STATE DEGREE of March 10, 2007 for the implementation of Article 48 paragraph 1 of the Telecommunications Facilities Act (Bulletin of Acts and Decrees 2004 no. 151) (Decree on Procedures for Radio Transmitting Licenses).

THE PRESIDENT OF THE REPUBLIC OF SURINAME

Considering that, for the implementation of Article 48 paragraph 1 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. TAS : Telecommunications Authority Suriname;

b. License : a radio transmitting license as meant in Article 46 paragraph 1 of the Telecommunications Facilities Act;


Article 2

In order for the TAS to grant, refuse, change or revoke a license as meant in Article 46 and to be eligible for exemption by the TAS as meant in Article 48 of the Act, the rules set forth in the following Articles shall apply.
Article 3

1. An application to obtain, change or revoke a license or obtain exemption must be submitted in writing to the TAS using a special form available from the TAS.

2. The TAS shall only process the application when it has the disposal of the complete information as set forth in Article 4 that is required to evaluate the application. In principle, depending on the complexity of the application, the applicant shall be notified within two (2) months whether or not the application has been approved.

3. If there is no response to the application for a license within two (2) months, the application may be considered approved.

Article 4

1. The application to obtain or change a license shall include at least the following information:

   a. name and address of the applicant;
   b. date and signature;
   c. documentation that shows the purpose for which the license is required or the change therein;
   d. documentation that shows the nature and capacity of the transmitting equipment to be used;
   e. a recent extract from the trade register of the Chamber of Trade and Industry in case of an application for a change in the license;
   f. financial information.

2. The application with regard to the revocation of the license or exemption shall include at least the following information:

   a. name and address of the applicant;
   b. date and signature;
   c. documentation that shows the reasons for the application.

3. The applicant as meant in paragraphs 1 and 2 of this Article shall provide further information and documentation that are required for the evaluation of the application and that may be reasonably available.
Article 5

If the information provided is incorrect for the evaluation of the application, the TAS shall request the applicant in question to submit the correct information within a period not exceeding one (1) month after receipt of the request to submit the correct information by the TAS on the penalty of lapse of the application.

Article 6

If the TAS intends to refuse an application for a license or an exemption in whole or in part on the grounds of information about facts and circumstances concerning the applicant and this information turns out not to match the information provided earlier by the applicant, the TAS shall give the applicant the opportunity during a period of one (1) month after having been notified hereof to present his viewpoint in this regard.

Article 7

The reasons for a decision to refuse an application for a license or exemption or change therein shall be stated.

Article 8

1. A license shall be granted for five (5) years with the possibility of cancellation or renewal. One (1) year before the expiration of the license, the license holder shall indicate in writing if the license granted to him must be cancelled or renewed.

2. Exemption shall also be granted for five (5) years with the possibility of cancellation or renewal in accordance with the provisions of paragraph 1 of this Article.

Article 9

The fees payable with regard to obtaining or changing a license as well as obtaining exemption must be paid to the TAS pursuant to Article 81 of the Act. Also, annually, for the benefit of the supervision on compliance with the rules, regulations and license conditions of or set forth in the Act, a fee must be paid to the TAS.
Article 10

1. In case of an intended change in the license conditions by the TAS, the relevant parties shall be notified hereof. The intended changes shall become effective not earlier than three (3) months after the change.

2. In case of an intended change in the license with regard to the change in the purpose of the equipment that is in operation, the license holder must submit a request thereto to the TAS. The procedure shall proceed in accordance with the provisions of Article 4.

Article 11

1. Pursuant to the provisions of Article 46 paragraph 7 of the Act, the TAS shall be authorized to revoke a license. The license holder shall be notified of this intended revocation stating the reasons thereof.

2. After having been notified of the intention as meant in paragraph 1 of this Article, the license holder shall have fifteen (15) working days to enter into consultation with the TAS in this regard.

3. In the cases meant in Article 46 paragraphs 7 under b and c of the Act, the license holder shall be given a period of three (3) months at the most to comply with his obligations. In special cases, the abovementioned period may be deviated from.

4. In the cases as meant in Article 46 paragraphs 7 under d and e of the Act, the TAS shall make provisions, where possible, for the benefit of license holder(s) concerned.

Article 12

1. If he is not in agreement with the decision of the TAS pursuant to Article 7, the applicant may lodge an appeal with the Minister within thirty (30) days after having been notified by the TAS of its decision.

2. The Minister shall make a decision within four (4) weeks.
Article 13

1. This state decree may be referred to as the Decree on Procedures for Radio Transmitting Licenses.


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 48 paragraph 1 of the Telecommunications Facilities Act (Bulletin of Acts and Decrees 2004 no. 151) (Decree on Procedures for Radio Transmitting Licenses).

EXPLANATORY MEMORANDUM

Pursuant to the Act, granting licenses for radio transmitting equipment and granting exemptions in accordance with Article 47 paragraph 2 of the Act is a power of the TAS.

On submission of the application to obtain, change or revoke a license for radio transmitting equipment or to obtain exemption, applicants must include the required documentation for the TAS.

Article 4
The necessity of submitting the documentation lies in the fact that the TAS, for the evaluation of an application, must be informed as to the personal particulars of the applicant. Some of this information includes registration of party concerned in the trade register, information about the technology that will be applied by party concerned and information of a financial nature that must show if party concerned is, indeed, capable of exploiting the business.

Article 6
In case the TAS has doubts as to the correctness of the information submitted, which doubts may turn out to the disadvantage of the applicant, the applicant shall have thirty (30) days to express his viewpoint regarding the information submitted to the TAS.

In case the TAS refuses, changes or revokes the license, it shall notify the applicant or license holder hereof stating the reasons thereof.

As soon as the application for obtaining a license has been approved by the TAS, it shall be published in the Advertiser of the Republic of Suriname. If there are objections after publication, the applicant shall be notified of these objections after which he shall have the opportunity to smooth away these objections.

The license shall be granted for five (5) years subject to previous revocation or cancellation. The application for renewal or cancellation must take place one (1) year before the expiration of the period for which it has been granted.
An exemption is also granted for five (5) years with the possibility of renewal and cancellation.

The fees payable with regard to obtaining and changing a license as well as obtaining exemption must be paid to the TAS. Every license holder must pay the TAS a fee annually for radio communication as well as for the supervision on compliance with the rules, regulations and license conditions of or set forth by the Act. These fees are laid down in the rate system of the TAS.

In case of refusal of the license by the TAS, the applicant has the option to lodge an appeal with the Minister.

Paramaribo, March 10, 2007

R. R. VENETIAAN