



**REGULATION N°016/R/MR-ICT/RURA/2021 OF 23rd/12/2021 GOVERNING
SUBSCRIPTION SATELLITE BROADCASTING SERVICES PROVISION**

Preamble

The Regulatory Board of Rwanda Utilities Regulatory Authority;

Pursuant to law n° 09/2013 of 01/03/2013 establishing Rwanda Utilities Regulatory Authority and determining its mission, organization, and functioning;

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

Pursuant to law n°24/2016 of 18/06/2016 governing Information and Communication Technologies;

Considering the inputs provided by stakeholders in the consultation meetings held on 03/06/ 2021 and on 25/08/ 2021;

Having reviewed the regulations no 02/RURA/2014 of 12th February 2014 governing subscription satellite television services;

After consideration and approval in its meeting of 23/12/2021;

Hereby issues the following regulation:

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CHAPTER ONE: GENERAL PROVISIONS

Article one: Purpose

The purpose of this regulation is to put in place a regulatory framework governing subscription satellite broadcasting services provision.

Article 2: Definition of terms

In this regulation, the following terms have the following meanings:

1° Agreement of representation: It is a signed contractual arrangement between a company applying for a subscription management service provision license and a company providing subscription satellite broadcasting services to represent the latter in Rwanda to manage the services on its behalf;

2° Bouquet: a collection of video and / or audio channels marketed as a single package;

3° Broadcasting service: any service which consists of the broadcasting of television or sound broadcasting material to the public, sections of the public or to subscribers;

4° Channel: a single defined television programming service of a licensee other than a video on demand programming service;

5° Licensee: any person who is licensed for providing subscription satellite television services and subscription management services;

6° Programme: a body of live or recorded material consisting of images, sounds or both embodied in signals emitted for the purpose of ultimate broadcasting;

7° Regulatory Authority: Rwanda Utilities Regulatory Authority;

8° Regulatory Board: the overall national regulation organ of the Regulatory Authority;

9° Satellite broadcasting services provider: any legal person licensed as subscription satellite television service provider or provide services through a subscription management services;

10° Subscriber: a person who, in relation to subscription satellite broadcasting, has entered into an agreement with a provider of subscription satellite broadcasting services;

11° Subscription management services provider: Any legal person licensed to provide local support services for a subscription satellite broadcasting services provider which may include, among other services, subscriber management support, subscription fee collection, customer support services, sales, marketing, technical support services for content (channels) uplinked outside Rwandan territory;

12° Subscription satellite television services: satellite broadcasting services provided to an end user upon the payment of a fee;

13° Subscription satellite television service provider: any legal person licensed for providing satellite subscription television services and uplink content (channels) from Rwandan territory. The licensee uplinking the content (channels) wherever out of Rwandan territory is considered as subscription management services (SMS) provider and gets offered the subscription management services provision license;

Article 3: Scope

This regulation applies to any person carrying out or intending to carry out subscription satellite television services provision and subscription management services provision.

CHAPTER II: LICENSING REGIME AND LICENSE REQUIREMENTS

Article 4: Subscription satellite television services subject to a license

Any person who intends to provide subscription satellite television services in Rwanda must apply for a license to the Regulatory Authority.

Article 5: Requirements of applying for subscription satellite television service provision license

Any person who intends to apply for satellite television service provision license must submit the following documents:

1. A well-filled license application form;
2. A Copy of National identity card or passport of contact person;
3. Uplink detail(s) from the Rwandan territory;
4. Applicant's financial and technical capacity to carry out subscription satellite broadcasting services;
5. Domestic registration certificate specifying that broadcasting services are among the businesses to carry out;
6. Payment of the application fee non-refundable provided on the annex 1 of this regulation;
7. A list of channels contained in the proposed bouquet;
8. Agreement template between the licensee and the subscriber;
9. The agreement with the originator of the content (where applicable);
10. Any other information deemed necessary by the Regulatory Authority for decision making.

A Performance bank guarantee of 200,000 US\$ shall be submitted upon notification of license approval and before collection of Subscription satellite television services license.

Article 6: Obligations of the licensee

A licensee of subscription satellite television services provision has the following obligations:

1. Distribute Channels according to the agreement signed with the subscriber;
2. Provide a support services for subscription television service to the subscribers in accordance with the agreement signed between the Licensee and the subscriber;

3. Avail to the local market, the required equipment including dishes and decoders for receiving signal;
4. Provide the consistent signal in good quality; the quality of service performance level shall be assessed through the Key Performance Indicators mentioned in Annex 2;
5. Provide and abide with billing and complaints procedures;
6. Indicate the physical address and telephone number of the licensee's business office.

