

Islamic Republic of Afghanistan

Ministry of Communications

**Regulation for the Use of Radio Frequencies and Radio
Communications Equipment in Afghanistan**

Section 1

General Provisions

Article 1:

This regulation has been drawn up in order to regulate matters relating to the use of radio frequencies and radio communications equipment, its installation and procurement from abroad and the collection of a prescribed fee from users in the country.

Article 2:

The following terms appearing in the regulation will have the meanings set out below:

- 1 - Spectrum: a collection or group of frequency bands.
- 2 - Radio Frequency: the number of periodic cycles in one electromagnetic wave.
- 3 - Frequency Band: the frequency limits, within which a station is permitted to broadcast.
- 4 - Fee: the amounts collected from those requiring radio facilities in exchange for the use of a radio frequency band.
- 5 - Registration Fee: a one-off fee that is collected by the State Radio Monitoring Department from those applying for radio facilities in order to register such radio facilities.
- 6 - Station: one or more transmitters or receivers or a combination of two or more transmitters and receivers that are used to transfer or send data (digital information), voice and fax.

Article 3:

Ministries, government and non-government departments, domestic and foreign non-governmental organisations, embassies, companies and individuals must, when using radio communications equipment, obtain a radio frequency licence in accordance with the provisions of this regulation.

Article 4:

The State Radio Monitoring Department will oversee the operation of radio communications equipment and high frequency generating equipment used within the

borders of the Islamic Republic of Afghanistan in accordance with the provisions of this regulation.

Article 5:

The State Radio Monitoring Department will abide by the provisions of this regulation and other national legislation in the course of its activities.

Section 2

Duties & Powers

Article 6:

The Ministry of Communications' State Radio Monitoring Department will have the following duties and powers:

- (1) To provide state monitoring in accordance with the provisions of this regulation of the use of radio communications equipment and high frequency equipment within the borders of the country in accordance with the aforementioned equipment's wave specifications and accepted rules and standards.
- (2) To draw up and introduce high frequency radiation specifications so as to be able to ensure magnetic conformity of high frequency radio communications equipment.
- (3) To grant licences for the supply, planning and installation of high frequency radio communications equipment and the procurement thereof for use within the national borders.
- (4) To investigate complaints concerning radio interference caused by radio communications equipment and high frequency equipment and to work with the competent ministries, departments, establishments and companies in order to rectify that.
- (5) To arrange a frequency register or a list of radio frequencies.
- (6) To issue instructions to the competent ministries, departments, establishments and companies to abide by the provisions of this regulation and to remedy any violations arising therefrom.
- (7) To collate and analyse the findings from the monitoring observation of radio equipment activity.
- (8) To create a register of frequencies, comprising radio and television frequencies, and other matters relating to the use of frequencies within the national borders and to submit a proposal to the International Telecommunication Union (ITU) to have it recognised at an international level.
- (9) To check the existence or otherwise of licences to operate radio communications equipment and high frequency equipment and the right to use them.
- (10) To temporarily prohibit the use of radio communications equipment, high frequency equipment or specific frequencies.
- (11) To issue orders to the branches concerned in order to implement the provisions of this regulation more effectively.

- (12) To establish contacts with the competent ministries, departments, authorities, establishments and companies in order to implement the provisions of this regulation more effectively.
- (13) To compile a report on violations of the provisions of this regulation and to submit it to the competent authorities for decisions to be taken in respect of the violators.
- (14) To draw up a functional guide in relation to radio communications equipment, frequency calculation and how to operate radio communications equipment and high frequency equipment.

Article 7:

Ministries, departments, establishments, companies and individuals, who make use of high frequency radio communications equipment, must afford the necessary facilities when inspected by an employee of the State Radio Monitoring Directorate.

