the trial network is connected to any public telephone network of any service providers, the trial registrant must inform trial participants in advance that they could be liable for any local or international call charges from such operators incurred during the trial participants.

6.2. Geographic Coverage

- 6.2.1. The geographic coverage of the technical trial must be clearly specified and shall be subject to the ANC's prior written approval.

6.3. Publicity

- 6.3.1. Trial registrants must not make any claim to be a service provider operator on the basis of the technical trial.

6.4. Interconnection

- 6.4.1. Any proposed interconnection to a public telephone network or any other telecommunication networks authorised by the ANC shall be subject to the ANC's prior written approval and any terms and conditions which the ANC may impose in respect thereof from time to time.



6.5. Interference

- 6.5.1. For technical trials involving wireless technologies, the trial registrant shall take all precautions necessary to ensure that there is no interference with any authorised networks of the ANC.
- 6.5.2. The trial registrant shall also take the necessary steps, at its own cost and on a timely basis, to rectify any interference problems, including the setting up of monitoring facilities and procedures that will keep track of any potential interference problems.
- 6.5.3. The trial registrant shall provide information on radio frequency measurements, if any.

6.6. Compliance

- 6.6.1. The trial registrant shall comply with the trial conditions provided herein. In the event that the trial registrant breaches any of the trial conditions, the ANC shall have the right to terminate the technical trial or require the trial registrant to take the appropriate corrective action.
- 6.6.2. The trial registrant shall provide the ANC with any documents or information that the ANC may be notice require, on a timely basis and at its own cost, for the ANC's exercise of its function and duties under Decree-Law No. 15/2012. The Registrant undertakes to the ANC that any such document and information provided to the ANC shall be true, accurate and complete.

6.7. Termination

- 6.7.1. Where the trial registrant has breached any of the terms and conditions herein, the ANC may terminate the technical trial after giving due notice in writing to the trial registrant.
- 6.7.2. The ANC shall not be liable for any loss suffered by trial participants or the trial registrant, in the event of termination by the ANC.
- 6.7.3. Where the trial registrant wishes to terminate the technical trial, the ANC shall be kept informed of the decision, including the rationale of the decision.
- 6.7.4. In the event the technical trial is terminated, the trial licensee will be obliged to remove all equipment, including equipment at the premises of trial participants; within two weeks unless a time extension has been sought and obtained from the ANC.

6.8. Post-trial approval

- 6.8.1. An approval by the ANC for a technical trial shall not be construed in any way as an approval or indication of future approval from the ANC that any other authorization, licence or right shall be granted to the trial registrant who wishes to offer its trial services on a non-trial basis after the conclusion of its technical trial.



7. APPLICATION

An application for a trial registration must be in writing using the form in Annex 1. The ANC may ask applicants to supply additional written information if necessary and may decline to consider the application until that information is provided.

Completed application forms and any relevant supporting information or documentation must be submitted to the ANC at:

Autoridade Nacional de Comunicações
Ground floor, Telecom Building
Avenida Xavier do Amaral No. 8
Caicoli, Dili, Timor-Leste
Telp: (+670) 3311415
Fax: (+670) 3311323
E-mail: info@anc.tl

Applicants can contact the Technical Regulation Section of the ANC to discuss the application process.



Annex 1: Application Form for Technical Trial Registration

Section 1: Applicant details

Name of applicant

Registered business or trading name of applicant (IF APPLICABLE)

Postal address

<input type="text"/>
<input type="text"/>
<input type="text"/>

POSTCODE

Registered office address (IF DIFFERENT)

<input type="text"/>
<input type="text"/>
<input type="text"/>

POSTCODE

TAX IDENTIFICATION NUMBER (TIN) (IF APPLICABLE)

ANC REGISTRATION NUMBER (IF APPLICABLE)

Contact person

NAME
POSITION
TELEPHONE ()
MOBILE
EMAIL

Section 2: Legal status of applicant

Specify your legal status:

Corporation and Registered Business

Provide a copy of the certificate of registration of the corporation and the article of incorporation (estatuto).

Partnership

Provide a copy of the certificate of registration and the article of incorporation (estatuto) of each corporation that is party to the partnership and a copy of the partnership agreement, deed or other arrangement.

Other

Provide relevant details



Section 3: Applicant information

Provide an attachment addressing each item below (if applicable) along with copies of any supporting documents:

1. organisational structure, including directors, major shareholders and links with overseas and/or other national companies
2. whether the applicant has any foreign ownership, control or direction
3. details of any relationship between the applicant and another person in connection with the production and supply of facilities
4. background and experience of the applicant, as it relates to this application
5. any current or proposed research into new technologies and development of those technologies relevant to this trial
6. whether the applicant (or any director, secretary or any other person involved in the management of the applicant) has been disqualified under any law of any countries.

