



**RWANDA
UTILITIES
REGULATORY
AUTHORITY**

**REGULATION 017/R/MR-ICT/RURA/2022 OF 17th/01/2022 GOVERNING
BROADCASTING SERVICES IN RWANDA**

Preamble

The Regulatory Board;

Pursuant to Law n° 02/2013 of 08/02/2013 regulating Media;

Pursuant to Law n° 09/2013 of 01/03/2013 establishing Rwanda Utilities Regulatory Authority (RURA) and determining its mission, powers, organization and functioning;

Pursuant to Law N°24/2016 of 18/06/2016 governing Information and Communication Technologies;

Based on the discussions made during the consultative meeting held on 23rd December 2020 and on 3rd June 2021 between the Regulatory Authority and different stakeholders in the sector;

Having reviewed the regulation N° 004/R/MR-MCA/RURA/2017 of 30/06/2017 governing broadcasting services in Rwanda;

After consideration and approval in its meeting of 17/01/2022;

Hereby issue the following regulation

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CHAPTER ONE: GENERAL PROVISIONS

Article One: Purpose of this Regulation

The purpose of this regulation is to establish a regulatory framework for providing broadcasting services in Rwanda.

Article 2: Definition of terms

For the purpose of this Regulation the following terms mean:

- 1) **Broadcasting service:** any service which consists of the broadcasting of audio or audio-visual programs to the public, group of the public or subscribers to such service or a class of provided services;
- 2) **Broadcasting:** the emission or transmission of sound or images received by means of audio or audio-visual receivers adapted for that purpose. The transmission may use the radio frequency, cable, satellite or the combination of these;
- 3) **Community Radio:** a non-profit broadcasting radio station which is for, by and about a particular community, whose ownership and management is representative of that community, which pursues a defined social economic development agenda;
- 4) **Commercial Television:** a private or public television licensed by the Regulatory Authority to provide content upon the payment of subscription;
- 5) **Free-to-air television:** a television broadcasting services watched in unencrypted form without direct charge for reception by the recipient;
- 6) **Licensee:** any person to whom a broadcasting or re-broadcasting authorization has been issued by the Regulatory Authority to provide broadcasting services in Rwanda;
- 7) **Local content:** means an FM radio and Free-to-Air television content program having one of the following requirements:
 - At least fifty percent of actors or artistes of the produced content are Rwandans;
 - The place of shooting, in case of audiovisual content or area of performance was in Rwanda;
 - The produced content is in Kinyarwanda.

- The produced content deals with issues that are unique and relevant to social, culture, economic and education context of Rwanda.

8) **Multi-channel distributor:** means a service provider who makes available for purchase, by subscribers or customers, multiple channels of audio and audio-video programming;

9) **National Free-to-Air Television:** a private television hosted by a licensed Signal Distributor whose intended coverage/ audience is the national territory with minimum coverage of 5 transmitters;

10) **National Radio:** a public or private broadcasting Radio station whose intended coverage/ audience is the national territory with a minimum of four (4) transmitters and several gap fillers;

11) **Public Radio:** radio broadcasting services offered by a public broadcaster for public interest in having access to information. The public radio should cover the whole country;

12) **Public Television:** A television content offered by public broadcaster for the interest of the public in having access to information. The public television should cover the whole country;

13) **Regional Radio:** a public or private radio station whose intended audience is more than just a local community but with no more than 3 transmitters;

14) **Regional Free-to-Air Television:** a public or private Free-to-Air television hosted by a licensed Signal Distributor whose intended audience is more than just a local community with coverage not exceeding 3 transmitters;

15) **Regulatory Authority:** Rwanda Utilities Regulatory Authority;

16) **Signal Distribution Services:** making available broadcasting network facilities including the operation of TV content distribution to the customer premise;

17) **Subscription television or Pay TV:** a television broadcasting service provided to a subscriber upon a payment of fee (subscription fee);

18) **Television Content provider:** any person who is licensed by the Regulatory Authority to establish and provide a television channel or a number of television channels either free of charge or upon the payment of subscription;

19) **Television:** the conveyance of visual information, together with one or more channels of associated audio or suitably encoded textual information, or both;

20) **Terrestrial broadcasting:** radio or television broadcasting station in which the signal is transmitted by radio waves from the terrestrial (Earth based) transmitter to a radio or television receiver having an appropriate antenna;

21) **Terrestrial Pay television:** a television broadcasting service licensed by the Regulatory Authority to establish and provide television channels through the signal which is transmitted by radio waves from a terrestrial network transmitter upon a payment of fee (subscription fee);

22) **Watershed period:** the time before 23:00 hrs and after 05:00 hrs that is observed by licensees not to broadcast material unsuitable for children. It is also prohibited to air any material of obscenity and pornographic nature.