Article 7: Requirements of applying for subscription management services provision license

Any person who intends to apply for subscription management services license must submit to the Regulatory Authority the following documents:

1. A well-filled license application form;
2. A Copy of National identity card or Passport of contact person;
3. Agreement of representation;
4. Applicant's financial and technical capacity to carry out subscription satellite broadcasting services;
5. Domestic registration Certificate specifying that broadcasting services are among the businesses to carry out;
6. Proof of Payment of the application fee non-refundable provided on the annex1 of this regulation;
7. A List of channels contained in the proposed bouquet;
8. The agreement with multi-channel satellite distributor;
9. Agreement template between the licensee and the subscriber;
10. Any other information deemed necessary by the Regulatory Authority for decision making.

A Performance bank guarantee of 200,000 US\$ shall be submitted upon notification of license approval and before collection of subscription management services license.

Article 8: Obligations of subscription management services provider

The licensee who performs subscription management services has the following obligations:

1. Establish an appropriate Service Level Agreement with the represented subscription satellite television services provider to ensure the end user get required services in a timely manner and to comply with established KPIs;
2. Provide support services for subscription satellite television service in accordance with the agreement signed between the Licensee and the subscriber;
3. Avail to the local market the required equipment including dishes and decoders for receiving signal.

Article 9: Decision on license application

The Regulatory Authority declares its decision no later than ninety (90) working days following receipt of a complete 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 30 working days, the license is cancelled.

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 10: Validity of the license

The validity of a license for subscription satellite television services provision and subscription management services provision is five (5) years renewable.

Article 11: Applicable fees

The license for subscription satellite television services provision and subscription management services provision is issued upon payment of license fees on the Annex I of this regulation. The annual regulatory fee and Universal Access fee are paid in accordance with the provisions of legal instruments governing the matters.

Article 12: License Renewal

The Licensee who intends to renew the license shall apply 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 procedure and approval criteria as an initial license application.

The Regulatory Authority makes its decision at least fourthly 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 13: Reasons for rejection of license application

The Regulatory Authority may reject a license application when:

1. The application file is incomplete and the requested information is not submitted within the deadline set in this Regulation;
2. The applicant failed to demonstrate the technical or financial ability to carry out the licensed activities;
3. The applicant or one of the shareholders failed to comply with previous Regulatory Authority directives or other decisions;
4. The applicant or one of the shareholders has history of bad criminal record or fraudulent activities acts within the Republic of Rwanda.

Article 14: Modifications of license

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

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

1. Significant changes in the governing laws or regulations, or Court decisions that directly affect the license terms and conditions;
2. When there are changes in the ownership or organizational status of the licensee. The latter shall notify the Regulatory Authority.

Article 15: License activities transfer

Transfer of license, including the direct or indirect sale, assignment, conveyance, lease or other transfer of assets or activities subject to a license to a different individual or institution is subject to a prior written approval of the Regulatory Authority.

The transfer activities approval is granted after consideration of the matter and if the proposed transferee meets all the requirements for granting the relevant license.

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

1. Updated 5 years' business plan of the company;
2. The notified sales contract between the licensed company and the new shareholder;
3. Proof of investment for new level of productivity and efficiency;
4. Any additional requirements that may be required by the Regulatory Authority.

Failure to comply with the transfer process leads to license suspension.

Article 16: Procedure for license activities transfer

A license activities 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 activities transfer process is conducted in the same manner as review of a license application. The transferee is considered as the applicant to assume the operational license. The duration of the license and the license terms and conditions remain the same, unless the license transferee requests a license modification as part of the transfer process.

Article 17: License revocation

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

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

1. Licensee failure to comply with applicable regulations as well as license terms and conditions;
2. Licensee abandonment of license activities;
3. 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 personnel;
4. Licensee submission of false or deliberately misleading data or information to the Regulatory Authority during license application or in response to the Regulatory Authority request;
5. Bankruptcy declared by the Competent Court;
6. Licensee failure to pay the required regulatory fees.

Article 18: Control to broadcast content

A licensee to provide subscription satellite television services or subscription management services must provide means that parents or guardians may use to control access to broadcast content that is accessible and that they may consider inappropriate.

Article 19: Restrictions on the subscription satellite television services

A licensee shall stop to carry any TV channels broadcasting;

- a. any material or program 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 the material, programme, or re-broadcasting signal, as the case may be, to do so.

Article 20: Price change

The licensee must notify the Regulatory Authority, in written, any change on pricelist of services provided to the subscribers and tangible reasons of change (s) at least three (3) weeks before implementing the price change. Any price change must be approved by the Regulatory Authority

within seven (7) working days upon reception of the notification. The licensee shall not make any change on pricelist without the approval from the Regulatory Authority.

CHAPTER III: MONITORING AND ENFORCEMENT

Article 21: License monitoring

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

The license includes terms and conditions requiring licensees to report on financial, technical, organization and other data needed to allow the Regulatory Authority to effectively monitor the licensee compliance to license obligations.