Article 8:

The State Radio Monitoring Department will have the following functions and powers in respect of the supply, planning, installation, use and procurement of radio communications equipment:

- (1) To issue licences for the supply, planning and installation of any type of fixed radio communications equipment and high frequency equipment.
- (2) To grant approval for the selection of a plot of land to install radio communications equipment while having regard for the electromagnetic conformity of any newly installed, existing or planned equipment and the suitability of the area in question to install transmitter and receiver equipment.
- (3) To grant authorisation for the upgrading and serial production of any type of radio communications equipment and high frequency equipment or for the procurement thereof for scientific and experimental research using radio frequencies.
- (4) To grant permanent or provisional authorisation for the procurement of radio communications equipment by ministries, departments, establishments and companies, Afghan or foreign nationals and individuals without citizenship.
- (5) To grant authorisation for radio communications equipment belonging to any natural or legal person mentioned in section 4 of this article to be accessed by other ministries, departments, establishments and companies, Afghan or foreign nationals and individuals without citizenship.
- (6) To grant authorisation for the procurement of any type of radio communications equipment and high frequency equipment from abroad, including [word unclear], tools and relevant transport facilities, in order to operate it within the national borders.

Article 9:

1 - Diplomatic missions, company boards, banks, foreign establishments, foreign nationals and individuals without citizenship will be able to procure radio communications equipment and high frequency equipment tax free in accordance with the law, at the request of ministries and departments that have granted permission for the opening of representations, the holding of [word unclear] and exhibitions and the staging of official competitions in sports arenas and other venues, once approval has been given by the State Radio Monitoring Department.

2 - The authorities referred to in section 1 of this article may by prior arrangement transfer their equipment to their authorities on completion of the works.

Article 10:

Radio communications equipment at diplomatic missions and consulates of foreign countries in Afghanistan will be operated in accordance with a special licence from the State Radio Monitoring Department. This licence will be issued to the applicant by the Ministry of Foreign Affairs.

Article 11:

The Ministry of the Interior and other national security departments must cooperate as necessary with the State Radio Monitoring Department in the implementation of the provisions of this regulation.

Section 3

The Use of Radio Frequencies

Article 12:

Users of a radio communications radio frequency band must pay the prescribed fee in accordance with the provisions of this regulation.

Article 13:

Those wishing to use a radio frequency band via transmitter or receiver stations must pay the relevant licence fee within two weeks of receiving the delivery tariff, in accordance with Schedules 1, 2, 3, 4, 5, 6 and 7 attached to this regulation.

Article 14:

1 - Users of a radio frequency band via transmitter or receiver stations must pay the relevant monthly fee. Items appearing in Schedule 5 of this regulation will be exempt from this provision.

2 - If any user referred to in section 1 of this article does not pay the prescribed frequency fee within one month following payment of the last delivery, they will be required to pay, in addition to the prescribed monthly fee, a further charge as a fine for each month of delay.

Article 15:

The amount of the fee for using a satellite radio frequency band with an Afghan unit will be determined on the basis of the product of the following values:

1 - Area of Coverage:

(Within the national boundaries, it will be per square kilometre or per square kilometre of the area made over to a user according to the radio frequency band allocation. Simultaneous use thereof by another user in the same radio frequency band should not be possible. The area of coverage will be determined by the State Radio Monitoring Department using the specifications of the transmitter or receiver).

2 - Capacity of an Occupied Radio Frequency Band:

(It should not be possible to allocate any radio frequency band capacity measured in Megahertz in the area of coverage simultaneously to another user. The capacity of an occupied radio frequency band will be determined by the State Radio Monitoring Department using the specifications of the transmitter or receiver).

3 - Type of Radio Service:

(The radio service coefficient is set out in Schedule 1 of this regulation, where radio waves are used to establish a radio link or carry out a task.)

4 - Area of Service:

(The coefficient of the national geographical area type to be under radio coverage is set out in Schedule 2 of this regulation.)

5 - Radio Frequency Band Usage Time Interval:

(The coefficient of the priority indicator of the radio frequency band usage time interval over 24 hours is set out in Schedule 3 of this regulation.)

6 - User Type:

(The coefficient of the user's economic sector type indicator is set out in Schedule 4 of this regulation.)

Article 16:

Where the fee referred to in Article 14 of this regulation cannot be collected, the State Radio Monitoring Department will have the power to receive the prescribed amount annually in accordance with Schedule 5 of this regulation.

Article 17:

Radio frequency band licence holders must obtain a new licence following payment of the additional costs in accordance with Schedule 6 of this regulation.