Article 3: **Scope of application**

This regulation applies to any person carrying out or intending to carry out any activity in relation to terrestrial broadcasting services except signal distribution services.

Article 4: **Objective of this Regulation**

The objective of this Regulation is to outline assessment procedures for provision of broadcasting services which include television and radio services.

The specific objectives of this Regulation are the following:

- a. to ensure the widest possible diversity of programming and optimal utilization of the spectrum resources;
- b. to promote development of broadcasting as an engine of economic development; and
- c. to encourage investment and to promote stability of the broadcasting industry as well as a fair and competitive environment;
- d. to set up licensing procedures and regulatory framework of broadcasting service providers and terrestrial pay television services.

CHAPTER 2: LICENSING REGIME

Article 5: License for broadcasting services

Any person who needs to perform broadcasting services in Rwanda shall apply for a license to the Regulatory Authority.

Article 6: Application for a license

The Regulatory Authority when assessing the application considers if the applicant is able to:

- a. contribute to media diversity in terms of ownership and content;
- b. provide news and information programs of benefit to the public;
- c. promote Rwandan creative arts and culture;
- d. promote the economic empowerment of Rwanda citizens in terms of ownership and employment;
- e. contribute to the significant investment in national economic development;
- f. contribute to job creation and human resource development on a sustainable basis;
- g. have the necessary experience and expertise to implement the project;
- h. have secured adequate funding to establish and maintain the proposed broadcasting service.

Article 7: Application requirements for broadcasting services license

The applicant of terrestrial broadcasting services license shall fulfill all requirements prescribed in this regulation.

For broadcasting services requiring frequency spectrum resources as well as Free-to-Air TV space, the applicants shall first fulfill the requirements published during the advertisement of the available frequencies or Free-to-Air TV space. However, commercial and terrestrial pay televisions shall be licensed on first come first served in accordance with the requirements provided by this regulation.

Article 8: Publication of available frequency spectrum and space for Free-to-Air TV

The Regulatory Authority publishes available frequencies and space for Free-to-Air television channels, in at least two (2) newspapers circulated in Rwanda, on public radio and on the Regulatory Authority' website informing interested applicants to apply for available resources.

The space for Free-to-Air television channels and the list of available frequencies are published three (3) months prior to the submission of the proposals of bidding.

Article 9: Frequency Spectrum Assignment for television broadcasting

The frequency spectrum is assigned to the signal distributor having a network who shall then carry television channels of the content providers subject to compliance with the requirements in place.

The Regulatory Authority reserves the right to change the spectrum management rights.

Article 10: Information on available frequencies and space for Free-to-Air television

The notice publishing available frequencies and space for Free-to-Air television must at least indicate the following information:

- a. type of frequency/channel and site location;
- b. category of the license with regard to approved market structure;
- c. required power level where applicable;
- d. Closing date for receiving applications for that public notice.

Article 11: General requirements

An applicant for FM radio broadcasting services or for television content provision license must submit to the Regulatory Authority the following documents:

1. A well filled application form;
2. A copy of an Identity Card or Passport for contact person;
3. Detailed CV of Managing Director and Chief Editor;
4. Criminal record certificate of the Managing Director and Chief Editor;
5. Detailed five years' business plan with company profile, financial plan and projection and management structure;
6. Brief on editorial line and projected weekly program;
7. Certificate of domestic registration specifying that broadcasting services are among the businesses to carry out;
8. Payment for non-refundable application fee as provided in ANNEX 1;
9. Studio Layout and its proposed equipment for content provision;
10. Any other information deemed necessary by the Regulatory Authority.

