STATE DECREE of March 10, 2007 for the implementation of Article 67 of the Telecommunications Facilities Act (Bulletin of Acts and Decrees 2004 no. 151) (Frequency Plan Decree).

THE PRESIDENT OF THE REPUBLIC OF SURINAME

Considering that, for the implementation of Article 67 of the Telecommunications Facilities Act (Bulletin of Acts and Decrees 2004 no. 151), it is required to set forth the following;

Having heard the State Council, set forth the following state decree drawn up by the Council of Ministers:

Article 1

In this state decree and the provisions belonging thereto, the following terms shall have the following meaning:

a. frequency plan : an overview of the various categories of frequency bands and frequencies that may be used for various purposes;

b. ITU : International Telecommunications Union;

c. TAS : Telecommunications Authority Suriname;

Article 2

1. Pursuant to Article 67 of the Act, rules shall be set forth by state decree with regard to establishing a frequency plan, maintaining the frequency register and allocating frequencies.

2. The TAS shall be charged with establishing the frequency plan, maintaining the frequency register and allocating frequencies. The TAS may also be requested to make the frequency register available for perusal.

Article 3

1. The frequency plan shall be based on the applicable bilateral and multilateral agreements. In addition, specific circumstances regarding Suriname shall apply. It is also important to consider the technological developments.

2. In the development of the frequency plan, the TAS must involve the relevant parties in Suriname.

Article 4

Pursuant to Article 81 of the Act, the TAS shall be authorized to determine and collect fees for spectrum management.

Article 5

The frequency plan shall be reviewed once every four (4) years. The intention thereto shall be published in the Advertiser of the Republic of Suriname and in at least two (2) local daily newspapers, whereby parties concerned shall be invited to give their comments. If so required, the TAS shall further consult with parties concerned. Then, the frequency plan shall be established by the TAS. The frequency plan shall be available for perusal by the public.

Article 6

1. Within the framework established by the frequency plan, the TAS shall issue frequencies. Parties that wish to have one or more frequencies shall submit an application thereto to the TAS stating the reasons using a special form available from the TAS.
2. At the same time of submitting the form mentioned in paragraph 1 of this Article, the following documentation shall be submitted in attachment:

- the license granted for the telecommunications services to be offered for which one or more frequencies are required;
- a technical plan of implementation whereby the purpose for which the frequencies are required are extensively outlined;
- a recent extract from the trade register of the Chamber of Commerce and Industry.

3. In case of insufficient supply of specific frequencies, a procedure of auction may be applied.

4. The TAS shall process applications in order of receipt and shall decide on the allocation.

**Article 7**

1. In the frequency register, the TAS shall record meticulously which frequencies have been allocated and for what period of time.

**Article 8**

1. This state decree may be referred to as the Frequency Plan Decree.


3. It shall become effective on the day that the Telecommunications Facilities Act becomes effective.

4. The Minister charged with communications shall be responsible for the implementation of this state decree.

Drawn up in Paramaribo on March 10, 2007

R.R. VENETIAAN

Issued in Paramaribo on March 19, 2007
The Minister of Home Affairs,

M.S.H. HASSANKHAN
STATE DECREE of March 10, 2007 for the implementation of Article 67 of the Telecommunications Facilities Act (Bulletin of Acts and Decrees 2004 no. 151) (Frequency Plan Decree).

EXPLANATORY MEMORANDUM

Pursuant to Article 67 of the Act, the rules with regard to establishing the frequency plan, the frequency register and the allocation of frequencies will be set forth.

The management of the frequency spectrum that is charged to the TAS in accordance with Article 3g of the Act shall take place with great care, because the number of frequencies for the transfer of signals by means of electromagnetism is limited.

In the first place, there must be a frequency plan in which is recorded which frequencies may be used for what purpose. International agreements in this regard will set the tone. In this regard, further agreements may be made for Suriname.

In the realization of the frequency plan, all parties concerned must be given the opportunity to express their wishes. These are, among others: concession holders pursuant to Article 9 of the Act; holders of a radio transmitting license pursuant to Article 46 of the Act; holders of a broadcasting license pursuant to Article 58 of the Act; the Government as user of radio, transmitting and/or receiving equipment, manufacturers, importers, suppliers and users of radio, transmitting and/or receiving equipment in the widest sense of the word, thus, including equipment for which no license is required.

Such consultation must be announced officially and may take place orally as well as in writing. The TAS shall set the rules and, eventually, establish the frequency plan.

It is desirable to review the frequency plan more often. A period of four (4) years is logical, because this period is in accordance with the decision-making in the ITU. In special cases, premature changes may arise and lead to an auction of specific frequencies.

The Act also charges the TAS with the actual management and supervision of the frequency spectrum. Applications for allocation of a frequency must be directed to the TAS where it is verified if the requested facility is available. Before putting the allocated frequency to use the TAS, based on measurements, will verify if the technical requirements are met, all in accordance with the provisions of Article 46 of the Act on the license granted.
For processing the application as well as allocating the frequency, the TAS will collect a once-only fee. In addition, annually, for the use of the frequency spectrum and maintenance of the frequency register, a fee will be paid to the TAS.

The frequency register that will be maintained by the TAS in accordance with Article 65 of the Act, provides a detailed overview of the frequencies already allocated, the period of time for which they are allocated and the frequencies still available. This register is public subject to exceptions on the understanding that only information may be obtained on the nature and availability of the frequencies.

Paramaribo, March 10, 2007

R. R. VENETIAAN