



هيئة تنظيم الاتصالات
Telecommunications Regulatory Authority
مملكة البحرين - Kingdom of Bahrain

Article 35 Order No. 2 of 2013

VIVA's Breach of (i) its Frequency Licence issued 22 January 2013 (Document Number LSU/LC/F/13/1); (ii) its Individual Mobile Telecommunications Licence issued 10 December 2012 (Document Number LSU/LC/249) and (iii) its National Fixed Services Licence issued 18 April 2010 (Document Number LSU/LC/268)

An Order issued by
Telecommunications Regulatory Authority
under article 35 of the Telecommunications Law to
VIVA Bahrain B.S.C.

1 August 2013

LAD 0813 080



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ORDER

IN THE EXERCISE OF ITS POWERS

UNDER ARTICLES 3 AND 35 OF THE TELECOMMUNICATIONS LAW,

THE AUTHORITY MAKES THE FOLLOWING ORDER

1. For the reasons set out in the reasoning of this Order, the Telecommunications Regulatory Authority ("the **Authority**") considers that VIVA Bahrain BSC ("**VIVA**") has:
 - a. Without the requisite authorisation from the Authority, upgraded 165 links assigned to it by virtue of a Frequency Licence issued on 22nd January 2013 (Document Number LSU/LC/F/13/1) and in so doing has exceeded the bandwidth limitations set out in the same licence;
 - b. Failed to take all necessary steps to ensure that the use of the spectrum is safe and does not cause harmful interference to other existing radiocommunications stations and telecommunications networks operating in the same area or radio frequency band and in other areas or radio frequency bands; and
 - c. Failed to ensure that all persons using its radiocommunications equipment comprised in any of its radiocommunications stations are made aware of the relevant terms of its licences and comply with such terms;



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in breach of Clause 1, Clause 4, Clause 12 and Schedule A of its Frequency Licence, in breach of Clause 10 of the Mobile Licence (“**Mobile Licence**”) and in breach of Clause 20 of the Individual Licence for National Fixed Services (“**NFS Licence**”).

2. Therefore VIVA is ordered:

- 2.1. Within 90 calendar days from date of this Order to downgrade all non-compliant links to the assigned frequency and bandwidth set out in the Frequency Licence;
- 2.2. As soon as possible but not later than 5 calendar days from date of this Order, to provide the Authority with a migration plan outlining how VIVA intends to achieve the downgrade of the links over the course of the timeframe stipulated in Clause 2.1 above;
- 2.3. To provide the Authority with all the required information and assistance in order to enable the Authority to confirm that the downgrade has actually been completed; and
- 2.4. Pay, within 30 calendar days from date of this Order, the sum of BD97,641.926 by way of outstanding spectrum licence fees representing the difference in the actual annual spectrum licence fee paid by VIVA in respect of the licensed bandwidth and the spectrum Licence Fee that would have been due in respect of the unauthorised upgraded links (“the Outstanding Spectrum Licence Fees”).



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3. Fine

3.1. Without prejudice to the obligation to pay the Outstanding Spectrum Licence Fees in Clause 2.4 above, VIVA is also ordered to pay a fine of BD124,688 within 30 calendar days from date of this Order.

3.2. In the event that VIVA fails to downgrade the links within 90 calendar days as set out in Clause 2.1 above, then VIVA shall be liable to a daily penalty of BD20 per MHz for each day of delay or part thereof.

3.3. VIVA shall pay the outstanding licence fee set out in paragraph 2.4 of this Order together with the fine set out in paragraph 3.1 and 3.2 of this Order to the following account:

Account Number: 100000054341

IBAN: BH41 BBKU 0010 0000 0543 41

SWIFT CODE: BBKUBHBM

4. Compliance

In terms of Article 35(d)(3), failure by VIVA to abide by the Order (including the payment of the fine) may lead to the revocation of VIVA's Frequency Licence and/or NFS Licence and/or Mobile Licence.



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5. Entry into force

This Order shall enter into force on 01 August 2013.

Mohamed Hamad Bubashait

General Director

For and on behalf of the Telecommunications Regulatory Authority

01 August 2013