Section 4

Setting Up an Amateur Radio Station

Article 18:

An amateur radio station may be set up and used once a licence has been obtained from the State Radio Monitoring Department. The technical specifications of amateur radios will be determined by the Ministry of Communication's State Radio Monitoring Department.

Article 19:

Anyone applying for a licence to set up an amateur radio station must fulfil the following conditions:

- 1 - They must possess a national identity card.
- 2 - They must have full legal capacity.
- 3 - They must not have been convicted of any felony or misdemeanour.
- 4 - They must have passed a special examination.

Article 20:

Foreign nationals will be able to obtain a licence to set up an amateur radio station, provided their identity is verified and notified by the Ministry of Foreign Affairs.

Article 21:

Holders of licences to set up an amateur radio station may not do the following:

- 1 - Establish links with countries that have not have licences to set up amateur radio stations.
- 2 - Send traffic that is neither clear, explicit nor intelligible.
- 3 - Exchange international traffic with other representations, individuals or authorities.

Article 22:

Amateur radio station users must, whenever they are sending radio traffic, broadcast their personal call-sign at least every five minutes.

Section 5

Sundry Provisions

Article 23:

- (1) Registration of a radio, television, satellite and non-profit-making state broadcasting transmitter in the capital and the provinces will be free of charge.
- (2) The issue of permits or licences to applicants for radio, television, personal satellite and international broadcasting frequencies will follow notification of the Ministry of Information and Culture's Broadcasting Department via the Ministry of

Communication's State Radio Monitoring Directorate in accordance with the broadcasting network plan and international standard.

Article 24:

Failure to abide by the Regulation for the Use of Radio Frequencies and Radio Communications Equipment in Afghanistan will result in the confiscation of the radio communications equipment or suspension of its use for one year. Those in violation will be sentenced to a short term of imprisonment of up to three months or a financial penalty of not less than five thousand Afghanis and not more than one hundred thousand Afghanis.

Article 25:

Installation and use of radio communications equipment in diplomatic missions and consulates in Afghanistan will be regulated in accordance with separate agreements, while having regard to the legislation in force.

Article 26:

Ministries, government and non-government departments, domestic and foreign non-governmental organisations, embassies, companies and individuals who possess radio communications equipment must obtain an operating licence within three months from the time this regulation comes into force.

Article 27:

- (1) Radio frequency licence holders must, before obtaining a new licence, pay the charges for making any changes to the conditions of their operating licence in accordance with Schedule 6 of this regulation.
- (2) Those with radio facilities must pay a registration fee in order to register the radio communications equipment in accordance with Schedule 7 of this regulation.
- (3) Revenue arising from fees for using radio frequencies in Afghan currency, the dollar equivalent being set out in the schedules of this regulation, will be collected and paid into the bank as state revenue.

Article 28:

- (1) The Ministry of Communications may, if necessary, review annually the form and content of the schedules attached to this regulation following a thorough examination and investigation by all parties. Such a review will be deemed to be binding once ratified by the Council of Ministers.
- (2) The mechanism for applying the technical articles of this regulation will be devised in keeping with the technical specifications of the international standard and recommendations of the International Telecommunications Union (ITU).

Article 29:

Where any ministries, government and non-government departments, domestic and foreign non-governmental organisations, embassies, companies and individuals

procure and supply radio communications equipment without obtaining a licence or such procurement and supply is not permitted, it will be confiscated at the request of the State Radio Monitoring Department and by court judgment.

Article 30:

The provisions of this regulation will not be applicable in respect of such radio frequencies and radio communications equipment as are used by the Ministries of National Defence and Foreign Affairs and the General Directorate of National Security.

[Article 31 missing]

Article 32:

Separate regulations may be drawn up to make implementation of the provisions of this regulation more effective.

Article 33:

This regulation will come into force from the date of ratification and will be published in the Official Gazette and, with its implementation, the Regulation for the Supply, Planning, Installation and Use of Radio Communications Equipment in the Democratic Republic of Afghanistan and Its Procurement from Abroad, together with Appendix Nos. 1 and 2, as published in Official Gazette No. 515 on 10 Sonboleh 1361 [1/9/1982] and amendments thereto, is hereby deemed to be revoked.

