



H. M. GOVERNMENT OF GIBRALTAR
Ministry for Economic Development, Telecommunications and the GSB
31 Town Range
Gibraltar

NOTIFICATION PURSUANT TO REGULATION 9 OF THE COMMUNICATIONS (AUTHORISATION AND LICENSING) REGULATIONS 2006.

**Notification concerning an Intention to Revoke all Part VI Licences held by Eazi
Telecom Pursuant to Regulation 9 of the Communications (Authorisation and
Licensing) Regulations 2006**

1. Legal and Regulatory Background.

1. Regulation 9 of the Communications (Authorisation and Licensing) Regulations 2006 (the "Regulations") deals with the procedure for the variation, suspension, or revocation of a licence.
2. Regulation 9 applies where the Minister proposes to revoke a licence.
3. Sub-regulations 9(1) - 9(4) read:

"(1) Without prejudice to regulation 10, this regulation shall apply where the Minister proposes to vary, suspend or revoke a licence for a reason other than—

(a) a general modification of the procedure for the grant of a licence carried out pursuant to regulation 7 (5); or

(b) a contravention of a licence condition which has been set pursuant to regulation 17.

(2) Where the Minister proposes to vary, suspend or revoke a licence pursuant to this regulation, he shall give the person holding the licence a notification under this regulation—

(a) stating the reasons for the proposed variation, suspension or revocation; and

(b) specifying the period during which the person notified has an opportunity to do the things specified in sub-regulation (3).

(3) Those things are—

(a) making representations about the proposal; and

(b) if the proposal is the result of a contravention of a term, provision or limitation of the licence, except a condition set pursuant to regulation 17, complying with that term, provision or limitation.

(4) Subject to sub-regulations (5) to (7), the period for doing those things must be the period of one month beginning with the day after the one on which the notification was given."

4. As per sub-regulations 9(12) – 9(15):

"(12) Where the Minister has given a notification under sub-regulation (2), he shall, within the period of one month beginning with the end of the period for the making of representations about the proposal contained in that notification–

(a) decide whether or not to vary, suspend or revoke the licence in accordance with his proposal, or in accordance with that proposal but with modifications; and

(b) give the person holding the licence a notification of his decision.

(13) The notification under sub-regulation (12)–

(a) must be given no more than one week after the making of the decision to which it relates; and

(b) must, in accordance with that decision, either vary, suspend or revoke the licence or withdraw the proposal for a variation, suspension or revocation.

(14) Where the notification under sub-regulation (12) is a notification of the Minister's decision to–

(a) vary or revoke a licence, that revocation or variation may be of immediate effect or may take effect from a specified time;

(b) suspend a licence, that suspension may be for,

(i) a specified period;

(ii) until the occurrence of a specified event; or

(iii) until specified conditions are complied with.

(15) For the purposes of sub-regulation (13) (a) the notification may be given either by –

(a) a notice in writing served on the holder of the licence; or

(b) a general notice applicable to licences of the class to which the licence in question belongs published in the Gazette."

2. Purpose of this notification.

1. The Minister proposes to exercise his powers under regulation 9 of the Regulations to revoke all Part VI licences held by Eazi Telecom Limited ("Eazi Telecom"), who have been authorised to provide electronic communications services and/or networks in Gibraltar since October 2009, due to the reasons set out below.
2. In accordance with the provisions of the Regulation and Direction M01/2014, as amended by M01/2021, concerning Fees For Certain Part VI Licences, the Gibraltar Regulatory Authority (the "Authority") calculated a fee of:
 - i. £69,600 to be paid by Eazi Telecom for the charging period 22nd March 2021 to 21st March 2022 in relation to their Part VI MFCN-M Licence;
 - ii. £40,000 for the charging period 22nd March 2021 to 21st March 2022 in relation to their Part VI MFCN-L Licence; and
 - iii. £4,800 for the charging period 22nd March 2021 to 21st March 2022 in relation to their Part VI Fixed Links Licence.

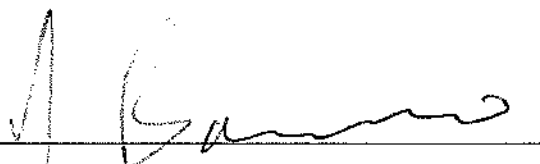
This amounts to a total of £114,400.

3. Direction M01/2014, as amended by M01/2021, lists the annual fees payable to the Authority in respect of the different Part VI licences.
4. Eazi Telecom has been informed by the Authority about each of the outstanding amounts on several occasions, both prior, and after each of the above licences expired on the 21st March 2021.
5. Eazi Telecom has failed to pay these fees as requested and as required in law.
6. Furthermore, it is also noted by the Authority that Eazi Telecom are not currently making use of their allocated spectrum. Spectrum hoarding must and is being increasingly monitored. The Authority takes its duties in respect of spectrum hoarding very seriously (based on interest being generated) and is continuously monitoring allocations in accordance with made to measure conditions imposed on operators to avoid inefficient use of the spectrum.

3. The Notification.

1. Eazi Telecom is hereby notified, under the provisions of regulation 9(2) of the Regulations, of the Minister's intention to revoke their Part VI licences. Pursuant to regulation 9(3), Eazi Telecom are invited to make representations about the proposal by no later than **2nd December 2021**.
 2. As provided for in sub-regulation 9(12), within a month after the **2nd December 2021**, the Minister will make his determination as to whether or not he will revoke the Part VI licences held by Eazi Telecom in accordance with his proposal.
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This Notice is published on the Authority's website: www.gra.gi



The Hon. Sir Joseph Bossano MP
Minister for Telecommunications
H. M. Government of Gibraltar
26th October 2021