For broadcasting services requiring frequency spectrum, the applicant must first secure the radio communication license.

International media houses wishing to establish broadcasting services in Rwanda shall submit the approval from the Ministry in charge of foreign affairs and diplomatic cooperation.

In addition to the general requirements, the provider for Terrestrial Pay TV shall provide:

1. List of channels contained in his/ her bouquets;
2. A signed agreement between multi-channel distributor and Pay television provider;
3. Performance bank guarantee of US \$ 200,000; (to be submitted upon license approval notification).

Article 12: Terrestrial Pay TV obligations

A licensee of Terrestrial Pay Television service shall ensure that:

- a. the television service, channels are distributed according to the agreement signed between the Licensee and the subscriber;
- b. A support services for subscription television service is provided to the subscribers in accordance with the agreement signed between the Licensee and the subscriber;
- c. the required equipment (antennas, decoders) for receiving signal are always available to the local market;
- d. the signal is in good quality and the access to the terrestrial network is always consistent;
- e. the terrestrial networks are stable and reliable in order to keep good service to the subscribers;

Article 13: Studio layout

All FM Radio broadcasters and TV content providers must have standard studio which has:

- a. a large space fairly accommodating the service being provided to the viewers and listeners;
- b. adequate ventilation and soundproofing materials in operating room.
- c. A decent working environment to ensure the safety of persons and equipment in the operating room.

Article 14: Construction or modification of a standard studio

Unless the modification is not affecting the initial construction of the standard studio, any Broadcasting licensee shall apply for a permit to the Regulatory Authority before the construction of a standard studio or making any kind of modification.

The Regulatory Authority has the power to conduct regular inspection to ensure that the constructions are performed in compliance with the plan approved by the Regulatory Authority.

Article 15: Relocation of the studio for broadcasters

Any broadcasting licensee wishing to relocate from its premises, shall notify the Regulatory Authority in writing at least 30 working days before relocation and the Regulatory Authority conduct an inspection to the new premises for compliance checking and approval.

Article 16: Minimum Studio requirement for TV content provider

The applicant for TV content provision has to make sure that the studio contains at least necessary equipment and system but not limited to the following:

1. Studio camera (HD/SD) at least 3cam should be installed in TV production studio;
2. Camera tripod with dolly kit;
3. Video Monitor system for studio control and production;
4. Intercom system kit;
5. Audio console;
6. Lavalier microphone kit (set of Transmitter and receiver at least 4);
7. Handheld microphone kit (set of Transmitter and receiver at least 4);
8. Control studio audio speaker;
9. Production Studio audio speaker;
10. Playout Automation system;
11. Video and audio editing system;
12. Appropriate lighting in the TV live studio;
13. Video or audio Transmission facility.

Article 17: Evaluation of license application

The Regulatory Authority conducts a preliminary evaluation of the license application to determine whether the application form was properly completed and appropriate enclosures were provided as required.

After the preliminary evaluation, the Regulatory Authority conducts technical and financial evaluations of the applicant in order to determine the technical and financial capacity of the applicant to provide broadcasting services.

An incomplete license application shall lose its validity after fifteen (15) working days following the official notification from the Regulatory Authority to the applicant requesting to submit the missing documents.

Article 18: Decision on license application

The Regulatory Authority declares its decision not later than ninety (90) working days from the receipt of a complete application or 90 working days from the last day of bidding application. After the evaluation process of the License application, the Regulatory Authority shall either grant the license or reject the license application.

In the event that the Regulatory Authority decides to grant a License, it proceeds with issuance upon the payment of the License fee. If the applicant fails to collect the granted license within 90 working days, the license is cancelled.

Article 19: License fees

The license fees are prescribed according to the category of the license. The Regulatory Authority reserves the right to modify the license fee when deemed necessary. The license fees are not refundable in case of suspension or revocation of the license for failure to fulfill any license obligation.

The license fees are prescribed in the annex 1 of this regulation.

The Pay TV providers pays annual regulatory fee and universal access fee in accordance with the provisions of legal instruments governing the matters.