The Regulatory Authority may also perform physical inspections of the license holder's facilities and corporate records on license holder's premises. These inspections may be conducted on an announced and unannounced basis. The inspections and audits are 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 22: 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 sends a written warning to the licensee including a deadline for correction of the alleged license violation.

If the license holder, after receipt of the warning from the Regulatory Authority, does not cure the alleged non-compliance, the Regulatory Authority may proceed for further sanctions which may consist of administrative fine not exceeding two million Rwandan Francs (Rwf 2,000,000), license suspension or revocation.

CHAPTER IV: PROGRAMME GUIDE AND CHANNELS TO BE AIRED BY THE LICENSEE

Article 23: Authorized channels

In the process of analyzing the application, the Regulatory Authority approves the channels that the applicant intends to air. Once the license is granted to the applicant, the licensee for subscription satellite television services provision and subscription management services provision must always broadcast the authorized channels.

Article 24: Reorganizing channels and Adding new channel to the bouquet

A licensee for satellite television services and subscription management services is entitled to reorganize the existing channels or add a new channel to his/her bouquet. The licensee must, in any case, inform and provide to the Regulatory Authority at least three (3) weeks before the following written information:

1. The name of the channel;
2. The nature of the channel and its content;
3. Broadcasting rights evidence from the content originator;
4. The country where the channel was packaged;
5. The full name of channel supplier;
6. The primary language(s) of channel; and
7. The duration of the channel (whether it is a special event channel).

After a period of five (5) working days without any objection from the Regulatory Authority, the new channel is considered as accepted by the Regulatory Authority.

Article 25: Removal of a channel

The Licensee is entitled to remove a channel from the bouquet and by doing so he or she must notify the Regulatory Authority at least thirty (30) days the reason behind of such removal. The notification shall be submitted together with termination notice from the content originator.

Article 26: Electronic programme guide (EPG)

The Licensee prepares an electronic programme guide (EPG) for audiences to use for accessing information relating to the schedules of programme materials. A licensee must ensure that an electronic programme guide is user friendly and easy to navigate through programme materials.

Article 27: Must carry channel(s)

The licensee of subscription satellite television services provision and subscription management services provision must carry or add to his bouquet channel(s) of public television broadcaster designated as must carry channel.

Article 28: Free to air channels

The subscription satellite television services provider or subscription management services provider is allowed to include free to air channels in his bouquets.

Article 29: Expiration of the subscription

The subscription satellite television services provider licensee and subscription management services provider licensee must alert their subscribers the expiration date of their subscription at least seven (7) days before the subscription expiration.

CHAPTER V: FINAL PROVISIONS

Article 30: Repealing provision

The regulations no 02/RURA/2014 of 12/02/2014 governing subscription satellite television services and all prior provisions contrary to this regulation are hereby repealed.

Article 31: Commencement

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

Done on 23/12/ 2021

(sé)

Dr. Ignace GATARE

Chairperson of the Regulatory Board

ANNEX 1

APPLICABLE FEES

Category	Application fee	License fee
Subscription satellite television services provision license	Rwf 500,000	Rwf 12,000,000
Subscription management services provision license	Rwf 500,000	Rwf 12,000,000

**SEEN TO BE ANNEXED TO REGULATION REGULATION N°016/R/MR-ICT/RURA/2021
OF 23rd/12/2021 GOVERNING SUBSCRIPTION SATELLITE BROADCASTING
SERVICES PROVISION**

(sé)

Dr. Ignace GATARE

Chairperson of the Regulatory Board

ANNEX 2

KEY PERFORMANCE INDICATORS

No s	Key Performance Indicator (KPIs)	Performance assessment level	Reporting Period
1	First connection provision Time	Within 24 hours after contract signature.	Quarterly
2	Service Complaint rate	< 1% of registered customers within a period of 30 days	Quarterly
3	Customer Complaint Resolution rate	> 95% of complaints shall be resolved within 24 hours > 99% of complaints shall be resolved within 48 hours	Quarterly
4	Service Activation Time	> 99% of requests activated within 1 hour after subscription payment	Quarterly
5	Network Availability	> 99% of the time	Quarterly

Note: -All complaints shall be recorded by the licensed subscription satellite broadcasting service provider with the subscriber details including but not limited: Subscriber Names, Unique Subscription Number, Telephone Number, Complaint raised, complaint submission date and hour, complaint resolution date and hour.

SEEN TO BE ANNEXED TO REGULATION REGULATION N°016/R/MR-ICT/RURA/2021 OF 23rd/12/2021 GOVERNING SUBSCRIPTION SATELLITE BROADCASTING SERVICES PROVISION

(sé)

Dr. Ignace GATARE

Chairperson of the Regulatory Board