Section 4: Type of network owned or proposed to be owned by the applicant

Provide an attachment to your application that contains the following information:

1. a description of the network and technology that is proposed to be used to supply carriage services to trial participants (customers)
2. a diagram of the key components and architecture of the proposed network (including identification of any facilities/infrastructure in the network that are not owned by the applicant)
3. the type of radio spectrum to be used (if applicable) or if the applicant is already authorised to use radio spectrum as a part of its network unit(s) details of the relevant licence or third-party authorisation.

Section 5: Type of services proposed

Provide an attachment to your application that contains the following information:

1. a description of the telecommunications services that is proposed to be provided to trial participants
2. a description of how the services in item 1 will be provided to the trial participants, including identification of any agencies in the services supply chain that are not owned by the applicant)

Section 6: Information on trial arrangements

The ANC may issue a trial registration if it considers that the network unit(s) is being solely used for a trial. In deciding whether to issue a trial registration, the ANC may have regard to items below. Guidance regarding the kind of information that applicants can supply in support of each item is provided below.

Provide an attachment to your application addressing each of the matters listed below:

1. Reason for the trial

Is the purpose of the trial to investigate the technical feasibility of providing a service? If so, outline each technical issue and explain the results required to demonstrate service feasibility.

2. The duration and nature of the trial

- What is the start and end date of the trial? Why is this time period required?
- Which geographic location(s) will the service be offered in during the trial and why?
- Will you own all the network infrastructure and equipment used in the trial?
- Who will participate in the trial (for example residential or businesses consumers)? Provide a copy of relevant marketing material and standard agreements made with trial participants.
- How many participants have currently agreed to being involved in the trial?
- Will additional participants be sought during the trial? If so, how many participants in total are required and in what locations?



3. Previous trials held for a similar service

- Are you aware of this type of service (for example using the same type of network infrastructure and customer equipment) having been trialled in the same geographic location?
- If so, who conducted the trial(s) and what was the outcome, if known?

4. Effect on competition of the trial

- Are any service providers currently offering similar services in the same geographic areas and target markets that you propose supplying your services? If so, please identify the relevant carriers/carriage service providers. Please provide information about how the trial may affect the revenue of those carriers or carriage service providers.

5. Charges to end users participating in the trial

What are the total costs that participants will incur during the trial and how will they be calculated, including:

- Usage costs
- Equipment costs (either leased or purchased)
- Installation costs
- Maintenance costs
- Cancellation costs / refunds (if the participant decides to leave the trial early).
- If you will be supplying customer equipment, does this equipment comply with technical regulation* requirements?

6. Other matters the ANC considers relevant

- What arrangements have you made (or propose to make) for use of, or access to, other service provider services (including interconnection or peering arrangements), networks or facilities? Please detail these arrangements.
- What arrangements will you have for network management and fault rectification?
- What are the terms and conditions governing participation in the trial and what will happen at the conclusion of the trial should you decide not to continue offering the service?
- How will you deal with any complaints made by trial participants?
- Any matters that you think might be relevant to the ANC's consideration of your application?

Section 7: Compliance

As a trial registrant is operating under the exemptions provision under section 31 of the Decree Law No.15/2012 on the Regulation of Telecommunications Sector, the trial registrant must comply with all relevant legislative obligations that apply to a registered service provider under the laws and regulations of Timor-Leste.

Consequently, the applicant:

- ☑ undertakes to comply with all relevant obligations that apply to a registered service providers under Decree-Law No.15/2012 on the Regulation of Telecommunications Sector
- ☑ will put in place measures to prevent telecommunications networks and facilities from being used to commit offences
- ☑ will give law enforcement agencies such help as is reasonably necessary in enforcing the criminal law and laws imposing pecuniary penalties, protecting the public revenue and safeguarding national security
- ☑ is aware that it may be requested to suspend supply of carriage services to an individual if requested to do so by a law enforcement agency
- ☑ will do their best to protect telecommunications networks and facilities from unauthorised interference or unauthorised access for the purpose of security.

Section 8: Declaration by applicant's agent

I declare that:

1. I have the authority to sign this application on behalf of the applicant.
2. The applicant is aware of (and if necessary has sought professional advice on) and undertakes to comply with, the applicant's legal obligations under legislation, including but not limited to the Decree-Law No. 15/2012 on the Regulation of Telecommunications Sector.
3. The information provided in this application and in any enclosures is true and correct in every detail.



4. The applicant acknowledges that this application does not constitute an application for a radiocommunications licence or licences, and separate action by the applicant will be required if radiofrequency spectrum access is sought.
5. The applicant acknowledges that it is the applicant's responsibility to ascertain the suitability and availability of spectrum for its purposes.
6. I am aware that it is an offence to knowingly give false or misleading information.

SIGNATURE OF AGENT
DATE

PRINT FULL NAME
POSITION IN ORGANISATION