Article 20: Reasons for rejection of license application

The Regulatory Authority rejects a license application when it is found that:

1. requirements are not met and additional information requested were not submitted within the deadline set in this regulation,
2. the applicant failed to demonstrate the viable technical or financial capacity to carry out the licensed activities;
3. the applicant or one of the shareholders, the Managing Director or the Chief Editor has history of bad criminal record, license violations in any regulated sector, or fraudulent acts within Rwanda or other countries;
4. One of the shareholders of the applicant or the management, whose previous license issued by the Regulatory Authority has been revoked;

5. Any other reason that the Regulatory Authority may find necessary.

Article 21: License categories under this regulation

Under this regulation, the license categories are either for FM radio broadcasting services, television content providers and terrestrial Pay Television.

FM radio broadcasting service license are categorized into the following main types:

- a. Public Radio Broadcasting License;
- b. National Private Radiobroadcasting license;
- c. Regional Private Radiobroadcasting license;
- d. Community Private Radiobroadcasting license.

Regarding television content provider license, there are categorized into the following main types:

- a. Regional Free-to-Air channel license;
- b. National Free-to-Air television channel license;
- c. Public Television Broadcasting license;
- d. National Commercial television channel license;
- e. Terrestrial Pay Television license.

Article 22: Responsibilities of radio broadcaster and TV content provider

Any licensee for broadcasting and television content provision on terrestrial network must have the following responsibilities:

- 1) to respect geographical coverage as determined by the transmitter's power indicated in radio communication license;
- 2) to ensure that its equipment is compliant with national and international standards;
- 3) to facilitate the staff from the Regulatory Authority to access its premises for inspection;
- 4) to ensure that broadcasting services or television programs are provided in respect of the following:
 - a. upholds national interest, national security and public morality;
 - b. reflects Rwandan national culture and values;
 - c. observes well edited programs and decency;

- d. avoids intrusive conduct into private lives;
- e. protects children from negative behaviors.

5) to operate in respect with laws, regulations into force as well as terms and conditions of the license.

Article 22: Control to broadcast content

A licensee to provide terrestrial Pay TV services must provide means that parent or guardians may use to control access to broadcast content that is accessible and that they may consider inappropriate.

Article 23: Restrictions on broadcasting or re-broadcasting of programmes

A licensee shall not broadcast or re-broadcast-

- a. any material or programme of which he or she is not the copyright owner; or
- b. any broadcasting signal received by him or her for the purpose of re-broadcasting, unless he or she has, prior to the broadcast or re-broadcast, obtained a written permission of the copyright owner of the material, programme, or re-broadcasting signal, as the case may be, to do so.

Article 24: Validity of broadcasting services licenses

The validity period of broadcasting services license is five (5) years renewable.

Article 25: License renewal

The licensee may apply to the Regulatory Authority for license renewal at least ninety (90) days prior to the expiration of the current license. The license renewal proceeding is subject to the same procedures and approval criteria as an initial license application;

Where an existing licensee did not satisfy the terms and conditions during the license term, the license cannot be renewed.

The Regulatory Authority makes a decision at least forty-five days (45) days prior to the expiration of the current license and issues the license at least thirty days (30) days prior to the license expiration so long as the applicant has filed its renewal application and requested additional information in a timely manner.

Article 26: Modification of the license

A license modification proceeding may be initiated by the Regulatory Authority or by request of the licensee.

The Regulatory Authority may modify a license before the expiration of its term when it determines that an amendment of the license is needed in order to respond to:

- a. Significant changes in new laws or regulations, or significant court decisions that directly affect the license provisions;
- b. the inability of the license holder to comply with license provisions due to events beyond licensee’s control;
- c. When there are changes in the ownership or organization status of the licensee. The latter shall notify the Regulatory Authority.

Article 27: Transfer of the license activities

The transfers of license activities, including the direct or indirect sale, assignment, conveyance, lease or other transfer of assets or activities or shares is subject to a prior written approval of the Regulatory Authority.

Such approval shall be granted after consideration of the matter and if the proposed transferee meets all the conditions for granting the relevant license.

However, any sale of shares is subject to the following additional requirements:

- a. Updated five (5)-year business plan of the company;
- b. the notified sales contract between the licensed company and the new shareholder;
- c. proof of investment for new level of productivity and efficiency;
- d. Proposed editorial line and weekly program schedules in case of any change;
- e. Any additional requirements that may be required by the Regulatory Authority.

