



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

NOTIFICATION PURSUANT TO REGULATION 33(3) OF THE COMMUNICATIONS (AUTHORISATION AND LICENSING) REGULATIONS 2006.

Notification concerning an Intention to Recover From a Person an Administrative Charge or Fee Fixed for a Charging Year.

1. Legal and Regulatory Background.

1. Regulations 31 to 36 of the Communications (Authorisation and Licensing) Regulations 2006 deal with Administrative Charges and Fees.

2. Regulation 32 deals with Fees. 32(1) and (2) reads:

(1) *"A person who, at any time in a charging year, is a person to whom this regulation applies shall pay to the Authority the fee (if any) that is fixed by the Minister for the case that is applicable to that person pursuant to sections 36 (8), 49 (8) and 63 of the Act.*

(2) *"This regulation applies to a person at a time if, at that time, he is –*

(a) a person to whom numbers have been allocated pursuant to section 36 of the Act;

(b) a person to whom a right to install facilities has been granted pursuant to section 49 of the Act; or

(c) a person to whom a licence has been granted pursuant to section 61 of the Act".

The remainder of Regulation 32 sets out, *inter alia*, the Minister's powers in fixing or not fixing fees for a charging year.

3. Regulation 33 provides supplemental provisions on administrative charges and fees. Regulation 33(1) allows the Minister to fix a fee under regulation 32 for any charging year, by issuing a Direction and regulation 33(2) states that such charge or fee *"shall be paid as soon as it becomes due and if not paid is to be recoverable by the Authority"*.

However, as set out in regulation 33(3), proceedings for the recovery from a person of a fee for any charging year, "*shall not be commenced unless the Minister has –*

(a) given that person a notification with respect to the amount he is seeking to recover; and

(b) granted that person a period of one month, beginning with the day after the one on which the notification was given, to comply with that notification".

2. Purpose of this notification.

The Minister proposes to exercise his powers under regulation 33(3) of the Communications (Authorisation and Licensing) Regulations 2006 in order to recover fees from Eazi Telecom Limited ("Eazi Telecom"), which is authorised to provide electronic communications services and/or networks in Gibraltar since October 2009.

In accordance with the provisions of the Communications (Authorisation and Licensing) Regulations 2006, and Direction M01/2014 concerning Fees For Certain Part VI Licences, the Gibraltar Regulatory Authority (the "Authority") calculated a fee of £59,831 to be paid by Eazi Telecom for the charging period 22nd March 2018 to 21st March 2019 in relation to their Part VI GSM Licence, a fee of £90,000 for the charging period 22nd March 2018 to 21st March 2019 in relation to their Part VI UMTS Licence, a fee of £65,778 for the charging period 22nd March 2018 to 31st March 2019 in relation to their Part VI LTE Licence and a further fee of £4,800 for the charging period 22nd March 2018 to 21st March 2019 in relation to their Part VI Point to Point Licence.

This amounts to a total of £220,409.

Direction M01/2014 lists the annual fees payable to the Authority in respect of the different Part VI licences.

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 2018.

Eazi Telecom has failed to pay these fees as requested and as required in law.

3. The Notification.

Eazi Telecom is hereby notified, under the provisions of regulation 33(3)(a) of the Communications (Authorisation and Licensing) Regulations 2006, that unless the fee is paid within a period of one month, beginning with the day after the one on which the notification was given, the fee will be recovered as a debt owed to the Authority.

Without prejudice to this, and as provided for in regulation 34 of the Communications (Authorisation and Licensing) Regulations 2006, the Authority may impose a penalty on Eazi Telecom for non-payment of the fee.

Furthermore, the Authority may give a Direction under regulation 35 of the Communications (Authorisation and Licensing) Regulations 2006, suspending Eazi Telecom's entitlement to provide networks and services.

This Notice is published on the Authority's website: www.gra.gi

A handwritten signature in blue ink, appearing to read 'J. Bossano', is written above a horizontal line.

The Hon. Sir Joseph Bossano MP
Minister for Telecommunications
H. M. Government of Gibraltar
~~XXXX~~ August 2018

Handwritten initials in blue ink, possibly 'JB'.