Schedule 1: Coefficient of Radio Service Type

Freq. ⇨	3-30 kHz	30-300 kHz	0.3-10 MHz	10-30 MHz	30-87 MHz	87-108 MHz	108-300 MHz	0.3-1 GHz	1-3 GHz	3-10 GHz	10-30 GHz	> 30 GHz
↓ Service												
Cellular Mobile								2	1.7	1.5		
Land Mobile & Point-to-point in Land Mobile			1	1	1.5	1.5	1.5	1.3	1.3	1	0.45	0.45
Radio relay systems					0.2	0.2	0.2	0.2	0.15	0.12	0.1	0.1
Sound Broadcasting			2	2		0.2						
TV Broadcasting					0.01	0.01	0.01	0.01				
Aeronautical-Mobile	0.7	0.7	0.7	0.7	1	1	1	0.5	0.5	0.5		
Radionavigation & Radiolocation	0.2	0.2	0.2	0.2	0.7	0.7	0.7	0.2	0.2	0.1	0.1	0.1
Metrological	0.1	0.1	0.1	0.2	0.3	0.3	0.3	0.2	0.2	0.1	0.1	0.1
Mobile Satellite Station					0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02
Outdoor WLL and Trunk								0.07	0.04	0.04	0.03	
RLAN and indoor WLL								700	400	400	300	
Short Range Device	0	0	0	0	0	0	0	0	0	0	0	0

Schedule 2: Area of Service

National, Roads, Sky & Non-Residential Areas	Villages	Cities		Provincial Centres		Type of Area of Coverage
		Being Discovered	Discovered	Being Discovered	Discovered	
1	3	5	6	7	9	Coefficient

Schedule 3: Radio Frequency Band Usage Time Interval

Period	From 00 :00 to 07 :00							From 07 :00 to 14 :00							From 14:00 to 18:00				From 18:00 to 24:00					
Priority	0.1							0.4							0.3				0.2					
Hour	1	2	3	4	5	6	7	1	2	3	4	5	6	7	1	2	3	4	1	2	3	4	5	6
Coefficient	0.1	0.2	0.3	0.4	0.5	0.6	0.7	0.4	0.8	1.2	1.6	2.0	2.4	2.8	0.3	0.6	0.9	1.2	0.2	0.4	0.6	0.8	1.0	1.2

Schedule 4: User Type

User Type	State Profit-Making, Military Profit-Making	State Non-Profit Making, Military Non-Profit Making	Private	Amateur	Safety & Emergency Services	Humanitarian Organisations (NGOs)	Users with Diplomatic Agreements
User Type Coefficient	One	Nil	One	Nil	Nil	One	Nil or one as per agreement of the two parties

Schedule 5: Annual Frequency Usage Fee

Systems	System details	Annual fee	Remarks
For VSAT terminals	Each terminal and totally less than 20	130	150 USD in addition to 34000 USD for any 10 terminals more than 1 000 terminals will be collected
	n terminals more than 20 and totally up to 100, ($1 \leq n \leq 80$)	$2\ 600+70n$	
	n terminals more than 100 and totally up to 300, ($1 \leq n \leq 200$)	$6\ 600+50n$	
	n terminals more than 300 and totally up to 500, ($1 \leq n \leq 200$)	$12\ 600+30n$	
	n terminals more than 500 and totally up to 1000, ($1 \leq n \leq 500$)	$16\ 600+20n$	
Satellite data acquisition terminals excluding VSAT	Each data terminal with capacity up to 2Mbps	100	--
	Each data terminal with capacity more than 2Mbps	150	
For each satellite phone line in MSS		50	--

Schedule 6: Licence Amendment Fee

Modification case	Fee (USD)	Remarks
Replacement of reduction of each channel	10	--
Relocation of each stations	25	--
Reduction of coverage area of each transmitter or modification of each antenna	25	--
Changing of licensee's address	20	--
Changing of vehicular mobile station	10	--
Addition of each mobile station	10	--
License extension	35	--