Failure to comply with the established transfer procedure leads to license suspension.

Article 28: Procedure for license transfer

A license transfer proceeding is initiated by an application from the licensee stating the reasons for such transfer and shall be accompanied by the evidence of payment of all fees and levies required by law by the transferor if any as well as the shareholding structure of the transferee.

Until the Regulatory Authority has issued an approval of the transfer, no licensee may transfer the license activities to another person.

A license transfer proceeding shall be conducted in the same manner as review of a license application.

The duration of the license and the license terms and conditions shall remain the same, unless the license transferee requests a license modification as part of the transfer proceedings.

Article 29: Appeal against a decision

Where the applicant is not satisfied with the decision of the Regulatory Authority rejecting the application of the license, he may appeal to the authority who took the decision, if he is not satisfied with Regulatory Authority decision; he/she may appeal before the competent court;

The Regulatory Authority decision shall remain effective pending a final judicial decision on the appeal.

CHAPTER 3: MONITORING AND ENFORCEMENT

Article 30: Store and keep recordings

A licensee shall keep and store sound and video recordings of all programmes broadcast or re-broadcast for a minimum period of three months after the date of transmission of the broadcast or re-broadcast, or for such further period as may be directed by the Regulatory Authority; and the Regulatory Authority may request those recordings for any further examination.

Article 31: Local content

A minimum of fifty per cent (50%) of the broadcasting time of local FM broadcasting radio and Free-to-Air TV channel must be allocated to local content program.

Article 32: Unsuitable programme for children

Without prejudice to the provisions of the criminal code relating to obscene publications, a licensee shall, where a programme to be broadcast or re-broadcast is not suitable to be exhibited to children, advise or warn members of the public accordingly.

Unsuitable programme for children must not be broadcast during the watershed period. Licensed TV content providers are always required to indicate age rating category for any audiovisual recorded material of entertainment nature.

Article 33: License Monitoring Requirements

The Regulatory Authority monitors the performance of each licensee for full compliance with all terms and conditions of the license;

The Licensee must comply with reporting requirements as per the license obligations and also as it may be determined by the Regulatory Authority from time to time.

The Regulatory Authority may also perform physical inspections of the licensee's facilities and corporate records on licensee's premises. These inspections may be conducted on an announced and unannounced basis.

The inspections and audits may be conducted during normal business hours, except when the Regulatory Authority has a reasonable basis to believe that non-compliant activities are occurring outside of normal business hours.

Article 34: License enforcement action

If the Regulatory Authority determines that the licensee has failed to comply with any term or condition of the license, the Regulatory Authority may send a written warning to the licensee including a deadline for correction of the alleged license violation.

If the licensee, after receipt of the warning from the Regulatory Authority, does not comply, the Regulatory Authority may open a license enforcement proceeding, which may consist of administrative sanctions, license modification, suspension or revocation.

Article 35: Suspension of the license

The Regulatory Authority may suspend the license upon determination of the following:

- a. failure to comply with license terms and conditions;

- b. failure to cooperate with the Regulatory Authority’s inspection and audits;
- c. failure to provide the Regulatory Authority with monitoring and reporting data required;
- d. failure to pay the any due fee and such fee remains unpaid six (6) months after it has become due and the Regulatory Authority has given to the Licensee a notice in writing that such payment is overdue and the Licensee has not paid;
- e. request by the licensee.
- f. failure to comply with an enforcement notice.

Article 36: Procedure for License suspension

A license suspension process is conducted in the following manner:

- a. The Regulatory Authority commences a license suspension process by sending a written notice to the licensee describing the reasons for the suspension and advising the licensee to submit its written representations before proceeding to take a final decision;
- b. If the Regulatory Authority considers it necessary, or if the licensee so requests, the Regulatory Authority may also offer the licensee an opportunity to make oral representations;
- c. After the expiry of the period allowed for the representations, the Regulatory Authority considers all of the information, evidence and representations submitted to it and make its decision.
- d. The decision of the Regulatory Authority must be communicated in writing to the licensee.

If during the course of the suspension proceedings, the licensee cures the violation that gave rise to the suspension proceedings, the Regulatory Authority may, in its sole discretion, terminate the license suspension proceedings.

Article 37: License revocation

The Regulatory Authority may revoke a license before its expiration when it determines that the revocation is needed in order to respond to:

- a. Violation of this Regulation or any other provision of the relevant regulations and laws;
- b. Licensee failure to comply with license terms and conditions;

- c. Any Broadcasting licensee not transmitting for a continuous period of 90 days;
- d. Any licensed Television content provider whether Free-to-Air or Commercial not hosted in accordance with its license category;
- e. failure of the licensee to provide the Regulatory Authority with monitoring and reporting data required by the license or failure to cooperate with the Regulatory Authority inspection and audits;
- f. licensee submits false or deliberately misleading data or information to the Regulatory Authority during license application or in response to the Regulatory authority request;
- g. Failure to comply with any suspension order;
- h. bankruptcy, financial insolvency or liquidation of licensee;

Article 38: Procedures for license revocation

A license revocation proceeding will be conducted in the following manner:

- a. The Regulatory Authority commences a license revocation process by sending a written notice to the licensee describing the reasons for the revocation and advising the licensee to submit its written representations before proceeding to take a final decision;
- b. If the Regulatory Authority considers it necessary, or if the licensee so requests, the Regulatory Authority may also offer the licensee an opportunity to make oral representations;
- c. After the expiry of the period allowed for the representations, the Regulatory Authority will consider all of the information, evidence and representations submitted to it and make its decision. The decision of the Authority is final and binding;
- d. The decision of the Regulatory Authority must be communicated in writing to the licensee.

If during the course of the revocation proceedings, the licensee cures the violation that gave rise to the revocation proceedings, the Regulatory Authority may, in its sole discretion, terminate the license revocation proceeding.

Article 39: Voluntary suspension of broadcasting services

Any shut down or to a temporary suspension of the broadcasting services for FM and TV content providers shall be communicated in writing to the Regulatory Authority within 24 hours.

If the suspension persists and is not solved within the period of 90 days, the Regulatory Authority shall proceed with license enforcement action.

However, terrestrial pay television shall inform the Regulatory Authority about the temporary suspension of services within 12 hours. If the suspension is not addressed within twenty-four (24) hours, the Regulatory Authority shall proceed with license enforcement action.

Article 40: Compensation of the subscribers

Any terrestrial Pay TV provider who does not address the matter within fourth eight (48) hours, shall compensate the affected subscribers for the unconsumed services during the shutdown period.

The Regulatory Authority shall establish guidelines with regards to procedure of lodging and consideration of complaints.

Article 41: Faults and Related Sanctions

Any person who contravenes the provisions of this regulation is liable to an administrative sanctions provided for in the Law N° 24/2016 of 18/06/2016 governing Information and Communication Technologies.

CHAPTER 4: FINAL PROVISIONS

Article 42: Repealing provision

All prior provisions contrary to this regulation are hereby repealed, especially the regulation N° 004/R/MR-MCA/RURA/2017 of 30/06/2017 governing broadcasting services in Rwanda

Article 43: Commencement

This regulation shall come into force on the date of its signature by the Chairperson of the Regulatory Board.

17/01/2022

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Dr. Ignace GATARE

Chairperson of the Regulatory Board

ANNEX 1: APPLICABLE FEES

Category of license	Application fee in Rwf	License fee in Rwf/5yrs
Public Radio Broadcasting License	50,000	3,000,000
National Private Radio broadcasting license	50,000	3,000,000
Regional Private Radio broadcasting license	30,000	2,000,000
Community Radio broadcasting license.	30,000	1,000,000
Regional Free-to-Air television channel license	30,000	3,000,000
National Free-to-Air television channel license	50,000	5,000,000
Public Television Broadcasting License	50,000	5,000,000
National commercial television channel license	100,000	8,000,000
Pay Television Service Provider	500,000	12,000,000

SEEN TO BE ANNEXED TO REGULATION REGULATION 017/R/MR-ICT/RURA/2022 OF 17th/01/2022 GOVERNING BROADCASTING SERVICES IN RWANDA

(sé)

Dr. Ignace GATARE

Chairperson of the Regulatory Board